

B 10 (Custom Form 10) (04/09)

UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

PROOF OF CLAIM

Indicate the Debtor against which you assert a claim by checking the appropriate box below. (Check only one Debtor per claim form.)

Cynergy Data, LLC - (Case No. 09-13038) Cynergy Data Holdings, Inc. - (Case No. 09-13039) Cynergy Prosperity Plus, LLC - (Case No. 09-13040)

Name of Creditor (the person or other entity to whom the debtor owes money or property):

ADVANCING THE GREEN

Name and address where notices should be sent:

ADVANCING THE GREEN
ATTN: DAN PACKER
3861 Long Prairie Rd, #110
Flower Mound, TX 75028

Telephone No. 972-672-2001

Name and address where payment should be sent (if different from above):

ADVANCING THE GREEN
ATTN: DAN PACKER
3861 Long Prairie Rd, #110
Flower Mound, TX 75028

Telephone No. 972-672-2001

Check this box to indicate that this claim amends a previously filed claim.

Court Claim

Number: _____
(if known)

Filed on: _____

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 1490.94

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.
If all or part of your claim is entitled to priority, complete item 5.

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or charges

2. Basis for Claim: Unlawful withdrawal of funds from our checking acct. (initially claimed as a reserve)

3. Last four digits of any number by which creditor identifies debtor: 2001

3a. Debtor may have scheduled account as: _____
(See instruction #3a on reverse side.)

3b. Creditor Tax ID # _____

4. Secured Claim (See instruction #4 on reverse side.)
Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: Real Estate Motor Vehicle Other

Describe: _____
Value of Property: \$ _____ Annual Interest Rate: _____ %

Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____

Basis for Perfection: _____
Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____

6. Section 503(b)(9) Claim Amount: \$ 1490.94
 Check this box if your claim is for the value of goods received by the debtor within 20 days before the date of commencement of the case (11 U.S.C. §503(b)(9)). Include the amount of such claim in the space for "Section 503(b)(9) Claim Amount" above.

7. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

8. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENT MAY BE DESTROYED AFTER SCANNING.
If the documents are not available, please explain:

Date: 1/25/10

Signature: DAN PACKER / OWNER
The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

5. Amount of claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Wages, salaries, or commission (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, which ever is earlier - 11 U.S.C. § 507(a)(4).

Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).

Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).

Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).

Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____).

Amount entitled to priority:

\$ _____

* Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with response to cases commenced on or after the date of adjustment.

RECEIVED

FOR COURT USE ONLY
JAN 29 2010

KURTZMAN CARSON CONSULTANTS

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



091303810012900000000001



Dan Packer
3861 Long Prairie Rd #110
Flower Mound, Texas 75028
972-672-2001
dpacker@advancingthegreen.com
www.advancingthegreen.com

Date: January 25th, 2010

To: Cynergy Claims Processing Center
c/o Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245
T: 866-967-0497

RE: Claim Summary

Dear Sirs:

This is a summary of our claim of \$1490.94 which Cynergy Data, LLC wrongfully withdrew from the Advancing the Green checking account on 09/11/2009.

On 09/04/2009 I signed an agreement authorizing Cynergy Data to "withhold 15% from each gross deposit". I then attempted to run through my first credit card transaction which I had fully disclosed in detail to everyone I talked to at Cynergy Data to make sure that there would be no problems when it came time to process the transaction for which my customer was waiting patiently. Even after following exact protocol and procedures in accordance with the Cynergy Data Risk officers, the transaction was held up for over a week and a half. After Cynergy Data forced me to go back to the customer for signatures on new and previously not-required documents on three separate occasions, my customer backed out because of the significant delay and hassle caused by Cynergy Data. During this time of delaying the processing of this transaction, on 09/11/2009 Cynergy Data withdrew \$1490.94 from my checking account.

I promptly contacted Mr. Garfield Walters (Risk Analyst, Cynergy Data) to know the reason for this withdrawal to which I was told it was for the 15% per transaction Reserve. I sent a copy of my "Merchant Reserve Acknowledgement" to which it states that this amount will be withheld from each gross deposit, NOT withdrawn from my checking account. Mr Walters and others that I've spoken with have all agreed that it was wrongfully taken and needed to be returned. Mr. Walters requested that the amount be returned in October and expected that we'd receive the funds early November. I have since contacted various officers in the Cynergy Data Risk Department to know when we would receive this amount. Each time I was told that it was still in process and to be patient. That is until today (01/25/2010) when I was told that I needed to contact Kurtzman Carson Consultants LLC and work through them to get that money back.



Dan Packer
3861 Long Prairie Rd #110
Flower Mound, Texas 75028
972-672-2001
dpacker@advancingthegreen.com
www.advancingthegreen.com

Having contacted Kurtzman Carson Consultants LLC I learned for the first time from the recording that the deadline is February 1st, 2010. Until today we have not received notice in any form or even a mention of it from anyone.

You can understand our frustration having talked to the dozen or more people that I've talked to at Cynergy Data Risk Dept and Customer Service in the past several months and not one of them mentioned this information until today, not to mention that this amount was taken out 10 days AFTER Cynergy Data filed for Bankruptcy.

Please return our funds immediately.

Attached documentation includes:

1. Proof of Claim form from Kurtzman Carson Consultants website.
2. Bank Statement – showing the \$1490.94 withdrawal by Cynergy Data on 09/11/2009.
3. Copy of "Merchant Reserve Acknowledgement" agreement stating 15% will be withheld "from each gross deposit", no mention of withdrawing funds from our account.

If you have any further questions I can be reached at 972-672-2001.

Regards,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Dan Packer / Owner
Advancing the Green™

Wells Fargo Simple Business Checking

Account number: [REDACTED] 2360 ■ September 1, 2009 - September 30, 2009 ■ Page 1 of 4



DANNON R PACKER
DBA ADVANCING THE DREAM
2312 SUNFLOWER LN
FLOWER MOUND TX 75028-4589

Questions?

Available by phone 24 hours a day, 7 days a week:

1-800-CALL-WELLS (1-800-225-5935)

TTY: 1-800-877-4833

En español: 1-877-337-7454

Online: wellsfargo.com/biz

Write: Wells Fargo Bank, N.A. (808)

Post Office Box 266000

Dallas, TX 75326

Your Business and Wells Fargo

Wells Fargo is pleased to present Tax Planning For Your Business, part of our Small Business Webcast Series. Join us for the premiere on October 14, 2009 at 11:00 a.m. PST. This program will discuss various aspects of business taxes, including how business owners can improve cash flow through careful tax planning. Register for this webcast or view previous webcasts at wellsfargo.com/biz/webcast.

Account options

A check mark in the box indicates you have these convenient services with your account. Go to wellsfargo.com/biz or call the number above if you have questions or if you would like to add new services.

Business Online Banking
Rewards for Business Check Card
Online Statements
Business Bill Pay
Business Spending Report
Overdraft Protection

Activity summary

Beginning balance on 9/1	[REDACTED]
Deposits/Credits	[REDACTED]
Withdrawals/Debits	[REDACTED]
Ending balance on 9/30	[REDACTED]
Average ledger balance this period	[REDACTED]

Account number: [REDACTED] 2360

DANNON R PACKER
DBA ADVANCING THE DREAM

Texas/Arkansas account terms and conditions apply

For Direct Deposit and Automatic Payments use

Routing Number (RTN): 111900659

For Wire Transfers use

Routing Number (RTN): 121000248

Overdraft Protection

This account is not currently covered by Overdraft Protection. If you would like more information regarding Overdraft Protection and eligibility requirements please call the number listed at the top of your statement or visit your Wells Fargo branch.



Transaction history

Date	Check Number	Description	Deposits/ Credits	Withdrawals/ Debits	Ending daily balance
9/10		Deposit Made IN A Branch/Store			
9/11		Merch Svc Bkcrd Dep 090910 899000001501723 Advancing The Green		1,490.94	
9/14		POS Purchase - 09/12 Mach ID 000000 Sou The Home Desou The Hofflower Mound TX 2500 ?McC=5200 111900659DA			
9/14		POS Purchase - 09/12 Mach ID 000000 Wal-Mart #5092 Wal-Mart #Lewisville TX 2500 ?McC=5411 111900659DA			
9/14		POS Purchase - 09/12 Mach ID 000000 Sou The Home Desou The Hofflower Mound TX 2500 ?McC=5200 111900659DA			
9/16		Online Transfer Ref #ibebwx24Qg to Business Checking Xxxxxx1925 on 09/16/09			
9/16		Online Transfer Ref #ibemm3Gxt9 to Business Checking Xxxxxx1925 on 09/16/09			0.00
9/22		Merch Svc Bkcrd Dep 090921 899000001501723 Advancing The Green			
9/23		Preauthorized Debit Reversal			
9/23		NSF Return Item Fee			
9/30		Partial Reversal of NSF Return Item Fee			
9/30		Monthly Service Fee			
9/30		Cash Deposited Fee			
Ending balance on 9/30					
Totals					

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

Items returned unpaid

Date	Description	Reference #	Amount
9/23	Non-Monetary Notation Transaction	071000287921933	

Introducing A New Way To Access Your Account By Phone At 1-800-CALL WELLS

Wells Fargo is making a change to how you access your account when calling the National Business Banking Center at 1-800-CALL WELLS (1-800-225-5935). This change will provide you and your business with greater financial privacy and security for your account.

Beginning October 22, 2009, when you call 1-800-CALL WELLS (1-800-225-5935), you will be asked by the Touch-Tone Banking Service to enter an ATM PIN to access your account information. If you do not yet have a PIN, you will be able to request one for your account(s). Remember, use of your PIN will provide you greater financial privacy as well as the continued convenience of banking by phone through the Touch-Tone Banking Service.

We look forward to continuing to service your banking needs at the National Business Banking Center at 1-800-CALL WELLS, 7 days a week, 24 hours a day.



Processing Center
 30-30 47th Avenue 19th Floor
 Long Island City, NY 11101
 Tel: 800.933.0064
 Fax: 718.453.6095

Merchant Reserve Acknowledgment

This will acknowledge that as a condition of approval or continuance of the Merchant's (indicated below) credit card processing account, Cynergy Data and its agents, including its processing bank, have the authority to establish a reserve account in accordance with Section 7.B of the Merchant Processing Agreement ("MPA") and the following:

1. The reserve account will be established by:

- A. A certified check made payable to Cynergy Data in the amount of \$ _____.
- B. Withholding 15 % from each gross deposit.

2. The reserve account will be used to offset any amounts owed by the Merchant under the MPA. Merchant will forward to Cynergy Data funds to replenish the reserve account if any funds are debited from it.

3. The balance of the reserve account, if any, will be returned to Merchant up to 270 days after termination of the MPA or Merchant's last transmission of sales drafts, whichever is later.

I acknowledge that if there is any conflict between the terms of this letter and the terms of the MPA, the terms of the MPA will govern.

Dannon Packer / Advancing The Green
 Business Legal Name or D.B.A.

[Signature]
 Signature
Dannon Packer / DANNON PACKER
 Printed Name

Its: President / Owner (Circle One)

9/09/2009
 Date