

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

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In Re: Bankruptcy 03-36580  
Chapter 7 Case

Patrick P. & Christine C. Phung,

**NOTICE OF HEARING AND OBJECTION  
TO CREDITORS' CLAIM NOS. 2, 3, 12 & 13**

Debtor.

-----  
**NOTICE IS HEREBY GIVEN THAT:**

Michael J. Iannacone, Trustee of the above named Debtor's bankruptcy estate, respectfully moves the Court for the relief requested below and gives notice of hearing.

1. A hearing will be held in Courtroom 228B, United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, on the 26th day of October, 2004 at 10 o'clock a.m., on the Trustee's Objection to Claim Nos. 2, 3, 12 & 13 of Zuccaros Fruit & Produce Co., Ameripride, BenePartum Law Group, P.A. and Royal Restaurant Supply.
2. That any responsive papers shall be delivered not later than October 19, 2004, which is seven (7) days prior to the hearing set forth above or, if served by mail, not later than October 16, 2004, which is ten (10) days prior to the hearing date set forth above. **IF NO RESPONSE TO THIS MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION BY DEFAULT AND WITHOUT A HEARING.**
3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157 and 1334, 11 U.S.C. §§ 502, 503 and 726, Bankruptcy Rules 3007, 9013 and 9014 and Local Rules 3007-1, 9006-1 and 9013-1 to 9013-3. This is a core proceeding. The petition

commencing this Chapter 7 case was filed on September 26, 2003. The case is now pending in this Court.

4. That, Michael J. Iannacone, is the trustee for the bankruptcy estate of the debtor(s) above named.
5. Trustee objects to the following claims. Copies of each claim are attached hereto and incorporated herein:

<u>Claim No.</u>	<u>Creditor</u>	<u>Amount</u>
2	Zuccaros Fruit & Produce Co.	\$11,377.62
3	Ameripride	\$525.20
12	BenePartum Law Group, P.A.	\$1,056.34
13	Royal Restaurant Supply	\$6,020.82

6. That the Trustee objects to the claims listed above because each claim is against Lotus Victoria Crossing, Inc., not against the individual debtors. Each creditor was requested to provide a copy of a personal guarantee signed by either of the named debtors and each creditor has failed to provide such a personal guarantee. Each creditor has failed to establish any claim against either Debtor.
7. If Claimant desires to present testimony to the Court, be advised that the Court may treat the hearing scheduled above as a scheduling conference and set the matter on for a subsequent date for a full evidentiary hearing.
8. That in the event testimony is necessary, Trustee may testify individually as well as call the claimant or representative of claimant for cross examination pursuant to Federal Rules of Civil Procedure.

**WHEREFORE**, Trustee requests that each Claimant's claim as listed below be disallowed:

<u>Claim No.</u>	<u>Creditor</u>	<u>Amount</u>
2	Zuccaros Fruit & Produce Co.	\$11,377.62
3	Ameripride	\$525.20
12	BenePartum Law Group, P.A.	\$1,056.34
13	Royal Restaurant Supply	\$6,020.82

Dated: September 21, 2004

          /e/ Michael J. Iannacone            
Michael J. Iannacone, #48719  
Attorney for Trustee  
8687 Eagle Point Blvd.  
Lake Elmo, MN 55042  
(651) 224-3361  
(651) 297-6187 Fax

Verification. I, Michael J. Iannacone, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: September 21, 2004

          /e/ Michael J. Iannacone

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA (ST. PAUL)

PROOF OF CLAIM

RECEIVED

Name of Debtor  
PATRICK PHAT PHUNG  
CHRISTINE C PHUNG

Case Number  
03-36580 - GFK

04 JAN 27 AM 9:20

**NOTE:** This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.

U.S. BANKRUPTCY COURT  
ST. PAUL, MN

Name of Creditor (The person or other entity to whom the debtor owes money or property):  
ZUCCAROS FRUIT & PRODUCE CO  
Name and Address where notices should be sent:

ZUCCAROS FRUIT & PRODUCE CO  
1000 3RD ST N  
MINNEAPOLIS MN 55401

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope sent to you by the court.

2 MD

Telephone Number:

Account or other number by which creditor identifies debtor:  
LOTUS # 6

Check here if  replaces  amends a previously filed claim, dated \_\_\_\_\_

1. Basis for Claim

- Goods sold
- Services performed
- Money loaned
- Personal injury/wrongful death
- Taxes
- Other \_\_\_\_\_

- Retiree benefits as defined in 11 U.S.C. §1114(a)
- Wages, salaries, and compensation (fill out below)  
Your SS #: \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)

2. Date debt was incurred:

12/27/02 - 8/15/03

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed:

\$ 11,377.62

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- Real Estate  Motor Vehicle
- Other \_\_\_\_\_

Value of Collateral: \$ \_\_\_\_\_

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

6. Unsecured Priority Claim.

Check this box if you have an unsecured priority claim Amount entitled to priority \$ \_\_\_\_\_

Specify the priority of the claim:

- Wages, salaries, or commissions (up to \$4,650)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- Contributions to an employee benefit plan - 11 U.S.C. §507(a)(4).
- Up to \$ 2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_).

\*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

SEND CLAIM TO:

U.S. BANKRUPTCY COURT  
200 U.S. COURTHOUSE  
316 NORTH ROBERT STREET  
ST. PAUL, MN 55101

Date

1/26/04

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

Jeffrey Zuccaro

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.

JEFFREY ZUCCARO, PRESIDENT



**ZUCCARO'S FRUIT & PRODUCE**  
**1000 - 3RD STREET NORTH**  
**MINNEAPOLIS, MN 55401**

**Statement**

OVER SEVENTY YEARS OF SERVICE  
 FRESH CUT SALADS - COLE SLAW - PEELED ONIONS - CARROTS  
 CLIPPED PARSLEY - RADISHES - CELERY - CORED APPLES

Statement Date:  
 Sep 30, 2003

Customer Account ID:  
 LOTUS6

Voice: 612-333-1122  
 Fax: 612-333-7511

LOTUS #6  
 827 GRAND AVE  
 ST PAUL, MN 55105

Amount Enclosed  
 \$ \_\_\_\_\_

Date	Invoice	Type	Charges	Credits	Amount	Amount Due
07-17-03	0107		372.05		372.05	372.05
07-24-03	14078			17.75	-17.75	-17.75
08-15-03	001503		400.00		400.00	400.00

Total 11,377.62

0-30	31-60	61-90	Over 90 days
0.00	382.25	0.00	10,995.37

Thanks for your business.



**ZUCCARO'S FRUIT & PRODUCE**  
**1000 - 3RD STREET NORTH**  
**MINNEAPOLIS, MN 55401**

**Statement**

OVER SEVENTY YEARS OF SERVICE  
 FRESH CUT SALADS - COLE SLAW - PEELED ONIONS - CARROTS  
 CHIPPED PARSLEY - RADISHES - CELERY - CORED APPLES

Statement Date:  
 Sep 30, 2003

Customer Account ID:  
 LOTUS6

Voice: 612-333-1122  
 Fax: 612-333-7511

LOTUS #6  
 927 GRAND AVE  
 ST PAUL, MN 55105

Amount Enclosed  
 \$ \_\_\_\_\_

Date	Invoice	Type	Charges	Credits	Amount	Amount Due
11/15/02	BALANCE FWD					*1345.86
11/17/03	7649		522.74		522.74	522.74
11/20/03	7766		713.55		713.55	713.55
11/23/03	7725		257.15		257.15	257.15
11/27/03	7825		298.10		298.10	298.10
12/15/03	7938		396.01		396.01	396.01
12/16/03	8019		460.50		460.50	460.50
12/16/02	8080		485.65		485.65	485.65
12/20/03	8203		485.08		485.08	485.08
12/21/03	8240		240.35		240.35	240.35
12/23/03	8302		469.60		469.60	469.60
12/27/03	8360		464.60		464.60	464.60
12/27/03	8394		278.05		278.05	278.05
12/29/03	8455		595.54		595.54	595.54
12/30/03	8531		269.65		269.65	269.65
12/30/03	8564		483.65		483.65	483.65
12/30/03	8680		678.70		678.70	678.70
12/30/03	8613		382.05		382.05	382.05
12/11/02	8787		262.70		262.70	262.70
12/12/03	8885		274.75		274.75	274.75
12/13/03	889842		25.00		25.00	25.00
12/15/03	8926		347.15		347.15	347.15
12/18/03	8996		886.89		886.89	886.89

7472 12/27/02  
 393.86  
 7542 12/27/02  
 1395  
 7544 12/30/02  
 548.60  
 7615 12/30/02  
 307.55  
 7657 12/31/02  
 381.90  
 Less Pmt.  
 (300.00)  
 \*1345.86

Total

Continued

0-30	31-60	61-90	Over 90 days
0.00	382.25	0.00	10,995.37

Thanks for your business.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA (ST. PAUL)**

**PROOF OF CLAIM**

**RECEIVED**

Name of Debtor  
PATRICK PHAT PHUNG  
CHRISTINE C PHUNG

Case Number  
03-36580 - GFK

04 JAN 29 AM 9:42

**NOTE:** This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.

U.S. BANKRUPTCY COURT  
ST. PAUL, MN

Name of Creditor (The person or other entity to whom the debtor owes money or property):  
AMERIPRIDE  
Name and Address where notices should be sent:  
AMERIPRIDE  
700 INDUSTRIAL BLVD NE  
MINNEAPOLIS MN 55413 2989  
  
Telephone Number: 612-362-0340

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope sent to you by the court.

3 MD

Account or other number by which creditor identifies debtor:  
16755

Check here if  replaces this claim  amends a previously filed claim, dated \_\_\_\_\_

- 1. Basis for Claim**
- Goods sold
  - Services performed
  - Money loaned
  - Personal injury/wrongful death
  - Taxes
  - Other \_\_\_\_\_

- Retiree benefits as defined in 11 U.S.C. §1114(a)
- Wages, salaries, and compensation (fill out below)  
Your SS #: \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)

**2. Date debt was incurred:**  
06/05/03 - 08/31/03

**3. If court judgment, date obtained:**

**4. Total Amount of Claim at Time Case Filed:** \$ 525.20  
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.  
 Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**5. Secured Claim.**  
 Check this box if your claim is secured by collateral (including a right of setoff).  
Brief Description of Collateral:  
 Real Estate  Motor Vehicle  
 Other \_\_\_\_\_  
  
Value of Collateral: \$ \_\_\_\_\_  
  
Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

**6. Unsecured Priority Claim.**  
 Check this box if you have an unsecured priority claim  
Amount entitled to priority \$ \_\_\_\_\_  
Specify the priority of the claim:  
 Wages, salaries, or commissions (up to \$4,650)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).  
 Contributions to an employee benefit plan - 11 U.S.C. §507(a)(4).  
 Up to \$ 2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).  
 Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).  
 Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).  
 Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_).  
  
*\*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

**7. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.  
**8. Supporting Documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.  
**9. Date-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

**SEND CLAIM TO:**  
U.S. BANKRUPTCY COURT  
200 U.S. COURTHOUSE  
316 NORTH ROBERT STREET  
ST. PAUL, MN 55101

Date  
01/28/04

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):  
Marlene Gibbs, Collection Mgr  
Marlene Gibbs, Collection Manager

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.

AmeriPride Services, Inc.  
700 Industrial Boulevard N.E.  
Minneapolis, MN 55413

STATEMENT of ACCOUNT  
9/15/03

612.331.1600  
612.331.2507 Fax

Account Number		16755	Name		LOTUS RESTAURANT
Transaction Date	Number	Class	Current	Grand Total	
06/05/03	M404433-0603	Invoice	66.30	525.20	
06/12/03	M411634-0603	Invoice	26.75		
06/19/03	M418712-0603	Invoice	26.75		
06/26/03	M425641-0603	Invoice	66.30		
07/03/03	M432727-0703	Invoice	26.75		
07/10/03	M439741-0703	Invoice	26.75		
07/17/03	M447083-0703	Invoice	26.75		
07/24/03	M454173-0703	Invoice	66.30		
07/31/03	M461248-0703	Invoice	27.53		
07/31/03	FIN-12855030731	Invoice	2.79		
08/07/03	M468391-0803	Invoice	27.53		
08/14/03	M475538-0803	Invoice	27.53		
08/21/03	M482635-0803	Invoice	71.06		
08/28/03	M489882-0803	Invoice	30.71		
08/31/03	FIN-12855030831	Invoice	5.40		

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA (ST. PAUL)

PROOF OF CLAIM RECEIVED

Name of Debtor  
PATRICK PHAT PHUNG  
CHRISTINE C PHUNG

Case Number  
03-36580 - GFK

04 APR 21 AM 9:29

**NOTE:** This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503

Name of Creditor (The person or other entity to whom the debtor owes money or property):

Name and Address where notices should be sent:  
**Benepartum Law Group, P.A.**  
337 Oak Grove Street  
Minneapolis, MN 55403

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope sent to you by the court.

U.S. BANKRUPTCY COURT  
ST. PAUL, MN

12

MD

Telephone Number: 612-874-0000

Account or other number by which creditor identifies debtor:

Check here if  replaces this claim  amends a previously filed claim, dated \_\_\_\_\_

- 1. Basis for Claim**
- Goods sold
  - Services performed
  - Money loaned
  - Personal injury/wrongful death
  - Taxes
  - Other \_\_\_\_\_

- Retiree benefits as defined in 11 U.S.C. §1114(a)
- Wages, salaries, and compensation (fill out below)  
Your SS #: \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (date) (date)

**2. Date debt was incurred:**

**3. If court judgment, date obtained:**

**4. Total Amount of Claim at Time Case Filed:** \$ 1,056.34

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**5. Secured Claim.**  
 Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:  
 Real Estate  Motor Vehicle  
 Other \_\_\_\_\_

Value of Collateral: \$ \_\_\_\_\_

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

**6. Unsecured Priority Claim.**

- Check this box if you have an unsecured priority claim  
Amount entitled to priority \$ \_\_\_\_\_  
Specify the priority of the claim:
- Wages, salaries, or commissions (up to \$4,650)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- Contributions to an employee benefit plan - 11 U.S.C. §507(a)(4).
- Up to \$ 2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_).

\*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**7. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8. Supporting Documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

**9. Date-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

SEND CLAIM TO:  
U.S. BANKRUPTCY COURT  
200 U.S. COURTHOUSE  
316 NORTH ROBERT STREET  
ST. PAUL, MN 55101

Date

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

4-19-04 *Paul Fisher* President

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.

BenePartum Law Group  
 Suite 100, Dunne Mansion  
 337 Oak Grove Street  
 Minneapolis, MN 55403  
 (612) 874-0000

11533H-101802

Invoice submitted to:  
 Lotus Victoria Crossing, Inc.  
 c/o Patrick Phat Phung  
 Lotus Restaurant  
 867 Grand Avenue  
 St. Paul, MN 55105

April 19, 2004  
 In Reference To: Commerical Lease Default

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
10/17/2002	TF Meeting with client; initial review of documents.	1.40	301.00
		215.00/hr	
	BD Prepare retainer agreement for client; prepare interoffice memorandum to RRF for messengering same to client.	0.50	37.50
		75.00/hr	
10/18/2002	TF Office conferences with SR; legal research and analysis.	0.80	172.00
		215.00/hr	
	SVR Telephone call with tgw	0.20	30.00
		150.00/hr	
10/21/2002	TF Office conferences with SR; strategy and planning re: unlawful detainer action.	0.50	107.50
		215.00/hr	
	SVR Research defenses and develop strategy	1.50	225.00
		150.00/hr	
	SVR Research and develop strategy	3.00	NO CHARGE
		150.00/hr	
	SVR Drafting answer, phone call with client, em to TMF	0.80	120.00
		150.00/hr	
	SVR Office conferences with TMF regarding Unlawful detainer	0.20	30.00
		150.00/hr	
10/22/2002	SVR Voice mail from TMF, pc to client, conf. with TMF	0.30	45.00
		150.00/hr	
10/23/2002	TF Prepare for and attend unlawful detainer hearing; travel to and from hearing; office conferences with SR re: strategy and planning.	1.75	376.25
		215.00/hr	
	SVR E-Mail to TMF	0.10	15.00
		150.00/hr	
	SVR Hearing attended and traveled to.	2.00	300.00
		150.00/hr	

			<u>Hrs/Rate</u>	<u>Amount</u>
10/23/2002	SVR	Work on discovery requests, conf. with TMF	0.40	60.00
			150.00/hr	
10/24/2002	TF	Voice mail from opposing counsel.	0.20	43.00
			215.00/hr	
	SVR	Research	1.00	150.00
			150.00/hr	
10/25/2002	TF	Telephone call with opposing counsel; office conference with SR; review documents (initial) supplied by opposing counsel.	1.00	215.00
			215.00/hr	
	SVR	Research, review documents, drafting	2.20	330.00
			150.00/hr	
	SVR	Office conference with TMG	0.20	30.00
			150.00/hr	
10/27/2002	SVR	Meeting with client and TMF	1.50	225.00
			150.00/hr	
10/28/2002	BD	Office conference with SR; telephone message to client; telephone call with client re continued trial date; fax letter to opposing counsel; copy client by mail.	0.30	22.50
			75.00/hr	
	SVR	Voice mail to opc, pc with opc, calls to the court, conf. with tmf	0.90	135.00
			150.00/hr	
	SVR	Draft letter, conf. with BD	0.30	45.00
			150.00/hr	
10/29/2002	BD	Review voice mail; assign to do to TMF.	0.10	7.50
			75.00/hr	
	TF	Voice mails to and from opposing counsel; telephone call with opposing counsel.	0.50	107.50
			215.00/hr	
11/1/2002	TF	Office conference with SR re: financials; telephone call with opposing counsel; telephone call with T. Wallrich re: business; review financials.	1.00	215.00
			215.00/hr	
	TF	Met with client; office conference with SR.	0.30	64.50
			215.00/hr	
	SVR	Telephone call with client, conf. with TMF	0.30	45.00
			150.00/hr	
11/4/2002	TF	Voice mail from opposing counsel; office conference with SR on cross examination and briefs; response for trial.	1.50	322.50
			215.00/hr	
	SVR	Telephone call with client, vms with client, telephone calls with opc, drafting, phone call with TMF	5.00	750.00
			150.00/hr	
11/5/2002	TF	Traveled to and attend settlement meeting with Landlord; telephone call with client re: scheduling planning meeting; telephone call with T. Wallrich cancelling bankruptcy initiative.	2.60	559.00
			215.00/hr	
	TF	Voice mail to Norum.	0.10	NO CHARGE
			215.00/hr	
	SVR	Meeting with client and opc and opposing party and TMF	2.00	300.00
			150.00/hr	
	BD	Review voice mail; assign to do.	0.10	7.50
			75.00/hr	
11/6/2002	SM	Office conference with SVr regarding hearing. Calendar same.	0.15	14.25
			95.00/hr	
	TF	Telephone call with client and voice mail to Norum; telephone call with Norum.	1.00	215.00
			215.00/hr	

			<u>Hrs/Rate</u>	<u>Amount</u>
11/6/2002	SVR	E-Mail exchange with opc, em to sm	0.50	75.00
			150.00/hr	
	SM	E-Mail from SVR.	0.10	9.50
			95.00/hr	
11/7/2002	SM	Prepared letter to Housing Court.	0.40	38.00
			95.00/hr	
	TF	Telephone call with Jonathon Nguyen; office conference.	0.40	86.00
			215.00/hr	
11/8/2002	TF	Office conference with SR; review fax from Landlord.	0.25	53.75
			215.00/hr	
	TF	Meeting with client and Jonathon; telephone call with Lisa Argemonti; prepare for same.	2.00	430.00
			215.00/hr	
	SVR	Meeting with clients	1.70	255.00
			150.00/hr	
11/11/2002	TF	Telephone call with Jonathon; voice mail from opposing counsel.	0.40	86.00
			215.00/hr	
11/12/2002	TF	Telephone call with Jonathon Nguyen re: rent funding.	0.20	43.00
			215.00/hr	
	BD	Office conference with TMF; email re: arranging messenger to pick up check from Jonathan Nguyen; voice mail and telephone call with Jonathon; email to LR re: pickup arrangements and map quest directions.	0.40	30.00
			75.00/hr	
11/13/2002	TF	Review letter of opposing counsel; office conference with SR re: settlement analysis.	0.25	53.75
			215.00/hr	
11/14/2002	TF	Review of SR analysis of settlement documents; office conference with SR; telephone call with client.	1.00	215.00
			215.00/hr	
	SVR	Review settlement papers, make recommendations for changes	0.50	75.00
			150.00/hr	
11/15/2002	SVR	Meeting with client, telephone calls with opc, sending documents, negotiating with opc.	1.50	225.00
			150.00/hr	
	SVR	Conference with TMF regarding changes to settlement documents	0.20	30.00
			150.00/hr	
11/18/2002	SM	Prepared letter to housing court.	0.40	38.00
			95.00/hr	
	SVR	E-Mails to opc, emails from opc, phone calls with opc, em from mr. nguyen, conf. with TMF	0.80	120.00
			150.00/hr	
11/26/2002	SM	Review file for settlement documents. Prepared letter to client.	0.70	66.50
			95.00/hr	
12/2/2002	TF	Review letter of opposing counsel re: December default.	0.25	53.75
			215.00/hr	
12/4/2002	SM	Reviewed file and prepared letter to client. Email from SVR.	0.60	57.00
			95.00/hr	
	SVR	E-Mail to sm	0.10	15.00
			150.00/hr	
	SVR	Correspondence	0.10	15.00
			150.00/hr	

			<u>Hrs/Rate</u>	<u>Amount</u>
12/10/2002	SM	Office conference with TMF and SVR. Reviewed file for Settlement Agreement. Reviewed terms for rent. Prepared letter to opposing counsel. Telephone call with client.	1.25 95.00/hr	118.75
	TF	Telephone call with client; review lease amendment for service of payment; office conference with SM.	0.40 215.00/hr	86.00
	SVR	Voice mail from client, dictate letter to SM, telephone call with Patrick	0.60 150.00/hr	90.00
1/6/2003	TF	Review letter of opposing counsel; telephone call with client; task request; telephone call with opposing counsel.	0.70 215.00/hr	150.50
1/7/2003	BD	Review email from TMF; arrange for messenger to pick up check at client and drop off check to opposing counsel. prepare memo re: same to RF.	0.40 75.00/hr	30.00
1/31/2003	BD	Review voice mail from opposing counsel re: automatic rent withdrawal; assign to do to TMF.	0.10 75.00/hr	7.50
2/3/2003	TF	Voice mail from Agrimonti; telephone message to client.	0.30 215.00/hr	64.50
	SVR	Office conference with TMF	0.25 150.00/hr	37.50
2/10/2003	SVR	Telephone call with client; review file.	0.30 150.00/hr	45.00
	TF	Office conference with SR; voice mail to client; office conference with SR; voice mail to Lisa Agrimonti.	0.60 215.00/hr	129.00
2/11/2003	SVR	Telephone call with client; voice mail to client.	0.30 150.00/hr	45.00
	BD	Arrange for pick up and delivery of rental check by messenger.	0.25 75.00/hr	18.75
2/19/2003	SVR	E-Mail exchange with KZ	0.20 150.00/hr	30.00
3/7/2003	TF	Review Default notice; task request to BD to contact client.	0.25 215.00/hr	53.75
3/10/2003	TF	Office conference with BD.	0.20 215.00/hr	43.00
	BD	Voice mail to client regarding default of rent.	0.20 75.00/hr	15.00
3/11/2003	BD	Telephone call with client; email to TMF.	0.20 75.00/hr	15.00
4/29/2003	TF	Telephone message with opposing council regarding defaults, task request of Steve Rose.	0.30 215.00/hr	64.50
	SVR	Task request from TMF	0.10 160.00/hr	16.00
5/6/2003	TF	Reviewed default notice	0.25 215.00/hr	53.75
5/12/2003	TF	Voice mail from opposing counsel.	0.10 215.00/hr	21.50
5/13/2003	TF	Telephone messages to and from opposing counsel regarding defaults, task request of Steve Rose.	0.50 215.00/hr	107.50
	SVR	E-Mail from TMf, voice mail to client	0.20 160.00/hr	32.00

		<u>Hrs/Rate</u>	<u>Amount</u>
5/14/2003	TF Telephone call with opposing counsel; office conference with Rose.	0.50	107.50
		215.00/hr	
5/15/2003	SVR Draft letter, telephone call to client, telephone call to opposing counsel	0.60	96.00
		160.00/hr	
	SVR Correspondence to opposing counsel	0.10	16.00
		160.00/hr	
5/16/2003	SVR Voice mail to opposing counsel	0.10	16.00
		160.00/hr	
	SVR Voice mail from opposing counsel, telephone call with opposing counsel	0.30	48.00
		160.00/hr	
5/19/2003	TF Office conference with Steve Rose.	0.30	64.50
		215.00/hr	
	SVR E-Mail exchange with TMF	0.20	32.00
		160.00/hr	
	SVR Office conference w/TMF	0.20	32.00
		160.00/hr	
6/6/2003	TF Reviewed Default Notice.	0.20	43.00
		215.00/hr	
6/9/2003	SVR Revised default Nt.	0.10	16.00
		160.00/hr	
	SVR Voice mail to client	0.10	16.00
		160.00/hr	
	SVR Telephone call w/ client	0.20	32.00
		160.00/hr	
6/10/2003	SM Prepared letter to client regarding default notice.	0.40	38.00
		95.00/hr	
6/16/2003	TF Telephone calls with client; telephone calls with opposing counsel; revise lease; office conference with Steve Rose.	2.00	430.00
		215.00/hr	
	SVR Voice mail to client, voice mail from client, voice mail from TMF	0.40	64.00
		160.00/hr	
6/17/2003	SVR Voice mail from client	0.10	16.00
		160.00/hr	
	SVR Voice mail to client	0.10	16.00
		160.00/hr	
6/18/2003	SVR Voice mail from client	0.10	16.00
		160.00/hr	
	SVR Draft letter, conference with TMF, telephone calls with repair service and client	1.30	208.00
		160.00/hr	
6/19/2003	SVR Review fax	0.10	16.00
		160.00/hr	
	SVR Draft letter, telephone calls with repair companies	0.60	96.00
		160.00/hr	
6/25/2003	SVR Review letter from opposing counsel, draft letter to client,	0.50	80.00
		160.00/hr	
7/1/2003	SVR Voice mail from opposing counsel	0.10	16.00
		160.00/hr	
	SVR Telephone call with opposing counsel	0.20	32.00
		160.00/hr	

		<u>Hrs/Rate</u>	<u>Amount</u>
7/23/2003	SVR Voice mail to opposing counsel	0.10	16.00
		160.00/hr	
	SVR voicemail exchange with opposing counsel	0.30	48.00
		160.00/hr	
	SVR Telephone calls with opposing counsel, telephone calle with client.	0.30	48.00
		160.00/hr	
7/24/2003	TF Review notice of termination; office conference with SR; voicemail to client and opposing counsel. Work on strategy for salvaging lease.	1.20	258.00
		215.00/hr	
	SVR Voice mail to opposing counsel, review letter, conference with TMF, telephone calls with contractor	0.80	128.00
		160.00/hr	
7/25/2003	TF Meetings with client; telephone calls with client; various telephone calls with Agrimonti; office conferences with Steve Rose.	4.00	860.00
		215.00/hr	
7/28/2003	TF Telephone call with opposing counsel and client.	0.50	107.50
		215.00/hr	
7/30/2003	SVR Review settlement agreement	0.20	32.00
		160.00/hr	
7/31/2003	TF Revise proposed settlement agreement.	0.60	129.00
		215.00/hr	
	TF Read lease.	0.50	107.50
		215.00/hr	
8/1/2003	TF Telephone call with opposing counsel; review settlement agreement proposed changes.	0.60	129.00
		215.00/hr	
8/4/2003	TF Telephone calls with opposing counsel and client regarding settlement docs.	0.50	107.50
		215.00/hr	
8/7/2003	TF Review fax of opposing counsel; voicemail of opposing counsel; telephone message to client.	0.60	129.00
		215.00/hr	
8/8/2003	TF Review fax of Agrimonti and changes made thereto.	0.50	107.50
		215.00/hr	
10/29/2003	SVR E-Mail to DD	0.10	16.00
		160.00/hr	
11/18/2003	SVR E-Mail to DD	0.10	16.00
		160.00/hr	
	For professional services rendered	76.10	\$12,753.25

Additional Charges :

		<u>Qty/Price</u>	
10/1/2002	LR Facsimile charges.	4	2.00
		0.50	
	LR Expense for photocopies.	5	1.00
		0.20	
	HV Postage charges.	1	1.48
		1.48	
10/18/2002	LR Messenger service to Patrick Phung to pick up check	1	30.00
		30.00	
11/1/2002	HV Postage charges.	1	1.11
		1.11	

			<u>Qty/Price</u>	<u>Amount</u>
11/1/2002	HV	Expense for photocopies.	23	4.60
			0.20	
	HV	Facsimile charges.	44	22.00
			0.50	
	HV	Facsimile charges.	45	9.00
			0.20	
11/12/2002	LR	Filing fee charges.	1	145.00
			145.00	
	LR	Expense for photocopies from the Secretary of State	1	10.00
			10.00	
12/1/2002	HV	Postage charges.	1	0.74
			0.74	
12/10/2002	LR	Messenger Service to pick up check and deliver	1	60.00
			60.00	
1/1/2003	HV	Facsimile charges.	3	1.50
			0.50	
2/3/2003	HV	Long Distance Facsimile Charges	4	2.00
			0.50	
3/3/2003	HV	Long Distance Facsimile Charges	1	0.50
			0.50	
5/1/2003	HA	Long Distance Facsimile Charges	3	1.50
			0.50	
6/1/2003	TF	Long Distance Facsimile Charges	6	3.00
			0.50	
	TF	Local Facsimile charges.	2	0.40
			0.20	
	TF	Postage charges.	5	1.85
			0.37	
	TF	Postage charges.	1	0.60
			0.60	
	TF	Long Distance Facsimile Charges	4	2.00
			0.50	
7/25/2003	DS	Various drafts of settlement agreement.	15	3.00
			0.20	
8/8/2003	TF	fax of Agrimonti.	5	2.50
			0.50	
		Total costs		<u>\$305.78</u>
10/1/2002		Payment - thank you		(\$1,000.00)
10/28/2002		Payment from account		(\$1,500.00)
11/1/2002		Invoice No. 77538	77538	\$3,164.23
11/19/2002		Invoice No. 77553	77553	\$4,501.25
12/11/2002		Invoice No. 77632	77632	\$112.71
1/2/2003		Payment - thank you		(\$2,000.00)
1/9/2003		Invoice No. 77740	77740	\$496.24
2/20/2003		Payment - thank you		(\$1,778.19)
2/24/2003		Invoice No. 77846	77846	\$189.50
3/19/2003		Invoice No. 77965	77965	\$371.75

		<u>Amount</u>
4/18/2003 Invoice No. 78044	78044	\$127.25
5/9/2003 Payment - thank you		(\$1,557.00)
6/5/2003 Payment - thank you		(\$1,200.00)
6/19/2003 Invoice No. 78260	78260	\$789.75
7/23/2003 Invoice No. 78568	78568	\$1,013.85
7/29/2003 Payment - thank you		(\$2,000.00)
8/13/2003 Payment - thank you		(\$1,000.00)
8/14/2003 Invoice No. 78629	78629	\$1,785.00
9/17/2003 Invoice No. 78680	78680	\$475.50
12/18/2003 Invoice No. 78896	78896	\$16.00
		<hr/>
Total payments and adjustments		\$1,007.84

BenePartum Law Group  
Suite 100, Dunne Mansion  
337 Oak Grove Street  
Minneapolis, MN 55403  
(612) 874-0000

11533H-123102

Invoice submitted to:  
Lotus Victoria Crossing, Inc.  
c/o Patrick Phat Phung  
867 Grand Avenue  
Lotus Restaurant  
St. Paul, MN 55105

April 19, 2004  
In Reference To: Stock Purchase Agreement

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
1/30/2003 TF Voice mail to client; voice mail from opposing counsel regarding automatic withdrawal.	0.30	64.50
	<u>215.00/hr</u>	
For professional services rendered	0.30	\$64.50
2/24/2003 Invoice No. 77822	77822	\$64.50
Total payments and adjustments		<u>\$64.50</u>



**Writer's Direct Dial: 612.874.0000 x 24**

April 19, 2004

U.S. Bankruptcy Court  
200 U.S. Courthouse  
316 North Robert Street  
St. Paul, MN 55101

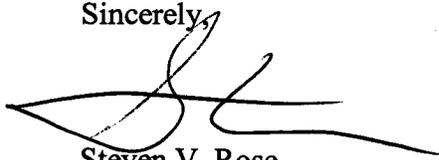
**RE:        *Patrick Phat Phung & Christine C. Phung***  
***Case No.: 03-36580-GFX***

Dear Bankruptcy Court:

Enclosed herein please find a Proof of Claim regarding the above referenced matter.

If you should have any questions please feel free to contact me.

Sincerely,



Steven V. Rose  
SVR/dld

Enclosure

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA (ST. PAUL)

PROOF OF CLAIM

Name of Debtor  
PATRICK PHAT PHUNG  
CHRISTINE C PHUNG

Case Number  
03-36580 - GFK

RECEIVED

28 AM 10:05

Name of Creditor (The person or other entity to whom the debtor owes money or property):  
ROYAL RESTAURANT SUPPLY  
Name and Address where notices should be sent:  
ROYAL RESTAURANT SUPPLY  
8204 121ST LANE N  
CHAMPLIN MN 55316

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope sent to you by the court.

BANKRUPTCY COURT  
ST. PAUL, MN

13 MD

Telephone Number: 763-422-8613

Account or other number by which creditor identifies debtor:

Check here if  replaces  amends a previously filed claim, dated \_\_\_\_\_

1. Basis for Claim

- Goods sold
- Services performed
- Money loaned
- Personal injury/wrongful death
- Taxes
- Other \_\_\_\_\_

- Retiree benefits as defined in 11 U.S.C. § 1114(a)
- Wages, salaries, and compensation (fill out below)  
Your SS #: \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)

2. Date debt was incurred:

5-22-03 - 8-12-03

3. If court judgment, date obtained:

NOV 7, 2003

4. Total Amount of Claim at Time Case Filed:

\$ 6020.82

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.  
 Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

- Check this box if your claim is secured by collateral (including a right of setoff).  
Brief Description of Collateral:  
 Real Estate  Motor Vehicle  
 Other \_\_\_\_\_

Value of Collateral: \$ \_\_\_\_\_

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ 60

6. Unsecured Priority Claim.

- Check this box if you have an unsecured priority claim Amount entitled to priority \$ \_\_\_\_\_  
Specify the priority of the claim:  
 Wages, salaries, or commissions (up to \$4,650)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
- Up to \$ 2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_\_).

\*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

SEND CLAIM TO:

U.S. BANKRUPTCY COURT  
200 U.S. COURTHOUSE  
316 NORTH ROBERT STREET  
ST. PAUL, MN 55101

Date

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

4-15-04 Perry Stewart

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.

**ROYAL RESTAURANT SUPPLY**  
8204 121<sup>ST</sup> Lane North  
Champlin, MN 55316  
763-422-8613

<b>Lotus Restaurant</b>				
<b>Outstanding Amounts</b>				
<b>Statement 5/16/03 – 8/12/03</b>				
Invoice Date	Invoice #	Invoice Amount		
5/16/03	27045	\$476.48		
5/23/03	27072	\$375.04		
5/30/03	27095	\$315.40		
6/5/03	27128	\$459.99		
6/16/03	27161	\$427.19		
6/20/03	27185	\$454.74		
6/27/03	27213	\$436.98		
7/3/03	27238	\$437.16		
7/11/03	27267	\$568.08		
7/18/03	27294	\$478.85		
7/28/03	27325	\$445.49		
8/4/03	27355	\$600.79		
8/12/03	27390	\$544.63		

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

-----  
In Re: Bankruptcy 03-36580  
Chapter 7 Case

Patrick P. & Christine C. Phung,

**UNSWORN CERTIFICATE  
OF SERVICE**

Debtor(s).

-----  
I, Krisann Treague, employed by Michael J. Iannacone, attorney licensed to practice law in this Court, with office address of 8687 Eagle Point Blvd., Lake Elmo, Minnesota, declare that on September 21, 2004, I mailed copies of the **NOTICE OF HEARING AND OBJECTION TO CREDITORS' CLAIMS WITH PROPOSED ORDER** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

-----  
United States Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Mr. Jeffrey Zuccaro  
Zuccaros Fruit & Produce Co.  
1000 3<sup>rd</sup> St. N.  
Minneapolis, MN 55401

Ms. Marlene Gibbs  
Collection Manager  
Ameripride  
700 Industrial Blvd. NE  
Minneapolis, MN 55413-2989

BenePartum Law Group, P.A.  
Suite 100 Dunne Mansion  
337 Oak Grove Street  
Minneapolis, MN 55403

Mr. Jerry Stewart  
Royal Restaurant Supply  
8204 121<sup>st</sup> Lane N.  
Champlin, MN 55316

Patrick P. Phung  
5305 Forest Creek Dr. #B  
Hazelwood, MO 63042

Christine C. Phung  
5305 Forest Creek Dr. #B  
Hazelwood, MO 63042

Russell A. Norum, Esq.  
2538 Nicollet Ave. S. #1  
Minneapolis, MN 55404

-----  
And, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on: September 21, 2004

\_\_\_\_/e/ *Krisann Treague*\_\_

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

-----

In Re: Bankruptcy 03-36580  
Chapter 7 Case  
Patrick P. & Christine C. Phung,

**ORDER**

Debtor.

-----

At St. Paul, Minnesota.

The above-entitled matter came on for hearing before the undersigned Judge upon the objection of the Trustee to the claims of Zuccaros Fruit & Produce Co., Ameripride, BenePartum Law Group, P.A. and Royal Restaurant Supply. Michael J. Iannacone appeared as attorney for trustee and \_\_\_\_\_ appeared on behalf of the creditors.

Upon all the files, records and proceedings herein, and the Court being fully advised in the premises

**IT IS HEREBY ORDERED** that the following claims are disallowed:

<u>Claim No.</u>	<u>Creditor</u>	<u>Amount</u>
2	Zuccaros Fruit & Produce Co.	\$11,377.62
3	Ameripride	\$525.20
12	BenePartum Law Group, P.A.	\$1,056.34
13	Royal Restaurant Supply	\$6,020.82

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Gregory F. Kishel, Chief Judge  
United States Bankruptcy Court