

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

**CBCRC LIQUIDATING CORP., et al.,<sup>1</sup>**

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 REQUEST<sup>2</sup>**

Name of Creditor: Teachers Insurance and Annuity Association of America, for the Benefit of Its Separate Real Estate Account

Address: Attn: Anthony Palino, MarketFair, 3535 US Highway 1, Princeton, NJ 08540

Amount of Asserted Unpaid Claim and Payment Request: \$6,257.52

Basis for the Claim: ☐ Goods sold ☐ Services performed ☐ Other: Rent and related charges due under lease☒ **Verification that Goods or Services Were Provided Between February 22, 2023, and June 14, 2023**

Signature:

DocuSigned by:  
  
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Name:

Brian Wallick

☒ Creditor☐ Creditors' Attorney

Title:

Senior Director, Workplace, Retail &amp; Mixed-Use Investments

Company:

Nuveen Real Estate, a TIAA Company

Address:

Nuveen Real Estate, 730 3rd Avenue, New York, NY 10017

Email:

Brian.Wallick@nuveen.com

Phone No.

212-916-4305

**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, 2023 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.**

<sup>1</sup> 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.

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



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**Debtor/Tenant:** CBC Restaurant Corp. d/b/a Corner Bakery Café  
**Landlord:** TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA,  
**FOR THE BENEFIT OF ITS SEPARATE REAL ESTATE ACCOUNT**  
**Leased Premises:** MarketFair, Princeton, NJ  
**Petition Date:** 02-22-2023  
**Lease Rejection Date:** 02-28-2023 per DI 248  
**Lease Expiration Date:** 09-30-2023

Stub Rent and Rejection Damages				
Date	Chg Type	Monthly Amount	# Days or Months	Total Charges
2/22/2023-2/28/2023 3/1/2023-9/30/2023	Rent	16,002.98	7 7	4,000.75 112,020.86
2/22/2023-2/28/2023 3/1/2023-9/30/2023	CAM	4,316.35	7 7	1,079.09 30,214.45
2/22/2023-2/28/2023 3/1/2023-9/30/2023	RET	1,742.26	7 7	435.57 12,195.82
2/22/2023-2/28/2023 3/1/2023-9/30/2023	Merc. Assoc	35.48	7 7	8.87 248.36
2/22/2023-2/28/2023 3/1/2023-9/30/2023	State Tax	139.80	7 7	34.95 978.60
2/22/2023-2/28/2023 3/1/2023-9/30/2023	Water	683.00	7 7	170.75 4,781.00
2/22/2023-2/28/2023 3/1/2023-9/30/2023	Electric	2,110.20	7 7	527.55 14,771.40
STUB RENT				6,257.52
SUBTOTAL FOR REJECTION DAMAGES				175,210.49
OTHER CHARGES				
04/13/23	02/23 Late Fee 1			211.39
04/13/23	02/23 Late Fee 2			2,658.34
03/15/23	CAM Prior Year (01/2022 - 12/2022)			(4,118.48)
03/15/23	Insurance Prior Year (01/2022 - 12/2022)			1,217.76
03/15/23	Real Estate Tax Prior Year (01/2022 - 12/2022)			(457.83)
				(488.82)
SUBTOTAL FOR REJECTION DAMAGES				175,210.49
LESS OTHER CHARGES				-488.82
REJECTION DAMAGES				174,721.67

Pre-Petition Arrears (see attached ledger)  
Rejection Damages \$656,739.56  
Signage Removal Fees (estimated) \$174,721.67  
Costs for Disposal of FF&E (estimated) \$4,010.00  
Attorneys' Fees \$10,000.00  
\$19,592.65  
TOTAL UNSECURED CLAIM \$865,063.88

Stub Rent \$6,257.52  
TOTAL ADMINISTRATIVE CLAIM \$6,257.52

TOTAL CLAIM \$871,321.40