

AUGLAIZE COUNTY  
COMMON PLEAS COURT  
FILED

All Objections must be filed by October 2, 2018. Failure to timely file this form with supporting documents will result in a waiver of your right to file an objection. All objections will come before the court for hearing on October 29, 2018, at 9:00 a.m. at the court.

2018 OCT -2 AM 11:23

I. JEAN MECKSTROTH  
CLERK OF COURTS

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

Paul Mastronardi,

Plaintiff,

-vs-

Luis Chibante, et al.,

Defendants.

Case No. 2017-CV-144

OBJECTIONS TO  
PROOF OF CLAIM

With Supporting Documents Attached

This form is for making an OBJECTION to a claim filed 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 objections being raised in opposition to a claim, if any documents exist. Do not attach original documents; the copies you attach may be destroyed after scanning.

The basis of the objection(s) shall be clearly set forth below, or attached as additional pages to be attached to this form. Objections will be heard at the court on Monday October 29, 2018 at 9:00 a.m. If you fail to appear and set forth your objections, they may be deemed *waived* and the claim *may* be allowed.

- Who is the claimant filing the claim that you are objecting to? De Lage Landen (Claim #18)  
(Name of that claimant)
- Who is objecting? (your name) Golden Acre Farms, Inc.
- Is your objection based upon the amount of the claim?  Yes  No  
0.00, or claim should be treated as unsecured - See Exhibit A
- If so, what amount, if any, should be allowed instead? \$ \_\_\_\_\_ (Attach explanation)
- Does the Claimant (in Line 1, above) claim that its claim is Secured?  No  Yes If yes, do you dispute the validity of that Claimant's lien or security interest?  Yes  No
- Does the Claimant (in Line 1, above) claim that its claim is based upon credit lent or goods or services provided during the administration of the Receivership (since September 29, 2017) and therefore should receive a priority as an administrative claim?  
 Yes  No If yes, do you dispute the claim's priority status as "administrative?"  Yes  No
- Is there any other objection that you have with regard to the claim of Claimant (in Line 1, above)?

Note- You must attach any supporting documentation you have in support of your objection, and you must explain in detail why the Claimant's claim should be denied in whole or in part, or why the Claimant's secured or administrative claim should not receive priority status as either secured or administrative. You may attach affidavits, official documents, and your written explanation in additional pages to this form.

**All Objections must be filed by October 2, 2018. Failure to timely file this form with supporting documents will result in a waiver of your right to file an objection. All objections will come before the court for hearing on October 29, 2018, at 9:00 a.m. at the court.**

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 objection 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:

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

and I understand that my signature on this Objection serves as an acknowledgment this Objection is made in good faith based upon accurate information. I certify that I have examined the information in this Objection 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 Cincinnati  
Ohio this 2nd day of October, 2018.

(X) [Signature] (Signature is mandatory)

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

Full Name: Michael L. Scheier, Esq. Title: Partner

Company: Keating Muething & Klekamp PLL

Address: One East Fourth Street, Suite 1400

Cincinnati, Ohio 45202

Contact Phone: (513) 579-6952 Email mscheier@kmkllaw.com

Initial each page [Signature]

**EXHIBIT A****Golden Acre Farms, Inc.'s Explanation  
for Objection to De Lage Landen's Claim**

Golden Acre Farms, Inc. ("GAF") objects to the claim filed by De Lage Landen ("DLL") – Claim #18. DLL's claim is for \$78,631.42, and DLL asserts that the claim is secured by "Other." (See DLL Proof of Claim Form, Claim #18, p. 2). Specifically, DLL alleges that the claim is secured based on three Equipment Lease Agreements (the "Leases") between DLL and Golden Fresh Farms Enterprises, L.P. ("GFF Enterprises") for the lease of certain Caterpillar equipment (the "Equipment"). The Leases are attached to DLL's claim. (See Attachments to DLL Proof of Claim Form, Claim #18).

GAF objects to this claim because it is unclear what has occurred with the Leases in the wake of the sale of GFF Enterprises. DLL has not attached supporting documentation to clarify the status of the Leases. If the Leases were assumed by the purchaser, Mastronardi Produce – USA, Inc. ("MPL"), then DLL has no claim against the receivership estate. If the Leases were not assumed but the Equipment was sold, then DLL's claim should be treated as an unsecured claim.

8704959.1



**FACSIMILE FILING COVER PAGE****RECIPIENT INFORMATION:**

NAME OF COURT: Anglaize County Common Pleas  
FAX NUMBER: 419.739.4768

**SENDING PARTY INFORMATION:**

NAME: Melissa S. Matthews  
SUPREME COURT  
REGISTRATION NO. (if applicable): 0093352  
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**CASE INFORMATION:**

TITLE OF CASE: Pawl Mastronardi v Luis Chibante, et al  
CASE NUMBER: 2017-CV-144  
TITLE OF THE DOCUMENT: Objections to proof of claim  
JUDGE: Pepple

**FILING INFORMATION:**

DATE OF FAX TRANSMISSION: 10/2/18  
NUMBER OF PAGES (including this page): 4

\* If a Judge or case number has not been assigned, please state that fact in the space provided.