

All Proof of Claim Forms MUST be FILED by September 18, 2018. Failure to timely file this form with supporting documents will result in a waiver of your right to file a claim. Objections must be filed by October 2, 2018. All claims will come before the court for hearing on October 29, 2018, at 9:00 a.m. at the court.

In the Court of Common Pleas of Auglaize County, Ohio
Civil Division

Paul Mastronardi,

Plaintiff,

Case No. 2017-CV-144

-vs-

Luis Chibante, et al.,

Defendants.

PROOF OF CLAIM

With Supporting Documents Attached

I. JEAN MECKSTROTH
CLERK OF COURT

2018 AUG 13 AM 10:53

AUGLAIZE COUNTY
COMMON PLEAS COURT
FILED

This form is for making a claim for payment from entities that have been dissolved and the affairs of which are being wound up pursuant to a lawsuit filed in this case. The entities that have been dissolved and no longer exist, but whose affairs are being wound up, are:

Golden Fresh Farms Holdings, Inc., an Ohio corporation, and
Golden Fresh Farms Enterprises, L.P., an Ohio limited partnership.

*Filers must attach copies of any documents that support the claim, such as promissory notes, leases, purchase orders, invoices, itemized statements of accounts (including the account history showing all invoices and payments since the account's inception), contracts, judgments, mortgages and security agreements. Do not attach original documents; the copies you attach may be destroyed after scanning. If the documents are not available, attach an explanation in detail.

Distribution of the assets of the entities will be a final distribution, after determination of the validity of all secured and unsecured claims.

1. (a) Who is the current creditor? Thomas A. Stinebaugh
(Legal Name of the current claimant/creditor (the person or entity to be paid for this claim))

Other names the creditor used with the Golden Fresh entities Stinebaugh Building & Remodeling

(b) Has this claim been acquired from someone else? NO YES If yes, from whom?

(Attach documents of assignment)

2. Where should notices to this claimant/creditor be sent? (List address.)

1009 Hickory Circle
Wapakoneta Ohio 45895

3. Where should payments to this claimant/creditor be sent? (List address.)

1009 Hickory Circle
Wapakoneta Ohio 45895

4. Does this claim amend one already filed? NO YES If yes, date filed: / /

5. Do you know if anyone else has filed a proof of claim for this claim? NO YES If yes, who?

6. Do you have a number you use NO
to identify the Golden Fresh entity? YES-- Last 4 digits of account number you use: _____

1

COURT'S
CLAIM 13

IDENTIFICATION/EVIDENCE
DKT. # _____
DATE: _____

Initial each page TAS

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7. How much did the entities owe you on September 29, 2017? \$ 149,838.02

8. What is the total value of everything you provided to the entities after September 29, 2017?
\$ 0

9. How much were you paid by the entities after September 29, 2017? \$ 0

10. What is the difference between the amounts in Line 8 and Line 9? \$ 0

11. How much is the claim? \$ 156,615.54 (Should equal Line 7 plus Line 10. If not, please explain.)
Does this amount include interest or other charges? NO YES If so, attach statement itemizing interest, fees, expenses or other charges, and explaining the basis for the interest or other charges to this page, and initial each page.

12. What is the basis of the claim? Examples: goods sold, money loaned, services performed, lease, etc.
services performed
Attach copies of all supporting documents (as listed on page 1)* and initial each page submitted.

13. Is all or part of the claim secured? NO YES, the claim is secured by a lien on property, as follows:

Real estate. If the claim is secured by a lien on real estate, attach a copy of the mortgage, certificate of judgment, or other lien documents showing date perfected; also attach prior payment history showing all payments you received from the Golden Fresh entity, which Golden Fresh entity your claim is against, and showing how all payments you have received were applied to principal, to interest, to fees or otherwise.

Motor Vehicle. If the claim is secured by a lien on a motor vehicle(s), attach a copy of the memorandum of title and all documents supporting the lien validity and the date it was perfected; also attach prior payment history showing all payments you received from the Golden Fresh entity, which Golden Fresh entity your claim is against, and showing how all payments you have received were applied to principal, to interest, to fees or otherwise.

Other. Describe property encumbered by your lien: (Use additional pages if necessary.) _____

Attach a copy of security agreement and filed financing statement; also attach prior payment history showing all payments you received from the Golden Fresh entity, which Golden Fresh entity your claim is against, and showing how all payments you have received were applied (principal, interest, fees or other.)

Value of the property securing the debt: \$ _____

Amount of the claim that is secured:* \$ _____ *(Should not exceed the value of the property securing the debt.)

Amount of the claim that is unsecured: \$ _____
(The sum of the secured and unsecured amounts should match the amount of the claim in item 7, above.)

14. Is this claim subject to a right of setoff? NO YES. Identify the property. _____

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15. Is any of this claim for attorney fees? NO YES. If so, explain why you are entitled to attorney fees, and attach a complete listing of all hours, and all charges, showing with specificity the work performed identified on the invoice sufficient to support your claim. I felt the need to secure an Attorney when I learned I may not be paid. I was told by Mr. Thisman shortly after he became receiver that he felt everything would be resolved. I understand that was just an opinion at the time.

Use extra pages if needed to support your claim or any of your answers in this proof of claim form.

Note—The Receiver or any interested person may timely challenge whether a claim is valid, whether the security interest is valid and enforceable, the priority of any secured claim, whether a claim is an administrative claim, and whether the fees, expenses and charges listed are required to be paid, or other pertinent issues, by filing an objection to any claim filed.

Time for Filing. A proof of claim shall be deemed timely if it is filed with supporting documents not later than 4:30 p.m. on September 18, 2018. All claims filed are open for inspection by the public and all interested parties at the Clerk of Court's office during normal business hours. Objections shall be deemed timely if filed not later than 4:30 p.m. on October 2, 2018.

The person completing this form must sign and date it, initial each page attached to it, and it must be filed with the Auglaize County Clerk of Courts, Auglaize County Courthouse, 201 South Willipie Street, Room 043, P.O. Box 409, Wapakoneta, OH 45895, whose hours are: Monday thru Friday, 8 a.m. until 4:30 p.m. A proof of claim is deemed filed only when received and file-stamped by the Clerk.

A person who submits a fraudulent claim may be subject to prosecution for such fraud or attempt under the appropriate criminal code sections. Such person may also be subject to punishment for contempt of court of up to 10 days in jail and up to \$500 fine, or both.

I hereby certify that the undersigned is the:

creditor; creditor's attorney; creditor's authorized agent; (check one)

and I understand that my 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 certify that I have examined the information in this Proof of Claim and attachments 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, at Wapakoneta, Ohio, this 8th day of August, 2018.

(X) Thomas A. Stinebaugh (Signature is mandatory)

Print the name of the person who is completing and signing this claim:
Full Name: Thomas A. Stinebaugh Title: Owner
Company: Stinebaugh Building & Remodeling
Address: 1009 Hickory Circle Wapakoneta OH 45895
Contact Phone: (562) 356-0154 Email: tom@stinebaugh.net

W
WIESENMAYER
LAW OFFICE

R.C. Wiesenmayer
rcw@osulawyers.com
Courtney W. Burton
courtney@osulawyers.com

Telephone 419-738-8165
Fax 419-738-8170
Website: osulawyers.com

15 Willipie Street, Suite 300
P.O. Box 299
Wapakoneta, Ohio 45895

Tom Stinebaugh
1009 Hickory Circle
Wapakoneta, Ohio 45895

M-51

July 28, 2018

INVOICE

FOR PROFESSIONAL SERVICES RENDERED

07/03/18 – Review of Thermo Energy response letter and memo to Tom regarding
update information, etc. (.5 hrs.)

\$ 100.00

TOTAL INVOICE \$ 100.00

*rd 8-8-18
CK# 3095*

W
WIESENMAYER
LAW OFFICE

R.C. Wiesenmayer
rcw@osulawyers.com
Courtney W. Burton
courtney@osulawyers.com

Telephone 419-738-8165
Fax 419-738-8170
Website: osulawyers.com

15 Willipie Street, Suite 300
P.O. Box 299
Wapakoneta, Ohio 45895

Tom Stinebaugh
1009 Hickory Circle
Wapakoneta, Ohio 45895

M-51

June 21, 2018

INVOICE

FOR PROFESSIONAL SERVICES RENDERED

05/09/18 – Office meeting with Tom to gather information on labor and material claim For work performed at golden Fresh Farms, 102 Progress Drive, Wapak. (1 hr.)	\$ 200.00	
05/11/18 – Phone call with Jim Thieman and the Court Receiver for operating Golden Fresh Farms pending sale of business (.5 hrs.)	100.00	
06/20/18 – Follow-up on court proceedings for sale of business and creditor's claim procedures, conference with Judge Pepple, letter to Thomas Energy Systems, Inc., and memo to Tom regarding status update. (2 hrs.)	<u>400.00</u>	<u>\$ 700.00</u>
TOTAL INVOICE		\$ 700.00

PD 74-18
CK # 3069

STINEBAUGH BUILDING and REMODELING

1009 Hickory Circle
Wapakoneta, Ohio 45895

STATEMENT

08/13/2017

Golden Fresh Farms
c/o Thermo Energy
102 Progress Dr.
Wapakoneta, Ohio 45895

Material and labor to frame office, bulk heads, break room
locker rooms and exterior soffits, insulate bathroom \$29,543.35

Material and labor to drywall office, break room and locker
rooms. Paint restrooms, locker rooms, break room and
office. \$30,893.31

Labor and miscellaneous material to install tile in
bathrooms, locker rooms, break room, office and all walls
except wall between board room and office. \$25,032.36

Material and labor to build and install all cabinets, vanities,
casing, base, doors, and quartz countertops. \$60,879.00

Total \$146,348.02

(Please make check out to Tom Stinebaugh)

STINEBAUGH BUILDING and REMODELING

1009 Hickory Circle
Wapakoneta, Ohio 45895

STATEMENT

09/23/2017

Material and labor to install glass in shower area of bathroom	\$1950.00
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Labor and miscellaneous material to lay stone on wall between the office and Break room.	\$1540.00
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Total	\$3490.00
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STINEBAUGH BUILDING and REMODELING

1009 Hickory Circle
Wapakoneta, Ohio 45895
08/08/2018

To whom it may concern,

I (Tom Stinebaugh), was hired by Lois Chibanti in early February to be the General Contractor for the office area of the Distribution Building. Our agreement was that Lois would pay me for all material and labor that I furnished, plus 5% for being the Contractor. Lois had final say on all materials that went into the offices. (he has very good taste). He also supplied many items such as all the carpet squares, all the tile, grout, and picked all the paint colors. I hired and paid all the subcontractors for all there labor and any materials they needed. over 90% of my bill was paid out to the sub contractors.

I have added 4% interest to my bill because as of the middle of August it will be one year since I was done working. I am a small independent contractor who was just helping out someone who had become a friend. With the interest I paid, my 5% fee is totally wiped out due to the fact I had to borrow money from my home equity line of credit and my margin account for my investments.

I am also asking for \$800 in attorneys fees because I felt it necessary to try to protect myself when I found out I may not get paid at all. When I figured out the decision was out of my and my lawyers hands, I told him not to do anything else, but I had already paid him \$800.

Please feel free to contact me with any questions at 567-356-0154.

Thank You,

