

B 10 (Official Form 10) (12/08)

<b>UNITED STATES BANKRUPTCY COURT</b> DISTRICT OF DELAWARE.		<b>PROOF OF CLAIM</b>
Name of Debtor: <u>CYNERGY DATA, LLC</u>		Case Number: <u>09-13038</u>
<i>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <u>ARON SLABITCHER</u>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: <u>44-13 28 Ave. Apt. 2F</u> <u>Long Island City, NY 11103</u> Telephone number: <u>917-704-9713</u>		Court Claim Number: _____ (If known)  Filed on: _____
Name and address where payment should be sent (if different from above):  <u>SAME AS ABOVE</u> Telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ <u>115.00</u>  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.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		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.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).  <input checked="" type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).  <input type="checkbox"/> 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).  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).  <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).  Amount entitled to priority: <u>\$ 115.00</u>
2. Basis for Claim: <u>401K ADMINISTRATIVE FEES PASSED DOWN BY DEBTOR/ESTATE</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____  3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
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: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> 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. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  7. 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 DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:		
Date: <u>1/22/10</u> Signature: 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.  <u>Aaron Slabitcher</u>		FOR COURT USE ONLY <b>RECEIVED</b>  JAN 29 2010

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. § 501 KURTZMAN CARSON CONSULTANTS

- Date Stamped Copy Returned
- No self addressed stamped envelope
- No copy to return



0913038100129000000000005



Cynergy Data LLC  
 Attn: Trish Newman, 30-30 47th Ave. 9th Fl.  
 Long Island City, NY 11101

CHE5774.0101.002.00  
 AARON SLABITCHER  
 44-13 28 AVE  
 APT. 2F  
 LIC, NY 11103

Your Account Balance	
Beginning Balance (as of 10/01/2009)	\$2,410.36
Earnings Gain/Loss	(64.64)
Contributions	0.00
Distributions	(2,345.72)
Other	0.00
Ending Balance (as of 12/31/2009)	\$0.00



Period: 10/01/2009 - 12/31/2009



Account Information

Vesting of Benefits

Your Account Details by Contribution Type

Contribution Type	Beginning Balance	Gain or Loss	Contributions	Forfeitures	Withdrawals	Fund Transfers	Ending Balance
Employee 401(k)	2,410.36	(64.64)	0.00	0.00	(2,345.72)	0.00	0.00

Vested Percentage as of 12/31/2009

Contribution Type	Percentage
Employee 401(k)	100%

Your Account Details by Investment

Investment	Beginning Balance	Gain or Loss	Contributions	Forfeitures	Withdrawals	Fund Transfers	Ending Balance	Number of Shares	Investment Elections
Heartland Value	1,548.37	(56.10)	0.00	0.00	(1,492.27)	0.00	0.00	0.000	60.00
Oakmark Equity & Income	861.99	(8.54)	0.00	0.00	(853.45)	0.00	0.00	0.000	40.00



## Go Green! - Paperless Statement

With just a few clicks, you can enjoy the convenience of online statements and protect the environment. You can also access your past statements online to print or download.

### How to "Go Green"

1. Log in to [www.eSTRATAS.com](http://www.eSTRATAS.com)
2. Click on "Reports & Forms"
3. Select "I elect to only receive electronic statements that I can view online"

## Fee Details

In some cases, fees may be charged to your account for administrative services. The net amount of fees charged to your account for the quarter ending 12/31/2009 was \$117.99. For details see the box on the right.

### Fees

Distribution Fees	\$0.00
Administrative Fees	\$114.99
Loan/Insurance Premium Fees	\$0.00
Investment Advice/Guidance Fees	\$3.00

## Message Board

Your employer takes into account the contributions it pays in to the Social Security system on your behalf when determining its plan contributions. This is called 'permitted disparity.' For more information on permitted disparity and how it affects plan contributions, see your Summary Plan Description.

You can receive investment advice using Morningstar Advice Online. Log in to [www.eSTRATAS.com](http://www.eSTRATAS.com) and click on 'Investment Advice' to create your personalized asset allocation strategy.

Your quarterly statements and monthly investment performance report are available online. Log in to [www.eSTRATAS.com](http://www.eSTRATAS.com) and click on "Reports & Forms".

## More Information

If you have any questions about your rights under this Plan, including your right to direct investments, you may either refer to the Summary Plan Description or you may contact your Plan Administrator.

To help achieve long-term retirement security, you should give careful consideration to the benefits of a well-balanced and diversified investment portfolio. Spreading your assets among different types of investments can help you achieve a favorable rate of return, while minimizing your overall risk of losing money. This is because market or other economic conditions that cause one category of assets, or one particular security, to perform very well often cause another asset category, or another particular security, to perform poorly. If you invest more than 20% of your retirement savings in any one company or industry, your savings may not be properly diversified. Although diversification is not a guarantee against loss, it is an effective strategy to help you manage investment risk.

In deciding how to invest your retirement savings, you should take into account all of your assets, including any retirement savings outside of the Plan. No single approach is right for everyone because, among other factors, individuals have different financial goals, different time horizons for meeting their goals, and different tolerances for risk.

It is also important to periodically review your investment portfolio, your investment objectives, and the investment options under the Plan to help ensure that your retirement savings will meet your retirement goals.

If you want to obtain more information about personal investing and diversification, you may obtain this information from the U.S. Department of Labor, Employee Benefits Security Administration website at <http://www.dol.gov/ebsa/investing.html>.

## Manage Your Account

- Internet site: [www.eSTRATAS.com](http://www.eSTRATAS.com)
- Automated Telephone System: 1-800-789-401k (4015)

Once you log in to your account, you are able to:

- Obtain up-to-date information about your account (i.e. current balance, investment information, and personalized rates of return)
- Make changes to your account (i.e. change future election, transfer investments)

