

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

CBCRC LIQUIDATING CORP., et al.,¹

Debtors.

Chapter 11
Case No. 23-10245 (KBO)
(Jointly Administered)

Hearing Date: April 10, 2024 at 10:30 a.m. (ET)
Objection Deadline: April 3, 2024 at 4:00 p.m. (ET)

OPT-OUT NOTICE AND PAYMENT REQUEST²

Name of Creditor: SWC Arbrook/157, Ltd.

Address: c/o Ballard Spahr LLP, ATTN: Leslie C. Heilman, 919 N. Market Street, 11th Floor, Wilmington, DE 19801

Amount of Asserted Unpaid Claim and Payment Request: \$16,182.68

Basis for the Claim: ☐ Goods sold ☐ Services performed ☒ Other: Real Property Lease (attached support)

☒ Verification that Goods or Services Were Provided Between February 22, 2023, and June 14, 2023

Signature: /s/ Leslie C. Heilman

Name: Leslie C. Heilman

☐ Creditor ☒ Creditors' Attorney

Title: Attorney for Creditor

Company: Ballard Spahr LLP

Address: 919 N. Market Street, 11th Floor, Wilmington, DE 19801

Email: heilmanl@ballardspahr.com Phone No. 302.252.4446

ATTACH ANY SUPPORTING DOCUMENTS TO THIS FORM. ATTACH REDACTED COPIES OF ANY DOCUMENTS THAT SHOW THAT THE DEBT EXISTS, A LIEN SECURES THE DEBT, OR BOTH.

BY SUBMITTING THIS REQUEST, THE PARTY ASSERTING A CLAIM CERTIFIES UNDER THE PENALTY OF PERJURY THAT (A) THE GOODS AND SERVICES THAT FORM THE BASIS OF THE REQUEST WERE PROVIDED TO THE DEBTORS BETWEEN FEBRUARY 22, 2023 AND JUNE 14, 2024 AND ARE WORTH THE VALUE REQUESTED, (B) THE AMOUNT REQUESTED IS UNPAID AND HAS NOT BEEN RECEIVED OR RECOVERED BY OTHER MEANS OR FROM OTHERS, (C) IT AGREES TO ACCEPT AND LIMIT ITS RECOVERY TO ITS *PRO RATA* SHARE OF THE REMAINING CASH SHOULD THE AMOUNT REQUESTED BE ACCEPTED BY THE DEBTORS OR SSCP OR ALLOWED BY THE BANKRUPTCY COURT, AND (D) IT SUBMITS TO THE BANKRUPTCY COURT'S JURISDICTION TO DETERMINE THE VALIDITY OF ANY SUCH REQUEST.

NOTE: This *Opt-Notice and Payment Request* is a not a proof of claim and should not be filed as a proof of claim, and the filing of a proof of claim on the claims register does not satisfy the requirements for filing and serving an Opt-Out Notice and Payment Request or objection to the Settlement Motion.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include CBCRC Liquidating Corp. (0801), CBHC Liquidating Company (3981), and CBCCI Liquidating Inc. (1938). The Debtors' service address is Corner Bakery, c/o CR3 Partners, Attn: Greg Baracato, Chief Restructuring Officer, 13355 Noel Road, Suite 2005, Dallas TX 75240.

² Capitalized terms used herein and not otherwise defined have the means set forth in the Motion, if



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Landlord: SWC Arbrook/157, Ltd.
 Tenant: CBC Restaurant Corp.
 Premises: Arbrook Oaks Shopping Center
 Lease Expiration: September 30, 2026
 Lease Rejection Date: August 31, 2023
 Petition Date: February 22, 2023

Lease Rejection Damages - One Year's Rent

Period	Monthly Base Rent	CAM	RE Tax	Total Monthly Rent	# of months remaining	Total
9/1/23 - 8/31/24	\$8,538.36	\$615.15	\$834.64	\$9,988.15	12	\$ 119,857.74 One Year

Lease Rejection Damages - 15% of remaining rent under Lease

Period	Monthly Base Rent	CAM	RE Taxes	Total Monthly Rent	# of months remaining	Total
9/1/23-9/30/26	\$8,538.36	\$615.15	\$834.64	\$9,988.15	37	\$ 369,561.37
						\$ 55,434.20 15% Cap

TOTAL UNPAID RENT & OTHER CHARGES DUE

4/26/23 Tax Reconciliation for 2022	\$9,609.97
4/26/23 Water Reconciliation for 2022	\$1,162.95
8/1/23 Water Income Recurring (8/1 - 8/31/23)	\$206.15
2023 Real Estate Taxes pro rated through 8/31/23	\$6,620.30
Clean out costs from Lease Rejection	\$427.59
Sign Removal from Lease Rejection	\$2,706.25
TOTAL ARREARAGE	\$20,733.21
PLUS, TOTAL REJECTION DAMAGES - 1 YEAR	\$119,857.74
TOTAL CLAIMS	\$140,590.95

Prepetition	Post-Petition
\$ -	\$ 9,609.97
\$ -	\$ 1,162.95
\$ -	\$206.15
\$ 1,416.69	\$ 5,203.61
\$427.59	\$ -
\$2,706.25	\$ -
\$119,857.74	\$ -
\$ 124,408.27	\$ 16,182.68