

**B10 (Official Form 10) (12/12)**

<b>UNITED STATES BANKRUPTCY COURT Southern District of Indiana</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: Complete Hydraulic Service & Sales, Inc.		Case Number: 13-04677
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Tim Montie		<b>FILED</b> <b>U.S. Bankruptcy Court</b> <b>Southern District of Indiana</b> <b>7/29/2013</b> <b>Kevin P. Dempsey, Clerk</b> <b>COURT USE ONLY</b>
Name and address where notices should be sent: Tim Montie 6087 W. Emery Road Houghton Lake, MI 48629  Telephone number: 989-625-0969      email:		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. <b>Court Claim Number:</b> _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above):    Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
<b>1. Amount of Claim as of Date Case Filed:</b> \$ <u>2139.14</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
<b>2. Basis for Claim:</b> <u>undelivered goods</u> (See instruction #2)		
<b>3. Last four digits of any number by which creditor identifies debtor:</b> _____	<b>3a. Debtor may have scheduled account as:</b> <u>4961</u> (See instruction #3a)	<b>3b. Uniform Claim Identifier (optional):</b> _____ (See instruction #3b)
<b>4. Secured Claim</b> (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. <b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <b>Describe:</b> <b>Value of Property:</b> \$ _____ <b>Annual Interest Rate (when case was filed)</b> % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable		
<b>Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:</b> \$ _____ <b>Basis for perfection:</b> _____ <b>Amount of Secured Claim:</b> \$ _____ <b>Amount Unsecured:</b> \$ <u>2139.14</u>		
<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.</b>		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507(a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507(a)(5).
<input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507(a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507(a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507(a)(____).
*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
<b>6. Credits.</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

**7. Documents:** Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "**redacted**".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

**8. Signature:** (See instruction #8) Check the appropriate box.

☐ I am the creditor.

☒ I am the creditor's authorized agent.

☐ I am the trustee, or the debtor,  
or their authorized agent.  
(See Bankruptcy Rule 3004.)

☐ I am a guarantor, surety, indorser, or  
other codebtor.  
(See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Jerold T. Coon

Title: Attorney

Company: Jerold T. Coon, PC

Address and telephone number (if different from notice address above):

Jerold T. Coon, PC

3820 Isabella St

Midland, MI 48640

Telephone number: 989-625-0969

email: jeroldcoon@hotmail.com

/s/ Jerold T. Coon

(Signature)

7/29/2013

(Date)

*Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.*

Payment made from creditor to debtor	\$1889.14
<u>Attorney fees</u>	<u>\$250.00</u>
Total:	\$2139.14

**Need help printing or saving this check?**

**From:** "REFUNDS @ COMPLETE HYDRAULIC .COM" <refunds@completehydraulic.com>  
**To:** tazzi521@charter.net  
**Date:** 02/26/2013 10:33:04 EST  
**Subject: Re: refund**

We are working on a resolution and the details on this for you. Was this handled?

Don

**From:** shipping@completehydraulic.com  
**To:** tazzi521@charter.net  
**Date:** 01/22/2013 10:55:20 EST  
**Subject:** Re: Tim b Re: cl9000oh shipping status

Tim,

Hi,

I will check into this and get back to you. What is your call back number?

Randy

On Jan 21, 2013, at 6:06 PM, [tazzi521@charter.net](mailto:tazzi521@charter.net) wrote:

Don,  
its been 11 days since you wrote me to tell me you are looking to see were my lift is. I'm just writing to find out if you found anything out. Randy still wont return any of my phone calls and I'm not happy right now. Please let me know what is going on [REDACTED] ASAP.

Tim

On Thu, Jan 10, 2013 at 7:22 PM, [shipping@completehydraulic.com](mailto:shipping@completehydraulic.com) wrote:

Tim,

Hi, just seen this email.

We will look into your order and get back to you as to any delays or where it is.

Thanks

Don  
Warehouse Director

On Dec 24, 2012, at 3:40 PM, [tazzi521@charter.net](mailto:tazzi521@charter.net) wrote:

to whom to concern:

my name is Tim montie my number is [REDACTED], I have been trying to find out for the last 2 1/2 months about my lift. I would like to know what is going on with it and when it will be ship or I would like my money back and so I can go some place else.

Tim Montie