

In re:

Assignment for the Benefit of Creditors of
Young America, LLC

Court File No. 27-CV-20-11191
Hon. Joseph R. Klein

NOTICE OF CLAIM PROCEDURES

To: All parties on the Master Service List:

PLEASE TAKE NOTICE THAT on November 20, 2020, the Court entered an order, enclosed herewith, granting YA ABC, LLC's (the "Assignee") motion to establish claim procedures in this matter.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the Court's order establishing claim procedures, the following claim procedures have been adopted in this matter:

- a. Creditors shall submit their claims to the Assignee using proof of claim form B410, available at <https://www.uscourts.gov/forms/bankruptcy-forms>. A copy of proof of claim form B410 is enclosed herewith.
- b. **ALL CLAIMS MUST BE FILED NO LATER THAN FEBRUARY 23, 2021.**
- c. Claims shall be filed by delivery to the Assignee at:

YA ABC, LLC
10 S. LaSalle Street, Suite 3300
Chicago, IL 60603

- d. At any time after expiration of the claim-filing period, and upon thirty (30) days' written notice to the claimant, the Assignee or any party in interest may file a motion objecting to a claim and stating the grounds for the objection. Claimants shall have the time proscribed by the Minnesota General Rules of Practice for responding to any

objection to their claim. Any objection to a claim shall be served on all parties identified on the master service list.

- e. The Assignee shall provide copies of any claims filed to any party in interest that requests copies of the claims.

Dated: November 25, 2020

STINSON LLP

/s/ Robert T. Kugler

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
Case Type: Other/Civil

In re:

Assignment for the Benefit of Creditors of
Young America, LLC

Court File No. 27-CV-20-11191
Hon. Joseph R. Klein

**ORDER GRANTING YA ABC, LLC'S MOTION
REGARDING PROCEDURAL ISSUES**

This matter came before the Court on the motion (the "Motion") of YA ABC, LLC, the assignee in the above captioned matter (the "Assignee"). Based on all of the files and records and proceedings herein,

IT IS ORDERED:

1. Claims Procedure.

a. Within seven (7) days of this order, the Assignee shall provide written notice of the claims procedure contained herein to creditors. Creditors shall submit their claims to the Assignee using the proof of claim form B410, available at <https://www.uscourts.gov/forms/bankruptcy-forms>. The Assignee shall provide a copy of this form along with a notice to creditors to file proofs of claim. Proofs of claim shall be submitted no later than ninety (90) days after the Assignee sends written notice of the claims process to its creditors, which notice shall be duly filed with the Court. The Assignee will plainly indicate the exact date of the claim-filing deadline on such notice. Proofs of claim shall be delivered to Assignee at:

YA ABC, LLC
10 S. LaSalle Street, Suite 3300
Chicago, IL 60603

b. At any time after expiration of the claim-filing period, and upon thirty (30) days' written notice to the claimant, the Assignee or any party in interest may file a motion objecting to a claim and stating the grounds for the objection. Claimants shall have the time proscribed by the Minnesota General Rules of Practice for responding to any objection to their claim. Any objection to a claim shall be served on all parties identified on the master service list.

c. The Assignee shall provide copies of any claims filed to any party in interest that requests copies of the claims.

2. Bond.

a. The Assignee shall, within ten (10) business days, execute and file a bond in the amount of \$10,000.00.

b. The Court may, as deemed necessary, or upon the motion of any interested party, increase or decrease the amount of the Assignee's bond.

c. The Assignee shall file a revised bond as directed by the Court.

3. Compensation.

a. The Assignee's proposed compensation of \$60,000.00, for its work in this proceeding and in *In re: Assignment for the Benefit of Creditors of Young America, LLC*, Minn. Dist. No. 27-CV-20-11190, is reasonable and is approved subject to the Court's final order approving any distribution of receivership assets.

b. In addition, the Assignee may request Court approval, pursuant to Minn. R. Gen. Prac. 137.09, of its out-of-pocket expenses, and the fees and costs of its counsel, accountants, and other professionals employed by the Assignee, including attorneys' fees, accountants' fees, consultant fees, brokerage commissions, and independent contractor charges, that may be incurred by the Assignee during this proceeding.

4. Abandonment of Property

a. The Assignee is authorized to abandon its leasehold interest in the Leased Property.

b. The Assignee is authorized to abandon the property described on Exhibit A to this Order, provided, however, such authorization is subject to both 1) a seven (7) business day review period, starting on the first business day following the day this order is entered, and during which time the objecting parties may inspect the property described on Exhibit A; and 2) the objecting parties' right to further object to the abandonment of the property described on Exhibit A within the review period. In the event of such an objection, the Assignee shall not be authorized to abandon the property described on Exhibit A until further order of this Court. Further, such objection need only be emailed or otherwise communicated to Counsel for the Assignee, in writing, and need not be provided to any other interested parties.

5. Statutory Stay

a. The stay applicable pursuant to Minn. Stat. § 576.42 is extended by an additional ninety (90) days, retroactive to October 3, 2020, and shall remain in effect through January 1, 2021.

b. The assignee, or any other party in interest, may file a motion before January 1, 2021 for an additional extension of the stay or to lift the stay.

c. The statutory stay does not prohibit creditors from seeking discovery from the Assignee in accordance with Minn. Stat. § 576.28.

6. Additional Issues

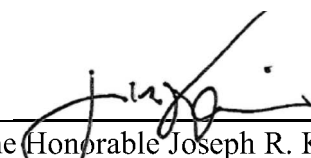
a. The Assignee shall file an updated master service list as it identifies additional parties of interest for inclusion.

b. The Assignee shall maintain all business records in accordance with Minn. Stat. § 576.36.

c. The Assignee shall not be obligated to file an interim report. This order does not prejudice the ability of creditors to later seek the imposition of an order requiring the Assignee to file an interim report should this matter extend beyond March 1, 2021.

BY THE COURT:

Dated: November 20, 2020



The Honorable Joseph R. Klein
Judge of Hennepin County District Court

Fill in this information to identify the case:

Debtor 1 _____
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the: _____ District of _____
Case number _____

Official Form 410

Proof of Claim

04/19

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 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. **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?**

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?**

No
 Yes. From whom? _____

3. **Where should notices and payments to the creditor be sent?**

Where should notices to the creditor be sent?

Where should payments to the creditor be sent? (if different)

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Name

Name

Number Street

Number Street

City State ZIP Code

City State ZIP Code

Contact phone

Contact phone

Contact email

Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. **Does this claim amend one already filed?**

No
 Yes. Claim number on court claims registry (if known) _____

Filed on _____
MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**

No
 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? \$_____. 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.

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 amounts 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. \$ _____

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 one:

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

Up to \$3,025* 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 \$13,650*) 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

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 acknowledgment 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 a 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 _____
MM / DD / YYYY

Signature

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

Name _____
First name Middle name Last name

Title _____

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

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____