

Fill in this information to identify the case:

Debtor CBC Restaurant Corp.

United States Bankruptcy Court for the: _____ District of Delaware
(State)

Case number 23-10245

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. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

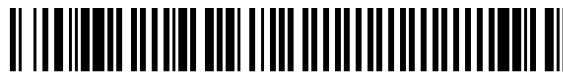
Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, 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. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>500 North Capitol LLC</u> 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?	Where should notices to the creditor be sent? 500 North Capitol LLC c/o Douglas B. Rosner Goulston Storrs PC, 400 Atlantic Avenue Boston, MA 02110, USA Contact phone <u>617.482.1776</u> Contact email <u>drosner@goulstonstorrs.com</u>	Where should payments to the creditor be sent? (if different) Contact phone _____ Contact email _____
	Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
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) <u>264</u>	
	Filed on <u>05/17/2023</u> 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? _____	



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? \$ 571,271.47. 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.

Lease of Nonresidential Real Property - See attached Exhibit A

9. Is all or part of the claim secured? ☒ No
☐ Yes. The claim is secured by a lien on property.
Nature or property:
☐ Real estate: If the claim is secured by the debtor's principle 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. \$ na rejected

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)?

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

☐ No

☒ Yes. Check all that apply:

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

Amount entitled to priority

\$ _____

☐ 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)(2) that applies.

\$ 51,355.48

* 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 08/30/2023
MM / DD / YYYY

/s/Stephanie Friedman
Signature

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

Name Stephanie Friedman
First name Middle name Last name

Title Vice President, Leasing

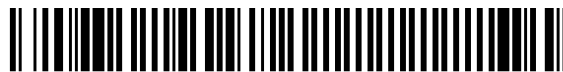
Company Boston Properties, Inc.

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 2200 Pennsylvania Avenue NW, Suite 200W, Washington, DC, 20037, USA

Contact phone 202.585.0806

Email sfriedman@bpx.com



KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (877) 725-7534 | International (424) 236-7243

Debtor: 23-10245 - CBC Restaurant Corp. District: District of Delaware		
Creditor: 500 North Capitol LLC c/o Douglas B. Rosner Goulston Storrs PC 400 Atlantic Avenue Boston, MA, 02110 USA Phone: 617.482.1776 Phone 2: Fax: Email: drosner@goulstonstorrs.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party: Creditor	
Other Names Used with Debtor:	Amends Claim: Yes - 264, 05/17/2023 Acquired Claim: No	
Basis of Claim: Lease of Nonresidential Real Property - See attached Exhibit A	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 571,271.47	Includes Interest or Charges: No	
Has Priority Claim: Yes	Priority Under: 11 U.S.C. §507(a)(2): 51,355.48	
Has Secured Claim: No Amount of 503(b)(9): No Based on Lease: Yes, na rejected Subject to Right of Setoff: No	Nature of Secured Amount: Value of Property: Annual Interest Rate: Arrearage Amount: Basis for Perfection: Amount Unsecured:	
Submitted By: Stephanie Friedman on 30-Aug-2023 2:34:09 p.m. Eastern Time Title: Vice President, Leasing Company: Boston Properties, Inc.		
Optional Signature Address: Stephanie Friedman Boston Properties, Inc. 2200 Pennsylvania Avenue NW, Suite 200W Washington, DC, 20037 USA Telephone Number: 202.585.0806 Email: sfriedman@bpx.com		

EXHIBIT A TO THE
PROOF OF CLAIM OF
500 NORTH CAPITOL LLC
AGAINST CBC RESTAURANT CORP.

Premises: **500 North Capitol Street, N.W.**
 Washington, DC¹

**I. Claim for Lease Rejection Damages
 (Capped at One Year)**

Monthly Retail Rent (12 months x \$20,437.08 per month)	\$245,244.96
Monthly Rent Deferred Rent (5 months x \$6,164.43 per month)	\$30,822.15
Monthly Operating Income Retail (5 months x \$9,690.00 per month) (7 months x \$10,251.93 per month)	\$120,213.51
Estimated Operating Income Retail True-Up	<u>\$2,323.17</u>
Total Lease Rejection Claim:	\$398,603.79

**II. Unpaid Prepetition Rent and Rent-Related
 Charges:**

07/18/2022 RN PRTR Percentage Rent	6,070.18
09/26/2022 AI WOUPInvoice for Services	373.48
10/14/2022 AI WOUPInvoice for Services	282.51
10/17/2022 RT LINTLate Interest	469.20
10/17/2022 RT LATELate Fee	1,503.85
11/15/2022 AI WOUPInvoice for Services	275.00
11/15/2022 AI WOUPInvoice for Services	486.88
11/18/2022 RT LINTLate Interest	768.40
11/18/2022 RT LATELate Fee	1,503.85
11/22/2022 RU UCUnapplied Cash	(3,040.00)
12/01/2022 RD RNTRRent - Retail	20,437.08
12/01/2022 RD OPRTOperating Income Retail	9,640.00
12/16/2022 RT LINTLate Interest	300.56
12/16/2022 RT LATELate Fee	1,503.85
12/23/2022 AI WOUPInvoice for Services	275.00
01/01/2023 RD RNTRRent - Retail	20,437.08
01/01/2023 RD RNTRRent - Retail	6,164.44
01/01/2023 RD OPRTOperating Income Retail	9,690.00

¹ CBC Restaurant Corp. (the “Debtor”) and 500 North Capitol LLC (the “Landlord”) were parties to that certain lease for nonresidential real property located at 500 North Capitol Street, N.W. Washington, DC (the “Lease”). On August 30, 2022, the Debtor, Landlord and Capitol Hill Bakery, LLC (the “Assignee”) executed that certain Assignment, Consent of Landlord and Assumption of Lease Agreement (the “Assignment Agreement”) which assigned the Debtor’s Lease to the Assignee. Pursuant to the Assignment Agreement, the Debtor remains liable to the Landlord *“for the performance of all obligations of tenant/lessee under the Lease, and Landlord shall have all the rights and remedies with respect to such obligations set forth in the Lease”*. The Assignee has not performed its obligations under the Lease; therefore, the Landlord is filing this proof of claim against the Debtor to preserve its claims against the Debtor under the Lease. The Debtor’s continuing obligations under the Lease and Assignment Agreement were rejected by Order of the Court as of July 31, 2023. A copy of the Lease and Assignment Agreement are available upon request to Landlord’s counsel.

01/17/2023 AI WOUPInvoice for Services	608.19
01/17/2023 AI WOUPInvoice for Services	568.00
01/18/2023 RN ARORAccounts Receivable Other	1,769.05
01/20/2023 RT LINTLate Interest	415.80
01/20/2023 RT LATELate Fee	1,814.58
02/01/2023 RD RNTRRent - Retail	20,437.08
02/01/2023 RD RNTRRent - Retail	6,164.44
02/01/2023 RD OPRTOperating Income Retail	9,690.00
02/15/2023 AI WOUPInvoice for Services	287.19
02/15/2023 AI WOUPInvoice for Services	785.24
02/15/2023 AI WOUPInvoice for Services	568.00
02/15/2023 RN ABATTax Abatement	(1,358.00)
02/21/2023 RT LINTLate Interest	606.69
02/21/2023 RT LATELate Fee	1,814.58

Total Prepetition Claim: **\$121,312.20**
Total Rejection Claim: **\$398,603.79**
Total Unsecured Claim: **\$519,915.99**

III. Post-Petition Administrative Expense Claim:

03/02/2023 RN PYRT 2022 OPEX True Up	(2,507.00)
03/15/2023 AI WOUPInvoice for Services	568.00
03/15/2023 AI WOUPInvoice for Service	607.66
04/14/2023 AI WOUP Invoice for Service	568.00
04/14/2023 AI WOUP Invoice for Service	662.90
04/18/2023 RT LINTLate Interest	873.42
04/18/2023 RT LATELate Fee	1,814.58
05/15/2023 AI WOUPInvoice for Service	568.00
05/15/2023 AI WOUPInvoice for Service	567.92
05/29/2023 RT LINTLate Interest	1,409.66
05/29/2023 RT LATELate Fee	1,814.58
06/15/2023 AI WOUP Invoice for Service	585.00
06/15/2023 AI WOUP Invoice for Service	741.16
06/20/2023 RT LINTLate Interest	951.89
06/20/2023 RT LATELate Fee	1,814.58
07/01/2023 RD RNTRRent – Retail	20,437.08
07/01/2023 RD RNTRRent – Retail	6,164.44
07/01/2023 RD OPRTOperating Income Retail	9,690.00
07/14/2023 AI WOUPInvoice for Services	672.00
07/14/2023 AI WOUPInvoice for Services	525.99
07/17/2023 RT LINTLate Interest	1,011.04
07/17/2023 RT LINTLate Fee	<u>1,814.58</u>

Total Post-Petition Administrative Expense Claim: **\$51,355.48**
Total Aggregate Claim: **\$571,271.47²**

² The Landlord expressly reserves the right to amend this claim to include, *inter alia*, any indemnification claims and attorneys' fees due or payable under the Lease. The Landlord further expressly reserves the right, under 11 U.S.C. §§ 365(d)(3) or 503(b), or both, to seek by separate motion allowance and payment from the Debtor of any and all unpaid post-petition obligations under the Lease. All of Landlord's claims, rights and remedies against Assignee under the Lease, at law and in equity are expressly reserved.