

Fill in this information to identify the case:

Debtor 1 Aloutte Holdings, LLC

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Virginia

Case number 19-36126-KRH

Official Form 410

Proof of Claim

12/15

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?** Craig I. Kelley / Asheville Mountain Views, LLC
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? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
	<u>c/o Kelley, Fulton & Kaplan, P.L</u> Name <u>1665 Palm Beach Lakes Blvd The Forum 1000</u> Number Street <u>West Palm Beach FL 33401</u> City State ZIP Code Contact phone <u>561-491-1200</u> Contact email <u>bankruptcy@kelleylawoffice.com</u>	Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ 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: 3 7 4 0

7. How much is the claim? \$ 100,494.75. 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.
Labor & materials purchased but not delivered.

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 all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____
- Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ 2,775.00
- Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. \$ _____
- 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. \$ _____

* Amounts are subject to adjustment on 4/01/16 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 03/18/2020
MM / DD / YYYY

/s/ Craig I. Kelley, Esq.
 Signature

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

Name Craig I. Kelley
First name Middle name Last name

Title Attorney

Company Kelley, Fulton & Kaplan, P.L.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 1665 Palm Beach Lakes Blvd The Forum - Suite 1000
Number Street

West Palm Beach FL 33401
City State ZIP Code

Contact phone 561-491-1200 Email bankruptcy@kelleylawoffice.com

**Breakdown of Claim Damages by Cardinal for #3740 -
Kelley/Asheville Mountain Views LLC**

	A	B	C
1	Laundry brackets overcharge	\$250.00	
2	Rough Plumbing overcharge	\$75.00	
3	Special wiring overcharge	\$2,500.00	
4	Split electric changes	\$272.00	
5	1 less fart fan	\$54.15	
6	Credit for not installing guest bedroom French doors	\$500.00	
7	Credit for not installing master bathroom windows	\$500.00	
8	Cost to replace missing master bathroom obscured windows	\$900.00	
9	Refrigerator panel overcharge	\$248.92	
10	Peel & Stick overcharge	\$48.54	
11	Reverse Late change fee	\$250.00	
12	Shipping credit due to use of third party for part of the modules shipment	\$2,528.00	
13	Cost to pay Larry to move three modules left stranded by Bret Berneche	\$1,000.00	
14	Install both attic doors in Modules E & F and obtain missing materials.	\$2,000.00	
15	Install exterior trim shipped loose.	\$1,300.00	
16	Install Kitchen Island & missing cabinets not installed at factory.	\$3,000.00	
17	Install Laundry Room cabinets	\$1,500.00	
18	Materials cost or Missing Merillat cabinets, parts and hardware	\$4,150.00	
19	Credit due for missing/defective doors and windows for basement.	\$3,930.24	
20	Work to complete unfinished eaves.	\$600.00	
21	Install crown molding shipped loose	\$1,000.00	
22	Install baseboard shipped loose.	\$1,000.00	
23	Replacement tile to redo all defective tile work by Cardinal's tile contractor	\$6,230.00	
24	Labor to fix and redo/finish tile work.	\$8,625.00	
25	Install missing drywall and complete painting of walls and trim in all modules	\$5,000.00	
26	Missing items on inventory verified by Tom Mullen. Other undelivered and factory service items list that others will need now to complete. - est.	\$9,150.00	
27	Tough guard peel & stick is wrong for metal roof. Install titanium membrane.	\$1,950.00	
28	Extra cost for crane time due to incomplete panels and delay caused by Bret holding the E & F modules hostage.	\$2,470.65	
29	Cost to build ridge peak on 12x12 roof.	\$3,800.00	
30	Engineering costs for structural defects.	\$1,250.00	
31	Cost to purchase and install C-channels due to flip roof LVL's being cut too short at factory.	\$2,600.00	
32	Cost of redesign, purchase and installation of straps at 12x12 peak due to Simpson straps not being installed at the factory.	\$480.00	

**Breakdown of Claim Damages by Cardinal for #3740 -
Kelley/Asheville Mountain Views LLC**

	A	B	C
33	Cost of missing Simpson structural hangers.	\$777.08	
34	Cost for Benny to rebuild walls in upper level to the ceiling because finish walls that were shipped are too long and don't fit.	\$640.00	
35	Rebuild HVAC return box in foyer (wrong size) – labor & materials	\$260.00	
36	Install louvered vents in 3 closets above doors	\$900.00	
37	Rebuild second floor gable wall in the study (walls sent did not fit).	\$700.00	
38	Labor and materials to install side lights windows in upper study.	\$400.00	
39	Scaffolding rental to install missing windows & doors	\$1,553.64	
40	Labor to finish siding on ends of house not completed at the factory	\$3,400.00	
41	Cost of missing fascia & soffit material	\$1,968.63	
42	Plumbing that was not completed at the factory.	\$4,400.00	
43	Re-do electrical that was incomplete or defective from factory	\$3,950.00	
44	Jeff Edwards Change Order - Downtime and shortages of materials from Cardinal	\$1,262.90	
45	Jeff Edwards Change Order for repairs from defects at factory	\$1,120.00	
46	Additional project management fees to fix Cardinal defects and finish Cardinal work	\$10,000.00	
47			
48	total	\$100,494.75	