

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:


CBCRC LIQUIDATING CORP., et al.,¹

Debtors.

Chapter 11
Case No. 23-10245 (KBO)
(Jointly Administered)

Hearing Date: April 10, 2024 at 10:30 a.m. (ET)
Objection Deadline: April 3, 2024 at 4:00 p.m. (ET)

OPT-OUT NOTICE AND PAYMENT REQUEST²

Name of Creditor: 445 Townline Investments, L.L.C.
Address: c/o Terraco, Inc., 3201 Old Glenview Road, Suite 300, Wilmette, IL 60091
Amount of Asserted Unpaid Claim and Payment Request: \$ 22,627.71
Basis for the Claim: Goods sold Services performed Other: post-petition rent to June 30, 2023
 Verification that Goods or Services Were Provided Between February 22, 2023, and June 14, 2024
Signature: 
Name: Charles S. Stahl, Jr.
 Creditor Creditors' Attorney
Title: Partner & Authorized Agent
Company: Swanson, Martin & Bell, LLP
Address: 2525 Cabot Drive, Suite 204, Lisle, IL 60532
Email: cstahl@smbtrials.com Phone No. 630-780-8472

ATTACH ANY SUPPORTING DOCUMENTS TO THIS FORM. ATTACH REDACTED COPIES OF ANY DOCUMENTS THAT SHOW THAT THE DEBT EXISTS, A LIEN SECURES THE DEBT, OR BOTH.

BY SUBMITTING THIS REQUEST, THE PARTY ASSERTING A CLAIM CERTIFIES UNDER THE PENALTY OF PERJURY THAT (A) THE GOODS AND SERVICES THAT FORM THE BASIS OF THE REQUEST WERE PROVIDED TO THE DEBTORS BETWEEN FEBRUARY 22, 2023 AND JUNE 14, 2024 AND ARE WORTH THE VALUE REQUESTED, (B) THE AMOUNT REQUESTED IS UNPAID AND HAS NOT BEEN RECEIVED OR RECOVERED BY OTHER MEANS OR FROM OTHERS, (C) IT AGREES TO ACCEPT AND LIMIT ITS RECOVERY TO ITS *PRO RATA* SHARE OF THE REMAINING CASH SHOULD THE AMOUNT REQUESTED BE ACCEPTED BY THE DEBTORS OR SSCP OR ALLOWED BY THE BANKRUPTCY COURT, AND (D) IT SUBMITS TO THE BANKRUPTCY COURT'S JURISDICTION TO DETERMINE THE VALIDITY OF ANY SUCH REQUEST.

NOTE: This Opt-Notice and Payment Request is a not a proof of claim and should not be filed as a proof of claim, and the filing of a proof of claim on the claims register does not satisfy the requirements for filing and serving an Opt-Out Notice and Payment Request or objection to the Settlement Motion.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include CBCRC Liquidating Corp. (0801), CBHC Liquidating Company (3981), and CBCCI Liquidating Inc. (1938). The Debtors' service address is Corner Bakery, c/o CR3 Partners, Attn: Greg Baracato, Chief Restructuring Officer, 13355 Noel Road, Suite 2005, Dallas TX 75240.

² Capitalized terms used herein and not otherwise defined have the means set forth in the Motion



**IN RE CBC RESTAURANT CORP. (“Debtor”)
CHAPTER 11 CASE NO. 23-10245**

**ATTACHMENT TO OPT-OUT NOTICE AND PAYMENT REQUEST OF
445 TOWNLINE INVESTMENTS, L.L.C. (“Claimant”)**

Claimant, as landlord, and Debtor d/b/a Corner Bakery, as tenant, entered into that certain real estate lease, as amended, modified and supplemented from time to time, for certain premises identified as Vernon Hills, Store No. 248, 445 East Townline Road, Suite A, Vernon Hills, Illinois 60061 (the “Real Estate Lease”). Pursuant to that certain order entered on July 6, 2023 [Dkt. No. 690], Debtor was authorized to reject the Real Estate Lease. Debtor surrendered the premises to Claimant effective June 30, 2023.

Attached is a statement of unpaid post-petition obligations due under the lease to the date of surrender on June 30, 2023. The balance forward amount of \$10,084.82 was unpaid charges under the lease for March 2023. All items listed for May 1, 2023 were paid. All items and credits listed for June 1, 2023 are due and owing. Claimant’s total post-petition claim under the lease is \$22,627.71. Claimant does not hold a security deposit for application to this claim.

Attached are Claimant’s correspondence with debtors’ counsel and the CRO regarding this claim. The dispute between debtors and the asset purchaser arose before payment on this claim could be effectuated.

Claimant reserves the right to amend this proof of claim and/or file papers with the Court as any change in circumstances warrant.

Casual Male
 Casual Male
 555 Turnpike Street
 Canton, MA, 02021

Customer
ICS Code
Lease Type Commercial NNN
Lease Term From 02/01/2006 To 04/30/2013
Lease Area (Leasable SF)
Monthly Rent
Office Phone
Fax No (781)821-0614
E-Mail

Date	Description	Charges	Payments	Balance	
0-30 Days		31-60 Days	61-90 Days	Above 90 Days	Amount Due
(283.90)		0.00	0.00	283.90	0.00

Lease Information

Date 07/31/2023
Lease Id tlcbc
Property tl
Location 445 Townline Investments
Assigned Space(s) 445A1
Customer
ICS Code
Lease Type Commercial NNN
Sales Category Gross sale
Lease Term From 07/01/2008 To 06/30/2023
Lease Area 4,491(Leasable SF)
Monthly Rent 11227.50
Office Phone (781)828-9300
Fax No
E-Mail shalini.Kodial@cornerbakerycafe.com

CBC Restaurant Corp # 248
 CBC Restaurant Corp # 248
 Property Works
 PO Box 1067
 Decatur, GA, 30031

Date	Description	Charges	Payments	Balance	
	Balance Forward			10,084.82	
05/01/23	CAM Escrow (05/2023)	1,732.90		11,817.72	
05/01/23	Base Rent (05/2023)	11,227.50		23,045.22	
05/01/23	RET Escrow (05/2023)	1,886.10		24,931.32	
05/05/23	Rent RET CAM-May 2023		14,846.50	10,084.82	
06/01/23	CAM Escrow (06/2023)	1,732.90		11,817.72	
06/01/23	Base Rent (06/2023)	11,227.50		23,045.22	
06/01/23	RET Escrow (06/2023)	1,886.10		24,931.32	
06/01/23	2022 CAM Reconciliation	(2,226.85)		22,704.47	
06/01/23	2022 RET Reconciliation	(76.76)		22,627.71	
0-30 Days		31-60 Days	61-90 Days	Above 90 Days	Amount Due
7,741.21		0.00	14,846.50	40.00	22,627.71

Lease Information

Date 07/31/2023
Lease Id tlhairb
Property tl
Location 445 Townline Investments
Assigned Space(s) 445A2
Customer
ICS Code
Lease Type Commercial NNN
Sales Category Gross sale
Lease Term From 02/01/2021 To 01/31/2031
Lease Area 1,709(Leasable SF)
Monthly Rent 3776.89
Office Phone
Fax No
E-Mail trinidad@sognarehairboutique.com

@Lenght Hair Boutique
 @ Length Hair Boutique
 445 Townline Road, Unit A2
 Vernon Hills, IL, 60061-4306

Charlie Stahl

From: Greg Baracato <greg.baracato@cr3partners.com>
Sent: Wednesday, August 9, 2023 2:57 PM
To: Charlie Stahl; Mette H. Kurth; Barb Murphy; Joe Kincaid
Cc: Lynnette R. Warman; Mark Kennedy; Winston Mar
Subject: RE: In re CBC Restaurant Corp., et al.

Caution: External email.

Thanks Charlie,
Have her email me to set a time to discuss this.
Best,
Greg

Greg Baracato | Partner
13355 Noel Road, Suite 2005, Dallas, TX 75240
Office: (800) 728-7176 ext. 217 | Direct: (214) 215-3940
[Bio](#) | [Website](#) | [LinkedIn](#)

CR3 PARTNERS
PARTNERS FOR THE ROAD AHEAD

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From: Charlie Stahl <cstahl@smbtrials.com>
Sent: Wednesday, August 9, 2023 2:33 PM
To: Mette H. Kurth <mkurth@cm.law>; Barb Murphy <Bcorso@smbtrials.com>; Joe Kincaid <Jkincaid@smbtrials.com>
Cc: Greg Baracato <greg.baracato@cr3partners.com>; Lynnette R. Warman <lwarman@cm.law>; Mark Kennedy <mark.kennedy@cr3partners.com>; Winston Mar <winston.mar@cr3partners.com>; Charlie Stahl <cstahl@smbtrials.com>
Subject: RE: In re CBC Restaurant Corp., et al.

Mette, our client advised that it does not hold a security deposit. Accordingly, since no legal issues appear, Julia Burnham will contact Mr. Baracato re the admin claim.

Charlie

Charles S. Stahl, Jr.
Swanson, Martin & Bell, LLP
2525 Cabot Drive, Suite 204
Lisle, IL 60532
(630) 799-6990 -- Direct
(630) 780-8472 -- Mobile

(630) 799-6901 -- Fax
(630) 799-6900 -- Reception
cstahl@smbtrials.com

From: Mette H. Kurth <mkurth@cm.law>
Sent: Monday, August 7, 2023 8:29 AM
To: Charlie Stahl <cstahl@smbtrials.com>; Barb Murphy <Bcorso@smbtrials.com>; Joe Kincaid <Jkincaid@smbtrials.com>
Cc: Greg Baracato <greg.baracato@cr3partners.com>; Lynnette R. Warman <lwarman@cm.law>; Mark Kennedy <mark.kennedy@cr3partners.com>; Winston Mar <winston.mar@cr3partners.com>
Subject: RE: In re CBC Restaurant Corp., et al.

Caution: External email.

Thanks for brining this to my attention. I am copying the CRO (Greg Baracato of CR3) so that he can follow up regarding the rent payment. Can you confirm whether the landlord is holding a security deposit? If so, that should be applied.

To expedite, you have my consent to communication directly with Greg and the CR3 team regarding reconciliation of the account balance, payment logistics, and similar non-legal, business issues if he is comfortable with that approach.

Best,

Mette H. Kurth

CULHANE|MEADOWS PLLC

☎ 302-289-8839 Ext. 100

📠 310-245-8784

✉ mkurth@cm.law

From: Charlie Stahl <cstahl@smbtrials.com>
Sent: Sunday, August 6, 2023 2:31 PM
To: Mette H. Kurth <mkurth@cm.law>; Lynnette R. Warman <lwarman@cm.law>
Cc: Joe Kincaid <Jkincaid@smbtrials.com>; Barb Murphy <Bcorso@smbtrials.com>; Charlie Stahl <cstahl@smbtrials.com>
Subject: In re CBC Restaurant Corp., et al.

Dear Counsel:

We represent Terraco, Inc., agent for 445 Townline Investments, L.L.C., debtor's landlord for premises located on Lot 8 in the shopping center commonly known as Townline Commons in Vernon Hills, Illinois. As you know, the lease was rejected and our client received notice from the CRO that the premises were vacated effective June 30, 2023. Attached is the statement of post-petition rent and related charges that is due and owing. Please confirm your client will remit this amount so that our client need not incur the expense of filing and presenting a request for payment of an administrative claim. We look forward to your response. Thank you.

Charlie

Charles S. Stahl, Jr.
Swanson, Martin & Bell, LLP

2525 Cabot Drive, Suite 204
Lisle, IL 60532
(630) 799-6990 -- Direct
(630) 780-8472 -- Mobile
(630) 799-6901 -- Fax
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