

Your claim can be filed electronically on KCC's website at <https://epoc.kccilc.net/autoplus>.

United States Bankruptcy Court for the Southern District of Texas, Houston Division

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

- | | | |
|--|--|--|
| <input type="checkbox"/> IEH Auto Parts Holding LLC (Case No. 23-90054) | <input type="checkbox"/> IEH Auto Parts Puerto Rico, Inc. (Case No. 23-90058) | <input type="checkbox"/> AP Acquisition Company Massachusetts LLC (Case No. 23-90062) |
| <input type="checkbox"/> AP Acquisition Company Clark LLC (Case No. 23-90053) | <input type="checkbox"/> IEH BA LLC (Case No. 23-90059) | <input type="checkbox"/> AP Acquisition Company Missouri LLC (Case No. 23-90063) |
| <input type="checkbox"/> Auto Plus Auto Sales LLC (Case No. 23-90055) | <input type="checkbox"/> AP Acquisition Company Gordon LLC (Case No. 23-90060) | <input type="checkbox"/> AP Acquisition Company North Carolina LLC (Case No. 23-90064) |
| <input type="checkbox"/> AP Acquisition Company New York LLC (Case No. 23-90056) | <input type="checkbox"/> AP Acquisition Company Washington LLC (Case No. 23-90061) | <input type="checkbox"/> IEH AIM LLC (Case No. 23-90065) |
| <input checked="" type="checkbox"/> IEH Auto Parts LLC (Case No. 23-90057) | | |

Official Form 410 Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed.

Part 1: Identify the Claim

1. Who is the current creditor?	A.M.G. Properties, Inc. Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Jason Z. Jones, Esq. c/o Jones Law Office, P.A. Name 9130 S. Dadeland Blvd., Suite 1209 Number Street Miami, FL 33156 City State ZIP Code U.S.A. Country Contact phone (305) 918-2299 Contact email jjones@joneslawpa.com	Where should payments to the creditor be sent? (if different) A.M.G. Properties, Inc., c/o Alex Garcia Name 1430 S. Dixie Highway, Suite 306 Number Street Coral Gables, FL 33146 City State ZIP Code U.S.A. Country Contact phone (786) 803-8021 Contact email alex@garsh.net
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) #21 Filed on 05/01/2023 MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



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Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ 208,342.76 Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
 Limit disclosing information that is entitled to privacy, such as health care information.

Leases - See Attachment

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate: If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____

Basis for perfection: _____
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____%
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ 208,342.76

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____

Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____

Wages, salaries, or commissions (up to \$15,150* earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____

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

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

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies. \$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 9/21/23
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name Alex Garcia
First name Middle name Last name

Title Authorized Representative

Company A.M.G. Properties, Inc.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 1430 S. Dixie Highway, Suite 306
Number Street
Coral Gables FL 33146 U.S.A.
City State ZIP Code Country

Contact phone (786) 803-8021 Email alex@garsh.net

In re IEH Auto Parts, LLC
Case No. 23-90057 (CML)
A.M.G. Properties, Inc. Amended Proof of Claim

ATTACHMENT TO AMENDED PROOF OF CLAIM OF A.M.G. PROPERTIES, INC.

This proof of claim amends previously filed Proof of Claim #21 (the “Original Proof of Claim”) filed by A.M.G. Properties, Inc. (“AMG”) on May 1, 2023.

A.M.G. Properties, Inc. (“AMG”), as landlord, and IEH Auto Parts, LLC (“IEH”), as tenant, are parties to two unexpired non-residential real property leases (collectively, the “Leases”) for the Debtors’ locations at 4500 Clark Road, Sarasota, FL 34233 (Lease #10646) (the “Sarasota Premises”) and 13110 Metro Parkway, Fort Myers, FL 33966 (Lease #10657)(the “Ft. Myers Premises”).

Pursuant to the *Stipulation and Agreed Order between the Debtors and A.M.G. Properties, Inc.* [ECF No. 870] (the “Stipulation and Agreed Order”), the Leases were rejected effective July 31, 2023. The Stipulation and Agreed Order provides additional background information regarding the Leases.

AMG is asserting the following prepetition and rejection damage claims related to the Leases:

Prepetition Outstanding Taxes and Insurance (Ft. Myers)	\$ 5,727.67
August-December 2023 Rent and CAM (Ft. Myers)	
(\$14,330.31/mo. x 5)	\$71,651.55
Prepetition Outstanding Taxes and Insurance (Sarasota)	\$ 1,737.29
August-December 2023 Rent and CAM (Sarasota)	
(\$6,545.25/mo. x 5)	\$32,726.25
Estimated Attorneys’ Fees	\$23,000.00
Cost to Remove Racking/Shelving for Both Locations	\$86,000.00
Less: Setoff of Security Deposit	<u>(\$12,500.00)</u>
Total Amount of Claim:	<u>\$208,342.76</u>

This proof of claim (the “Claim”) is being filed based on the estimated outstanding prepetition and rejection damage claim amounts due to AMG under the Leases. Copies of the Leases and additional documentation regarding the Leases are available from counsel to AMG, Jason Z. Jones, Esq., 9130 S. Dadeland Blvd., Suite 1209, Miami, FL 33156 (T: (305) 761-0130, Email: jjones@joneslawpa.com), and have not been attached due to the confidential designation of the Leases and their voluminous nature.

AMG’s is owed an amount no less than **\$208,342.76** under the Leases. Pursuant to the contractual obligations of each of the Leases, IEH is obligated to pay additional rent and charges, including but not limited to, adjustments and reconciliations, for all costs and expenses related to the leased premises, including, among other things, taxes, insurance premiums, water and sewer charges, and attorneys’ fees.

**In re IEH Auto Parts, LLC
Case No. 23-90057 (CML)
A.M.G. Properties, Inc. Amended Proof of Claim**

AMG reserves the right to amend, modify, or supplement this Claim from time to time for any reason to reflect additional charges, adjustments, reconciliations, and the like, due and payable pursuant to the Leases as they become quantified and known. Moreover, AMG reserves the right to assert that certain of its claims, including the unpaid obligations or other amounts due under the Leases, are entitled to administrative expense priority treatment under the Bankruptcy Code as authorized by the Agreed Order. AMG also expressly preserves any and all rights: (a) to pursue claims (including those set forth herein) against IEH or any of its affiliates based upon additional legal theories, (b) of set off or recoupment with respect to any claim, right or cause of action IEH, its affiliate(s), successor(s), or assignee(s) may assert against AMG, and (c) to revise the estimated amounts or substitute actual amounts for estimated amounts. Nothing herein is intended to be, nor should be construed as a waiver by AMG of any of its rights, remedies under the Leases, the Bankruptcy Code, or applicable law.