# UNITED STATES BANKRUPTCY COURT DISTRICT OF MAINE

In re: \$
MONTREAL MAINE & ATLANTIC \$
CHAPTER 11
RAILWAY, LTD. \$
CASE NO. 13-10670

# MOTION FOR EXTENSION OF TIME TO FILE PROOF OF CLAIM BY CREDITOR ESTATE OF YVON RICARD AND ALL HEIRS OF THE ESTATE OF YVON RICARD'S

COMES NOW, Estate of Yvon Ricard, and all heirs of the Estate of Yvon Ricard (hereinafter jointly referred to as "Ricard Creditors"), and moves this Court to grant an extension of time to file a Proof of Claim. In support of this motion, Ricard Creditors state as follows:

- 1. Yvon Ricard was present the evening of the tragedy of Lac-Megantic. Although Yvon Ricard escaped death that night, the severe PTSD and depression finally overcame him and he died on August 22, 2015.
- 2. Until Yvon Ricard died, the Estate and heirs (Eve Dube'; FR, a Minor; JR, a Minor; Brigitte Ricard; Martine Ricard; Clement Ricard; Nicole Larouche; and Jean Ricard), had no claim to file as a result of his death.
- 3. Counsel for Ricard Creditors are based in Beaumont, Texas, and presently represents other Creditors in this matter.
- 4. Counsel for the Ricard Creditors has previously submitted 113 Proofs of claim in a timely fashion prior to the June 13, 2014 deadline.
- 5. Under Bankruptcy Rule 9006(b)(1), this Court can grant a motion for extension of time to file "where the failure to act was the result of excusable neglect." What constitutes excusable neglect is an equitable determination that allows this court to "accept late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond the party's control. *Pioneer Investment Services Co. v. Brunswick Associates, L.P.*, 507 U.S. 380, 388 (1993). Moreover, factors to be considered in determining if excusable neglect standard has been met include length of delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith. *Id.* Excusable neglect requires an inquiry into the actions of both the

creditor and their counsel. Id. Here, Ricard Creditors should be allowed to move forward because his failure to file a timely Proof of Claim is a result of the fact that the Claim did not come into existence until the time of his death.

- Further, the impact on the Tort Trust will be minimal. The inquiry into excusable 6. neglect is an equitable one. Balancing the equities of the Tort Trust's costs against Creditor's complete bar to recover clearly weights in favor of Ricard Creditors. Moreover, Ricard Creditors will likely only qualify for approximately 2.5% of the total awarded to all wrongful death claims. Therefore, his impact on the Tort Trust settlement would be minimal.
- 7. The Proofs of Claim Forms for the Estate of Yvon Ricard, Eve Dube'; FR, a Minor; JR, a Minor; Brigitte Ricard; Martine Ricard; Clement Ricard; Nicole Larouche; and Jean Ricard are attached hereto as Exhibit "A".

WHEREFORE, Ricard Creditors respectfully request this Honorable Court grant this Motion and allow them to submit a Proof of Claim within ten (10) days of the granting of this motion, or such other later date as the Court deems proper, and any further relief this Court deems just.

Date: September 24, 2015

Respectfully submitted,

### WELLER, GREEN, TOUPS & TERRELL, L.L.P.

Post Office Box 350 Beaumont, Texas 77704 (409) 838-0101

Fax: (409) 832-8577

Email: matoups@wgttlaw.com

BY: /s/ Mitchell A. Toups\_

> MITCHELL A. TOUPS STATE BAR NO. 20151600

### ATTORNEYS FOR PLAINTIFFS

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been furnished to all counsel of record listed below by e-file on September 24, 2015.

> /s/ Mitchell A. Toups Mitchell A. Toups

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Case 13-10670 Doc 1736-1 Filed 09/24/15 Entered 09/24/15 10:02:06 Desc Exhibit A - Ricard Proofs of Claim Page 1 of 28

# **EXHIBIT "A"**

B10 (Official Form 10) (04/13)			<del></del>
United States Bankrupto	CY COURT District	of Maine	PROOF OF CLAIM
Name of Debtor:		Case Number:	
MONTREAL MAINE & ATLANT	IC RAILWAY, LTD.	13-10670	
NOTE: Do not use this form to make a c	laim for an administrative expense that arise	s after the bankruptcy filing. You	
may file a request for pays	nent of an administrative expense according	to 11 U.S.C. § \$03.	
Name of Creditor (the person or other enti ESTATE OF YVON RICARD, D	ity to whom the debtor owes money or prope DECEASED	erty):	COURT USE ONLY
Name and address where notices should b	e sent:		☐ Check this box if this claim amends a
Weller, Green, Toups & Terrell,	L.L.P.		previously filed claim.
P.O. Box 350 Beaumont, TX 77704			Court Claim Number:
			(If known)
Telephone number: (409) 838-0101	email: matoups@wgttlaw.com; j	gordon@wgttlaw.com	Filed on:
Name and address where payment should	he sent (if different from above):	<del> </del>	☐ Check this box if you are aware that
Traile and ageness villers payment streams			anyone else has filed a proof of claim
			relating to this claim. Attach copy of statement giving particulars.
			Smooners
Telephone number:	cmail:		
1. Amount of Claim as of Date Case Fi	led: \$ <u>5,000,000.00</u>		***************************************
If all or part of the claim is secured, comp			
•	•		
Check this box if the claim includes int	erest or other charges in addition to the princ	cipal amount of the claim. Attach a str	atement that itemizes interest or charges.
Basis for Claim: Unliquidated N (See instruction #2)	Vrongful Death, Survival and Estate	claims Claims (All Claims Unl	iquidated pursuant to 11 U.S.C. §1171)
(33.00.00.00.00.00.00.00.00.00.00.00.00.0			
Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account	t as: 3b. Uniform Claim Identifi	er (optional):
3 7 1 2	(See instruction #3a)	(See instruction #3b)	
	(See histraction #3a)	Amount of arrearage and	other charges, as of the time case was filed,
4. Secured Claim (See instruction #4)  Check the appropriate box if the claim is	secured by a lien on property or a right of	included in secured claim,	If any:
	ts, and provide the requested information.		\$ <u>.</u>
Nature of property or right of setoff: (	JReal Estate	Basis for perfection:	
Describe:		•	
Value of Property: S		Amount of Secured Claim:	: \$
		Amount Unsecured:	•
Annual Interest Rate% ☐ Fixe	ed or □Variable	Amount Onsecurea:	J
(when case was mee)			
5. Amount of Claim Entitled to Priorit	ty under 11 U.S.C. § 507 (a). If any part o	f the claim falls into one of the follo	wing categories, check the box specifying
the priority and state the amount.			
Domestic support obligations under	OWages, salaries, or commissions (up	□Contributions to an employee be	nefit Amount entitled to priority:
11 U.S.C. §507(1)(1)(A) or (a)(1)(B)	to \$12,475*) earned within 180 days	plan - 11 U.S.C. §507 (a)(5)	\$5,000,000.00 plus
	before the case was filed or the debtor's business ceased, whichever is		(Estimated Amount Jury Might
	earlier - 11 U.S.C. §507 (a)(4).		Award in U.S see Paragraph 1 above)
Up to \$2,775 of deposits toward purchase, lease or rental of property or	Texes or penalties owed to governmental units – 11 U.S.C. § 507	GOther - Specify applicable paragraph of 11 U.S.C. § 507 (a)(_	1 1
services for personal, family or	U.S.C. 507(a)(8)	paragraph of 11 0.0.0. \$ 507 (u)(_	<del>-</del>
household use - 11 U.S.C. 507(a)(7)  Amounts are subject to adjustment on 4//	1/16 and every 3 years thereafter with resp	ect to cases commended on or after t	he date of adjustment
•	/01/16 and every 3 years thereafter with resp		·
Timounts are surject to adjustment on 4.	on to and every 5 years mereajur with resp	sees to cases commenced on or after t	units of any marriabilli
6. Credits. The amount of all payments	on this claim has been credited for the purp	ose of making this proof of claim. (Se	e instruction #6)

running accounts, contr statement providing the evidence of perfection filed with this claim. (S	racts, judgments, mortgages, security agreemen information required by FRBP 3001(e)(3)(A). of a security interest are attached. If the claim i fee instruction #7, and the definition of "redact."	ts, or, in the case of a claim based on an If the claim is secured, box 4 has been on a secured by the debtor's principal residence.	ites, purchase orders, invoices, itemized statements of open-end or revolving consumer credit agreement, a completed, and redacted copies of documents providing ence, the Mortgage Proof of Claim Attachment is being
DO NOT SEND ORIG	INAL DOCUMENTS. ATTACHED DOCUM	ENTS MAY BE DESTROYED AFTER	SCANNING.
If the documents are no	ot available, please explain:		
8. Signature: (See ins	truction #8)		
Check the appropriate t	box.		
I am the creditor.	I am the creditor's authorized agent.	☐ 1 am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)	☐ I am a guarantor, surety, endorser, 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 n	ny knowledge, information, and reasonable belief.
Title: Company: C/O Wo Address and telephone P O Box 350 Beaumont, TX 7		): (Signature)	4 Septembre 2015 (Date)
Telephone number: (40	09) 838-0101 email: matoups@wg	ttlaw.com; jgordon@wgttlaw.co	m

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.

### INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

### Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

### Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### 2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

### 3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

### 3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

### 4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

Claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien

documentation, and state, as of the date of the bankruptcy filing, the annual interest

rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a). If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

### 6. Credits:

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.

### 7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

### 8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. \$101 (10).

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured

#### Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was

Secured Claim Under 11 U.S.C. § 506 (a) A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of tions on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a

### Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims

### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### INFORMATION

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system

(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

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B10 (Official Form 10) (04/13)				
UNITED STATES BANKRUPTO	CY COURT	District of	of Maine	PROOF OF CLAIM
Name of Debtor:			Case Number:	
MONTREAL MAINE & ATLANT	IC RAILWAY, LTD.		13-10670	
NOTE: Do not use this form to make a c may file a request for paym Name of Creditor (the person or other ent	nent of an administrative exp	ense according t	to 11 U.S.C. § 503.	-
EVE DUBÉ		<b>/ F/</b>	••	COURT USE ONLY
Name and address where notices should b Weller, Green, Toups & Terrell, P.O. Box 350 Beaumont, TX 77704				Check this box if this claim amends a previously filed claim.  Court Claim Number:  (If known)
Telephone number: (409) 838-0101	email: matoups@we	gttlaw.com; jg	ordon@wgttlaw.com	Filed on:
Name and address where payment should		ove):		Check this box if you are aware that anyone cise has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number:  1. Amount of Claim as of Date Case Fi	email: led: \$5,000,000.00			
······	ority, complete item 5.  erest or other charges in add			statement that itemizes interest or charges.
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have sch	eduled account	as: 3b. Uniform Claim Identi	fler (optional):
3 7 1 2	(See instruction #3a)		(See instruction #3h)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is setoff, attach required redacted document	secured by a lien on property	y or a right of information.	Amount of arrearage and included in secured claim	other charges, as of the time case was filed, , if any:
Nature of property or right of setoff: (Describe:	DReal Estate OMotor Vel	hicle (70ther	Basis for perfection:	
Value of Property: S	_		Amount of Secured Clair	n: \$
Annual Interest Rate% OFixe	ed or □Variable		Amount Unsecured:	S
5. Amount of Claim Entitled to Priorit the priority and state the amount.	ty under 11 U.S.C. § 507 (a	). If any part of	f the claim falts into one of the foll	owing categories, check the box specifying
☐ Domestic support obligations under 11 U.S.C. §507(1)(1)(A) or (a)(1)(B)	☐Wages, salaries, or com to \$12,475*) carned with before the case was filed debtor's business ceased, earlier — 11 U.S.C. §507	in 180 days or the whichever is (a)(4).	Contributions to an employee b plan – 11 U.S.C. §507 (a)(5)	\$5,000,000,00 plus (Estimated Amount Jury Might Award in U.S. – see Paragraph 1
□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)	©Texes or penalties owe governmental units – 11 U.S.C. 507(a)(8)	U.S.C. § 507	Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)	
*Amounts are subject to adjustment on 4/6 *Amounts are subject to adjustment on 4.6	• •			
6. Credits. The amount of all payments	on this claim has been credi	ited for the purpo	use of making this proof of claim. (S	See instruction #6)

### Case 13-10670 Doc 1736-1 Filed 09/24/15 Entered 09/24/15 10:02:06 Desc Exhibit A - Ricard Proofs of Claim Page 6 of 28

or, in the case of a claim based on an o he claim is secured, box 4 has been c	es, purchase orders, invoices, itemized statements of open-end or revolving consumer credit agreement, a ompleted, and reducted copies of documents providing ace, the Mortgage Proof of Claim Attachment is being SCANNING.
	•
I am the trustee, or the debtor, their authorized agent. see Bankruptcy Rule 3004.)	□ I am a guarantor, surety, endorser, or other codebtor. (See Bankruptcy Rule 3005.)
im is true and correct to the best of m	y knowledge, information, and reasonable belief.
(Signature)	4 septembre 2015 (Date)
500,000 or imprisonment for up to 5	years, or both. 18 U.S.C. §§ 152 and 3571.
	or, in the case of a claim based on an of the claim is secured, box 4 has been occured by the debtor's principal resider.  TS MAY BE DESTROYED AFTER  I am the trustee, or the debtor, their authorized agent.  Be Bankruptcy Rule 3004.)  im is true and correct to the best of many is true and correct to the best of many is true.  (Signature)

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### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

### Amount of Claim as of Date Case Filed:

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### Basis for Claim:

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### 3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

### 4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

Claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien

documentation, and state, as of the date of the bankruptcy filing, the annual interest

rate (and whether it is fixed or variable), and the amount past due on the claim.

# 5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a). If any portion of the claim falls into any category shown, check the appropriate box(cs) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

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A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

#### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

#### Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured

### **Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptey filing. The creditor must file the form with the clerk of the same bankruptey court in which the bankruptey case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)
A secured claim is one backed by a licn on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

#### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. § 507

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

#### Redacted

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### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### INFORMATION

Acknowledgment of Filing of Claim
To receive acknowledgment of your filing, you may
either enclose a stamped self-addressed envelope and
a copy of this proof of claim or you may access the
court's PACER system

(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

Case 13-10670 Doc 1736-1 Filed 09/24/15 Entered 09/24/15 10:02:06 Desc Exhibit A - Ricard Proofs of Claim Page 8 of 28

B10 (Official Form 10) (04/13) District of Maine PROOF OF CLAIM UNITED STATES BANKRUPTCY COURT Case Number: Name of Debtor: 13-10670 MONTREAL MAINE & ATLANTIC RAILWAY, LTD. 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): (MINOR) **COURT USE ONLY** Check this box if this claim amends a Name and address where notices should be sent: previously filed claim. Weller, Green, Toups & Terrell, L.L.P. P.O. Box 350 Court Claim Number:\_ Beaumont, TX 77704 (If known) Telephone number: (409) 838-0101 cmail: matoups@wgttlaw.com; jgordon@wgttlaw.com Filed on: Check this box if you are aware that Name and address where payment should be sent (if different from above): anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. Telephone number: email: \$5,000,000.00 1. Amount of Claim as of Date Case Filed: 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. 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. 2. Basis for Claim: Unliquidated Wrongful Death, Survival and Estate claims Claims (All Claims Unliquidated pursuant to 11 U.S.C. §1171) (See instruction #2) 3b. Uniform Claim Identifier (optional): 3. Last four digits of any number 3a. Debtor may have scheduled account as: by which creditor identifies debtor: 3 7 1 2 (See instruction #3a) (See instruction #3b) Amount of arrearage and other charges, as of the time case was filed. 4. Secured Claim (See instruction #4) included in secured claim, if any: 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. Basis for perfection: Nature of property or right of setoff: OReal Estate OMotor Vehicle Other Describe: Amount of Secured Claim: Value of Property: S\_\_\_ Amount Unsecured: Annual Interest Rate\_\_\_\_\_ % □Fixed or □ Variable (when case was filed) 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. Amount entitled to priority: □Contributions to an employee benefit Domestic support obligations under Wages, salaries, or commissions (up plan - 11 U.S.C. §507 (a)(5) to \$12,475\*) carned within 180 days 11 U.S.C. §507(1)(1)(A) or (a)(1)(B) \$5,060,000.00 plus before the case was filed or the (Estimated Amount Jury Might debtor's business ceased, whichever is Award in U.S. - see Paragraph 1 earlier - 11 U.S.C. §507 (a)(4). abovel ☐Texes or penaltics owed to Other - Specify applicable OUp to \$2,775 of deposits toward governmental units - 11 U.S.C. § 507 purchase, lease or rental of property or paragraph of 11 U.S.C. § 507 (a)(\_\_\_) services for personal, family or U.S.C. 507(a)(8) household use - 11 U.S.C. 507(a)(7) Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commended on or after the date of adjustment. \*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

6. Credits. 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 srunning accounts, contracts, judgments, mortgages, security agreemen statement providing the information required by FRBP 3001(c)(3)(A). evidence of perfection of a security interest are attached. If the claim is filled with this claim. (See instruction #7, and the definition of "redacted to the company of the com	its, or, in the case of a claim based on an If the claim is secured, box 4 has been o s secured by the debtor's principal residen	open-end or revolving consumer credit agreement, a ompleted, and reducted copies of documents providing
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUM	ENTS 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 trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)	☐ I am a guarantor, surety, endorser, 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 m	y knowledge, information, and reasonable belief.
Title: Company: c/o Weller Green Toups & Terrell Address and telephone number (if different from notice address above P O Box 350  Beaumont, TX 77704-0350		) 4 Septembre 2019 (Date)
Telephone number: (409) 838-0101 email: matoups@wg	ittlaw.com; jgordon@wgttlaw.com	M venes or both 18 U.S.C. 88 152 and 3571
renain for presenting tranquient claim: Tinc at up :	C (2) (ID (O) MIDMOZNINOZION IO OOOOOOO	tems, or pour, to cocce is the mid sail.

### INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply. Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

### Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

### 3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifles a difference between this proof of claim and the claim as scheduled by the debtor.

### 3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

### 4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

Claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien

documentation, and state, as of the date of the bankruptcy filing, the annual interest

rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a). If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may he partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

### 6. Credits:

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.

### 7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. \$101 (10).

#### Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy fitting. See 11 U.S.C. §101 (5). A claim may be secured or unsecured

### **Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed

### Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

#### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. § 507

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

### **Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### **INFORMATION**

### Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system

(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

B10 (Official Form 10) (04/13)		<u> </u>	
United States Bankrupto	Y COURT District	of Maine	PROOF OF CLAIM
Name of Debtor:		Case Number:	
MONTREAL MAINE & ATLANT	IC RAILWAY, LTD.	13-10670	
NOTE: Do not use this form to make a ci	aim for an administrative expense that arts tent of an administrative expense according	res after the bankruptcy filing. You	
	ty to whom the debtor owes money or prop		
Name and address where notices should be	s cent		COURT USE ONLY  Check this box if this claim amends a
Weller, Green, Toups & Terrell, P.O. Box 350 Beaumont, TX 77704	L.L.P.		previously filed claim.  Court Claim Number:
Telephone number: (409) 838-0101	email: matoups@wgttlaw.com; j	gordon@wgttlaw.com	([fknown) Filed on:
Name and address where payment should	be sent (if different from above):		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.
Telephone number:	email:		
1. Amount of Claim as of Date Case Fit	ed: \$ <u>5,000,000,00</u>		
If all or part of the claim is secured, comp If all or part of the claim is entitled to price	lete item 4. rrity, complete item 5.		
Check this box if the claim includes into	erest or other charges in addition to the prin	cipal amount of the claim. Attach a str	atement that itemizes interest or charges.
2. Basis for Claim: Unliquidated V (See instruction #2)	Vrongful Death, Survival and Estate	e claims Claims (All Claims Unl	iquidated pursuant to 11 U.S.C. §1171
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled accoun	at as: 3b. Uniform Claim Identifi	er (optional):
3 7 1 2	(See instruction #3a)	(See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is setoff, attach required redacted document	secured by a lien on property or a right of	Amount of arrearage and o included in secured claim,	other charges, as of the time case was filed, if any:  S
•	Real Estate	Basis for perfection:	
Value of Property: S	_	Amount of Secured Claim	s
Annual Interest Rate% OFixed (when case was filed)	ed or 🗇 Variable	Amount Unsecured:	s
5. Amount of Claim Entitled to Priorit the priority and state the amount.	y under 11 U.S.C. § 507 (a). If any part	of the claim falls into one of the follo	wing categories, check the box specifying
☐ Domestic support obligations under 11 U.S.C. §507(1)(1)(A) or (a)(1)(B)	TWages, salaries, or commissions (up to \$12,475*) 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).	CContributions to an employee be plan – 11 U.S.C. §507 (a)(5)	\$5,000,000.00 plus (Estimated Amount Jury Might Award in U.S. – see Paragraph 1
□Up to \$2,775 of deposits toward purchase, lease or rental of property or services for personal, furnily or household use – 11 U.S.C. 507(a)(7)	GTexes or penalties owed to governmental units – 11 U.S.C. § 507 U.S.C. 507(a)(8)	Other - Specify applicable paragraph of 11 U.S.C. § 507 (a)(_	
• •	01/16 and every 3 years thereafter with res /01/16 and every 3 years thereafter with re.		
6. Credits. The amount of all payments			

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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 DOCUM	ENTS MAY BE DESTROYED AFTER	R 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 trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)	O I am a guarantor, surety, endorser, 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 r	ny knowledge, information, and reasonable belief.	
	inor)	4 Septembre 20	
Telephone number: (409) 838-0101 email: matoups@wg	ttlaw.com; jgordon@wgttlaw.co	OM	
Penalty for presenting fraudulant claim: Fine of up	to \$500,000 or imprisonment for up to to to See PROOF OF CLAIM FO	PRM	

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

### Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

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### 1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

Last Four Digits of Any Number by Which Creditor Identifies Debtor:
 State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

### 3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

### 3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

### 4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

Claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien

documentation, and state, as of the date of the bankruptcy filing, the annual interest

rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a). If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

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### 8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

#### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

#### Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured

### Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed

Secured Claim Under 11 U.S.C. § 506 (a)
A secured claim is one backed by a lien on property
of the debtor. The claim is secured so long as the
creditor has the right to be paid from the property
prior to other creditors. The amount of the secured
claim cannot exceed the value of the property. Any
amount owed to the creditor in excess of the value of
the property is an unsecured claim. Examples of
liens on property include a mortgage on real estate or
a security interest in a car. A lien may be voluntarily
granted by a debtor or may be obtained through a
court proceeding. In some states, a court judgment is
a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

#### Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. § 507

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims

#### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

### **Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### INFORMATION

Acknowledgment of Filing of Claim
To receive acknowledgment of your filing, you may
either enclose a stamped self-addressed envelope and

a copy of this proof of claim or you may access the court's PACER system

(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

B10 (Official Form 10) (04/13)				T
United States Bankrupto	Y COURT	District o	f Maine	PROOF OF CLAIM
Name of Debtor:			Case Number:	
MONTREAL MAINE & ATLANT	IC RAILWAY, LTD.		13-10670	
Name of Creditor (the person or other enti BRIGITTE RICARD	nent of an administrative exp ity to whom the debtor owes	pense according to	o 11 U.S.C. § 503.	COURT USE ONLY
Name and address where notices should be Weller, Green, Toups & Terrell, P.O. Box 350  Beaumont, TX 77704				Check this box if this claim amends a previously filed claim.  Court Claim Number:  (If known)
Telephone number: (409) 838-0101	email: matoups@w@	gttlaw.com; jg	ordon@wgttlaw.com	Filed on:
Name and address where payment should  Telephone number:	be sent (if different from about	ove):		Check this box if you are aware that anyone clse has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Amount of Claim as of Date Case File				<u> </u>
If all or part of the claim is secured, comp If all or part of the claim is entitled to price	Hete item 4.			
Check this box if the claim includes int	erest or other charges in addi	ition to the princi	pal amount of the claim. Attach a s	tatement that itemizes interest or charges.
Basis for Claim: Unliquidated V     (See instruction #2)	Vrongful Death, Survive	al and Estate c	laims Claims (All Claims Un	liquidated pursuant to 11 U.S.C. §117
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have sch	eduled account	as: 3b. Uniform Claim Identif	ler (optional):
3 7 1 2	(See instruction #3a)		(See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is setoff, attach required redacted document			Amount of arrearage and included in secured claim	other charges, as of the time case was filed, if any:  S
Nature of property or right of setoff: C	Real Estate OMotor Veh	hicle Other	Basis for perfection:	
Value of Property: S	_		Amount of Secured Claim	s:
Annual Interest Rate% ©Fixe (when case was filed)	d or 🗆 Variable		Amount Unsecured:	s
5. Amount of Claim Entitled to Priorit the priority and state the amount.	y under 11 U.S.C. § 507 (a)	). If any part of	the claim falls into one of the folk	owing categories, check the box specifying
☐ Domestic support obligations under 11 U.S.C. §507(1)(1)(A) or (a)(1)(B)	DWages, salaries, or com to \$12,475*) earned withi before the case was filed of debtor's business ceased, earlier - 11 U.S.C. \$507 (	in 180 days or the whichever is	□Contributions to an employee be plan – 11 U.S.C. §507 (a)(5)	\$5,000,000.00 plus (Estimated Amount Jury Might Award in U.S. – see Paragraph 1
□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)	☐Texes or penalties owed governmental units – 11 U U.S.C. 507(a)(8)	d to U.S.C. § 507	Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(	
Amounts are subject to adjustment on 4/0 *Amounts are subject to adjustment on 4/	¥ ¥	•		
6. Credits. The amount of all payments	on this claim has been credit	ted for the purpos	e of making this proof of claim. (S	ee instruction #6)

# Case 13-10670 Doc 1736-1 Filed 09/24/15 Entered 09/24/15 10:02:06 Desc Exhibit A - Ricard Proofs of Claim Page 15 of 28

running accounts, cont statement providing the evidence of perfection	racts, judgments, mortgages, security agreeme	nts, or, in the case of a claim based on and the claim is secured, box 4 has been is secured by the debtor's principal residents.	otes, purchase orders, invoices, itemized statements of open-end or revolving consumer credit agreement, a completed, and redacted copies of documents providing ence, the Mortgage Proof of Claim Attachment is being
DO NOT SEND ORIG	INAL DOCUMENTS, ATTACHED DOCUM	MENTS MAY BE DESTROYED AFTE	R SCANNING.
If the documents are no	ot available, please explain:		
8. Signature: (See in:	struction #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, endorser, or other codebtor. (See Bankruptcy Rule 3005.)
1 declare under penalty	of perjury that the information provided in th	is claim is true and correct to the best of	my knowledge, information, and reasonable belief.
Print Name: Title: SISTER Company: C/O W Address and telephone P O Box 350 Beaumont, TX 7 Telephone number: (4)	eller Green Toups & Terrell number (if different from notice address abov 7704-0350	e): (Signalure)  rgttlaw.com; jgordon@wgttlaw.co	fical 15.5ept 2015
Pena	Ity for presenting fraudulent claim: Finc of up	to \$500,000 or imprisonment for up to	5 years, or both. 18 U.S.C. §§ 152 and 3571.

### INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

### Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRRP) 2002(g).

### Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### 2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

### 3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

### 3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

### 4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

Claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of

documentation, and state, as of the date of the bankruptcy filing, the annual interest

rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a). If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

### 6. Credits:

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.

### 7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

### 8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

#### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

#### Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured

#### **Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)
A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. § 507

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### INFORMATION

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system

(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

B10 (Official Form 10) (04/13) District of Maine PROOF OF CLAIM United States Bankruptcy Court Name of Debtor: Case Number: MONTREAL MAINE & ATLANTIC RAILWAY, LTD. 13-10670 NOTE: Do not use this form to make a claim for an administrative expense that artses 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): **MARTINE RICARD COURT USE ONLY** Name and address where notices should be sent: Check this box if this claim amends a Weller, Green, Toups & Terrell, L.L.P. previously filed claim. P.O. Box 350 Court Claim Number: Beaumont, TX 77704 (If known) Telephone number: (409) 838-0101 email: matoups@wqttlaw.com; jgordon@wgttlaw.com Filed on: Name and address where payment should be sent (if different from above): ☐ 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. Telephone number: email: 1. Amount of Claim as of Date Case Filed: \$5,000,000,00 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. The claim. Attach a statement that itemizes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges. 2. Basis for Claim: Unliquidated Wrongful Death, Survival and Estate claims Claims (All Claims Unliquidated pursuant to 11 U.S.C. §1171) (See instruction #2) 3b. Uniform Claim Identifier (optional): 3. Last four digits of any number 3a. Debtor may have scheduled account as: by which creditor identifies debtor: (See instruction #3a) (See instruction #3b) Amount of arrearage and other charges, as of the time case was filed, 4. Secured Claim (See instruction #4) included in secured claim, if any: Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required reducted documents, and provide the requested information. Basis for perfection: Nature of property or right of setoff: Real Estate Motor Vehicle Other Describe: Amount of Secured Claim: Value of Property: S\_\_\_ Amount Unsecured: Annual Interest Rate\_\_\_\_\_ % @Fixed or @Variable (when case was filed) 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. Amount entitled to priority: □Contributions to an employee benefit ☐ Domestic support obligations under OWages, salaries, or commissions (up 11 U.S.C. §507(1)(1)(A) or (a)(1)(B) plan - 11 U.S.C. §507 (a)(5) to \$12,475\*) carned within 180 days \$5,000,000.00 plus before the case was filed or the (Estimated Amount Jury Might debtor's business ceased, whichever is Award in U.S. - see Paragraph 1 earlier - 11 U.S.C. §507 (a)(4). above) □Up to \$2,775 of deposits toward Texes or penalties owed to GOther - Specify applicable paragraph of 11 U.S.C. § 507 (a)(\_\_\_ purchase, lease or rental of property or governmental units - 11 U.S.C. § 507 services for personal, family or U.S.C. 507(a)(8) household usc - 11 U.S.C. 507(a)(7) Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commended on or after the date of adjustment. \*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. 6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)

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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(e)(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 DOCUM	ENTS MAY BE DESTROYED AFTER	SCANNING.		
If the documents are not available, please explain:				
8. Signature: (See instruction #8)				
Check the appropriate box.				
f am the creditor.    \[ \text{\text{\$\}\$}}}\$}}}}}}} \end{lengtheta}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}	(See Bankruptcy Rule 3004.)	☐ I am a guarantor, surety, endorser, or other codebtor. (See Bankruptcy Rule 3005.)		
1 declare under penalty of perjury that the information provided in this	claim is true and correct to the best of n	ny knowledge, information, and reasonable belief.		
Print Name: MARTINE RICARD  Title: SISTER Company: C/O Weller Green Toups & Terrell  LCDA 15/09/2015				
Address and telephone number (if different from notice address above P O Box 350  Beaumont, TX 77704-0350	): (Signature)	(Date)		
Telephone number: (409) 838-0101 email: matoups@wo	ittlaw.com; igordon@wgttlaw.co	m		

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.

#### INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

### Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

### 1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### 2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

### 3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

### 3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

### 4. Secured Claim:

Check whether the claim is fully or partially secured, Skip this section if the

Claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien.

documentation, and state, as of the date of the bankruptcy filing, the annual interest

rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a). If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

### 6. Credits:

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.

### 7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

### 8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

#### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

#### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

### Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured

### **Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

#### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. § 507

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

#### Reducted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### INFORMATION

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system

(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

United States Bankrupto	CY COURT Dis	trict of Maine	PROOF OF CLAIM
Name of Debtor:		Case Number:	
MONTREAL MAINE & ATLANT	IC RAILWAY, LTD.	13-10670	
NOTE: Do not use this form to make a c may file a request for payn Name of Creditor (the person or other enti	nent of an administrative expense acco	ording to 11 U.S.C. § 503.	оч
CLEMENT RICARD	ty to whom the deptor owes money of	property).	COURT USE ONLY
Name and address where notices should b Weller, Green, Toups & Terrell, P.O. Box 350			Check this box if this claim amends a previously filed claim.
Beaumont, TX 77704 Telephone number: (409) 838-0101	email: matoups@wgttlaw.co	om: igorden@wattlaw.com	Court Claim Number:(If known)
			Filed on:
Name and address where payment should	be sent (if different from above):		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.
Telephone number:	email;		
1. Amount of Claim as of Date Case Fi	led: \$ <u>5,000,000,00</u>		
If all or part of the claim is secured, comp If all or part of the claim is entitled to price	lete item 4. prity, complete item 5.		
OCheck this box if the claim includes int	erest or other charges in addition to th	e principal amount of the claim. Atta	ch a statement that itemizes interest or charges.
2. Basis for Claim: Unliquidated V (See instruction #2)	Vrongful Death, Survival and E	Estate claims Claims (All Claim	s Unliquidated pursuant to II U.S.C. §117
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled a	ccount as: 3b. Uniform Claim I	dentifier (optional):
3 7 1 2	(See instruction #3a)	(See instruction #3b)	
4. Secured Claim (See instruction #4)		Amount of arrearag included in secured	e and other charges, as of the time case was filed, claim, if any:
Check the appropriate box if the claim is setoff, attach required redacted document	secured by a lien on property or a rights, and provide the requested informati	nt of ion.	<b>s</b>
Nature of property or right of setoff: (Describe:	Real Estate	Other Basis for perfection:	
Value of Property: S	_	Amount of Secured	Claim: \$
Annual Interest Rate% ☐Fixe (when case was filed)	ed or □Variable	Amount Unsecured:	s
5. Amount of Claim Entitled to Priorit the priority and state the amount.	ty under 11 U.S.C. § 507 (a). If any	part of the claim falls into one of th	e following categories, check the box specifying
☐ Domestic support obligations under 11 U.S.C. §507(1)(1)(A) or (a)(1)(B)	☐Wages, salaries, or commissions to \$12,475*) earned within 180 day before the case was filed or the debtor's business ceased, whichever carlier - 11 U.S.C. §507 (a)(4).	ys plan – 11 U.S.C. §507 (a)(5) er is	\$5.000.000.00 plus (Estimated Amount Jury Might Award in U.S. – see Paragraph 1
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)	©Texes or penalties owed to governmental units – 11 U.S.C. § : U.S.C. 507(a)(8)	607 COOTHER - Specify applicable paragraph of 11 U.S.C. § 50	
*Amounts are subject to adjustment on 4/6 *Amounts are subject to adjustment on 4/6			

### Case 13-10670 Doc 1736-1 Filed 09/24/15 Entered 09/24/15 10:02:06 Desc Exhibit A - Ricard Proofs of Claim Page 21 of 28

7. Documents: Attached are redacted copies of any documents that s running accounts, contracts, judgments, mortgages, security agreemen statement providing the information required by FRBP 3001(c)(3)(A).	ts, or, in the case of a claim based on an If the claim is secured, box 4 has been c	open-end or revolving consumer credit agreement, a 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 DOCUM	ENTS 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 trustee, or the debtor, or their authorized agent. (See Bankruptey Rule 3004.)	☐ I am a guarantor, surety, endorser, 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 n	ny knowledge, information, and reasonable belief.		
Print Name: CLEMENT RICARD  Title: FATHER Company: c/o Weller Green Toups & Terrell	= Siment &	June 16/09/2015		
Address and telephone number (if different from notice address above P O Box 350	): (Signature)	(Date)		
Beaumont, TX 77704-0350				
Telephone number: (409) 838-0101 cmail: matoups@wc	ttlaw.com; jgordon@wgttlaw.co	m wears or both 18 U.S.C. 66 152 and 3571		
renary for presenting frantament claim: Fine of up	TONE FOR PROOF OF CLAIRS FO	DM		

INSTRUCTIONS FOR PROOF OF CLAIM FURN

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply. Items to be completed in Proof of Claim form

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### Creditor's Name and Address:

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Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### Basis for Claim:

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3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

### 3a. Debtor May Have Scheduled Account As:

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If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

### 4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

Claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien

documentation, and state, as of the date of the bankruptcy filing, the annual

rate (and whether it is fixed or variable), and the amount past due on the claim.

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8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title. if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

### Debtor

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#### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

#### Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured

### **Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed

Secured Claim Under 11 U.S.C. § 506 (a)
A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

#### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. § 507

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

#### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

#### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### INFORMATION

Acknowledgment of Filing of Claim
To receive acknowledgment of your filing, you may
either enclose a stamped self-addressed envelope and
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(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

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B10 (Official Form 10) (04/13) District of Maine **PROOF OF CLAIM** UNITED STATES BANKRUPTCY COURT Name of Debtor: Case Number: 13-10670 MONTREAL MAINE & ATLANTIC RAILWAY, LTD. 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): **NICOLE LAROUCHE** COURT USE ONLY Name and address where notices should be sent: ☐ Check this box if this claim amends a Weller, Green, Toups & Terrell, L.L.P. previously filed claim. P.O. Box 350 Court Claim Number: Beaumont, TX 77704 (If known) Telephone number: (409) 838-0101 cmail: matoups@wqttlaw.com; jgordon@wgttlaw.com Filed on: Name and address where payment should be sent (if different from above): 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. Telephone number: email: 1. Amount of Claim as of Date Case Filed: \$5,000,000,00 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. 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. 2. Basis for Claim: Unliquidated Wrongful Death, Survival and Estate claims (All Claims Unliquidated pursuant to 11 U.S.C. §1171) (See instruction #2) 3b. Uniform Claim Identifier (optional): 3. Last four digits of any number 3a. Debtor may have scheduled account as: by which creditor identifies debtor: 3 7 1 2 (See instruction #3a) (See instruction #3b) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: 4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required reducted documents, and provide the requested information. Nature of property or right of setoff: OReal Estate OMotor Vehicle OOther Basis for perfection: Describe: Amount of Secured Claim: Value of Property: S\_\_ Amount Unsecured: S\_\_\_\_ Annual Interest Rate\_\_\_\_\_ % @Fixed or @Variable (when case was (iled) 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. Amount entitled to priority: ☐ Domestic support obligations under Contributions to an employee benefit OWages, salaries, or commissions (up plan - 11 U.S.C. §507 (a)(5) 11 U.S.C. §507(1)(1)(A) or (a)(1)(B) to \$12,475\*) carned within 180 days before the case was filed or the \$5,000,000,00 plus (Estimated Amount Jury Might debtor's business ceased, whichever is earlier - 11 U.S.C. §507 (a)(4). Award in U.S. - see Paragraph 1 above) □Up to \$2,775 of deposits toward O'Texes or penalties owed to □Other - Specify applicable purchase, lease or rental of property or governmental units - 11 U.S.C. § 507 paragraph of 11 U.S.C. § 507 (a)(\_\_ services for personal, family or U.S.C. 507(a)(8) household use - 11 U.S.C. 507(a)(7) Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commended on or after the date of adjustment. \*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)

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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 filled 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.				
1 am the creditor.	I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)	☐ I am a guarantor, surety, endorser, 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:  Title:  MOTHER Company:  C/O Weller Green Toups & Terrell  Address and telephone number (if different from notice address above): P O Box 350  Beaumont, TX 77704-0350  Telephone number:(409) 838-0101  email: matoups@wqttlaw.com; jgordon@wqttlaw.com				
Telephone number: (409) 838-0101 email: matoups@wgttlaw.com; jgordon@wgttlaw.com				

Penalty for presenting fraudulent claim.

### INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

### Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

### Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

### 3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

### 3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here, A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

### 4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

Claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of

documentation, and state, as of the date of the bankruptcy filing, the annual interest

rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a). If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

### 6. Credits:

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.

### 7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

#### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

#### Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured

#### **Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the hankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)
A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

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Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

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A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

### **Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### INFORMATION

Acknowledgment of Filing of Claim
To receive acknowledgment of your filing, you may
either enclose a stamped self-addressed envelope and
a copy of this proof of claim or you may access the
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(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

Case 13-10670 Doc 1736-1 Filed 09/24/15 Entered 09/24/15 10:02:06 Desc Exhibit A - Ricard Proofs of Claim Page 26 of 28

B10 (Official Form 10) (04/13) District of Maine PROOF OF CLAIM UNITED STATES BANKRUPTCY COURT Name of Debtor: Case Number: 13-10670 MONTREAL MAINE & ATLANTIC RAILWAY, LTD. 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): **JEAN RICARD COURT USE ONLY** Name and address where notices should be sent: Check this box if this claim amends a Weller, Green, Toups & Terrell, L.L.P. previously filed claim. P.O. Box 350 Court Claim Number: Beaumont, TX 77704 (If known) Telephone number: (409) 838-0101 cmail: matoups@wgttlaw.com; jgordon@wgttlaw.com Filed on: Check this box if you are aware that Name and address where payment should be sent (if different from above): anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. Telephone number: email: 1. Amount of Claim as of Date Case Filed: \$5,000,000.00 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. Theck 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. 2. Basis for Claim: Unliquidated Wrongful Death, Survival and Estate claims Claims (All Claims Unliquidated pursuant to 11 U.S.C. §1171) (See instruction #2) 3b. Uniform Claim Identifier (optional): 3. Last four digits of any number 3a. Debtor may have scheduled account as: by which creditor identifies debtor: 3 7 1 2 (See instruction #3b) (Sec instruction #3a) Amount of arrearage and other charges, as of the time case was filed, 4. Secured Claim (See instruction #4) included in secured claim, if any: Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required reducted documents, and provide the requested information. Nature of property or right of setoff: □Real Estate □ Motor Vehicle □ Other Basis for perfection: Describe: Amount of Secured Claim: Value of Property: S\_\_\_ Amount Unsecured: Annual Interest Rate \_\_\_\_\_% DFixed or (TVariable (when case was filed) 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. Amount entitled to priority: ☐ Domestic support obligations under OWages, salaries, or commissions (up Contributions to an employee benefit 11 U.S.C. §507(1)(1)(A) or (a)(1)(B) to \$12,475\*) carned within 180 days plan - 11 U.S.C. §507 (a)(5) \$5,000,000,00 plus before the case was filed or the (Estimated Amount Jury Might debtor's business ceased, whichever is Award in U.S. - see Paragraph 1 earlier - 11 U.S.C. §507 (a)(4). above) CUp to \$2,775 of deposits toward Texes or penalties owed to Other - Specify applicable purchase, lease or rental of property or governmental units - 11 U.S.C. § 507 paragraph of 11 U.S.C. § 507 (a)(\_\_ services for personal, family or U.S.C. 507(a)(8) household usc - 11 U.S.C. 507(a)(7) Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to eases commended on or after the date of adjustment.

6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)

<sup>\*</sup>Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

### Case 13-10670 Doc 1736-1 Filed 09/24/15 Entered 09/24/15 10:02:06 Desc Exhibit A - Ricard Proofs of Claim Page 27 of 28

7. Documents: Attached are reducted 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 reducted 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 "reducted".)			
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.	CI I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)	☐ I am a guarantor, surety, endorser, 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: JEAN RICARD  Title: BROTHER Company: C/O Weller Green Tougs & Terrell Address and telephone number (if different from notice address above	c): (Signature)	18/9/15	
P O Box 350 Beaumont, TX 77704-0350	gttlaw.com; jgordon@wgttlaw.co	(Dute)	

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,

INSTRUCTIONS FOR PROOF OF CLAIM FORM The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

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### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

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(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

### Offers to Purchase a Claim

# UNITED STATES BANKRUPTCY COURT DISTRICT OF MAINE

In re: MONTREAL MAINE & ATLANTIC RAILWAY, LTD.	\ \ \ \ \ \ \	CHAPTER 11 CASE NO. 13-10670
ORDER ON MOTION FOR EXTENS  BY CREDITORS E  AND ALL HEIRS OF TI	STATE OF YVO	N RICARD
Upon consideration of the Motion	for Extension of	Time to File Proof of Claim by
Creditors Estate of Yvon Ricard and all	Heirs of the Esta	te of Yvon Ricard, it is hereby
ORDERED, ADJUDGED AND DECREED	) that	
1. The Motion is granted.		
2. Creditors Estate of Yvon Ricard	and all Heirs of the	e Estate of Yvon Ricard, are hereby
allowed to file their Proofs of Cl	aims.	
Dated:		

U.S. BANKRUPTCY JUDGE PRESIDING