AUGLAIZE COUNTY
COMMON PLEAS COURT
FILED

2018 OCT 22 PM 3:57

I. JEAN MECKSTROTH
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF AUGLAIZE COUNTY, OHIO

PAUL MASTRONARDI	)	CASE NO. 2017 CV 0144
	)	
Plaintiff,	)	JUDGE PEPPLE
	)	
vs.	)	
	)	RECEIVER'S OBJECTION AND
LUIS CHIBANTE, et al.	)	RECOMMENDATION REGARDING
	)	PROOF OF CLAIM NUMBER 15
Defendants.	)	

The Receiver has reviewed Proof of Claim ("POC") Number 15 filed by Miami Industrial Trucks, Inc. ("Creditor") and objects to such claim and recommends that such claim be DISALLOWED for the following reasons:

a) _____ The Proof of Claim amount exceeds the amount shown on the Accounts Payable records provided to the Receiver.
The Creditor claim amount is $_____.

The Accounts Payable records reflect a balance of $_____.

b) _____ The POC includes interest, late charges, finance charges and/or other charges which the Receiver is not obligated to pay.

c) _____ The POC includes attorney fees which the Receiver may not be obligated to pay and/or the reasonableness of which the Court must determine.

d) _____ The POC was filed after the Court's deadline of September 18, 2018.

e) ___✓___ The POC fails to provide sufficient documentation to support the claim.

f) _____ The POC is subject to a right of setoff in favor of the companies in Receivership.

g) ___✓___ Other: The POC amount exceeds the total amount due under the lease attached to the POC.

Based on the information and documents reviewed by the Receiver, the Receiver would consent to allowance of the Proof of Claim as follows:

$_____ Secured

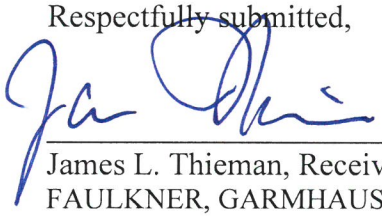
$_____ Administrative

$_____ Unsecured

$_____ Other

In the event that the Receiver receives additional information and/or documents in support of the Creditor's claim, the Receiver may reconsider its recommendation.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was sent via regular mail (and hand-delivered to Thomas J. Potts and Michael A. Staudt) this 22nd day of October 2018 to the following:

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