The Debtor has listed your claim as Contingent and Disputed on Schedule E as a Priority claim. Claim #123 Date Filed: 1/25/2010 B 10 (Custom Form 10) (04/09) PROOF OF CLAIM UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE Indicate the Debtor against which you assert a claim by checking the appropriate box below. (Check only one Debtor per claim form.) XCynergy Data, LLC – (Case No. 09-13038) □ Cynergy Data Holdings, Inc. – (Case No. 09-13039) □ Cynergy Prosperity Plus, LLC – (Case No. 09-13040) Check this box to indicate that this Name of Creditor (the person or other entity to whom the debtor owes money or property): claim amends a previously filed BENSION, JAVIER **Court Claim** Pack No. 193 Name and address where notices should be sent: Name ID: 8535637 Number: (if known) Filed on:_ BENSION, JAVIER 319 8TH ST CARLSTADT, NJ 07072-1005 Telephone No. 417 - 803 - 1022 Check 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 your claim. Attach copy of statement giving particulars. Telephone No. Check this box if you are the debtor or trustee in this case. s 2,022.65 5. Amount of claim Entitled to Priority Amount of Claim as of Date Case Filed: under 11 U.S.C. § 507(a). If any portion of your claim falls in one of If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. the following categories, check the If all or part of your claim is entitled to priority, complete item 5. box and state the amount. Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized Specify the priority of the claim. statement of all interest or charges Basis for Claim: CYNTELGY WATA LIC YOLK PLAY, ADMINISTRATINE FEES PAS DOCKN (See instruction #3a on reverse side.) FLOW THE STATE. Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). Last four digits of any number by which creditor identifies debtor: ■ Wages, salaries, or commission (up to \$10,950*) earned within 180 days 3a. Debtor may have scheduled account as: before filing of the bankruptcy petition (See instruction #3a on reverse side.) or cessation of the debtor's business, 3b. Creditor Tax ID# which ever is earlier -- 11 U.S.C. Secured Claim (See instruction #4 on reverse side.) § 507(a)(4). Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested Contributions to an employee benefit plan -- 11 U.S.C. § 507(a)(5). Nature of property or right of setoff: Real Estate Motor Vehicle Other Up to \$2,425* of deposits toward Describe: purchase, lease, or rental of property or services for personal, family, or Value of Property: \$______ Annual Interest Rate: ____ household use -- 11 U.S.C. § 507(a)(7). Amount of arrearage and other charges as of time case filed included in secured claim, Taxes or penalties owed to governmental units -- 11 U.S.C. Basis for Perfection: if any: \$ § 507(a)(8). Amount of Secured Claim: \$_ Amount Unsecured: \$_ Other -- Specify applicable paragraph of 11 U.S.C. § 507(a)(___). Section 503(b)(9) Claim Amount: Amount entitled to priority: Check this box if your claim is for the value of goods received by the debtor within 20 days before the date of \$ 2,022,65 commencement of the case (11 U.S.C. §503(b)(9)). Include the amount of such claim in the space for "Section 503(b)(9) Claim Amount" above. * Amounts are subject to adjustment on Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 4/1/10 and every 3 years thereafter with Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, response to cases commenced on or after invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements. You may also the date of adjustment. attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENT MAY BE DESTROYED AFTER SCANNING. DOCUMENTS ARE ATTACHED If the documents are not available, please explain: FOR COURT USE ONLY Date:

Signature: The partiting this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different

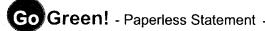
from the notice address above. Attach copy of power of attorney, if any.

JAN 25 2010

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.

Date Stamped Copy Returned ☐ No self addressed stamped envelope □ No conv to return





With just a few clicks, you can enjoy the convenience of online statements and protect the environment. You can also access your past statements online to print or download.

How to "Go Green'

- 1. Log in to www.eSTRATAS.com
- 2. Click on "Reports & Forms"
- 3. Select "I elect to only receive electronic statements that I can view online"

ee Details -

In some cases, fees may be charged to your account for administrative services. The net amount of fees charged to your account for the quarter ending 12/31/2009 was \$2,025.65. For details see the box on the right.

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Distribution Fees	\$0.00
Administrative Fees	\$2,022.65
Loan/Insurance Premium Fees	\$0.00
Investment Advice/Guidance Fees	\$3.00

Message Board

Your employer takes into account the contributions it pays in to the Social Security system on your behalf when determining its plan contributions. This is called 'permitted disparity.' For more information on permitted disparity and how it affects plan contributions, see your Summary Plan Description.

You can receive investment advice using Morningstar Advice Online. Log in to www.eSTRATAS.com and click on 'Investment Advice' to create your personalized asset allocation strategy.

Your quarterly statements and monthly investment performance report are available online. Log in to www.eSTRATAS.com and click on "Reports & Forms".

More Information

If you have any questions about your rights under this Plan, including your right to direct investments, you may either refer to the Summary Plan Description or you may contact your Plan Administrator.

To help achieve long-term retirement security, you should give careful consideration to the benefits of a well-balanced and diversified investment portfolio. Spreading your assets among different types of investments can help you achieve a favorable rate of return, while minimizing your overall risk of losing money. This is because market or other economic conditions that cause one category of assets, or one particular security, to perform very well often cause another asset category, or another particular security, to perform poorly. If you invest more than 20% of your retirement savings in any one company or industry, your savings may not be properly diversified. Although diversification is not a guarantee against loss, it is an effective strategy to help you manage investment risk

In deciding how to invest your retirement savings, you should take into account all of your assets, including any retirement savings outside of the Plan. No single approach is right for everyone because, among other factors, individuals have different financial goals, different time horizons for meeting their goals, and different tolerances for risk.

It is also important to periodically review your investment portfolio, your investment objectives, and the investment options under the Plan to help ensure that your retirement savings will meet your retirement goals.

If you want to obtain more information about personal investing and diversification, you may obtain this information from the U.S. Department of Labor, Employee Benefits Security Administration website at http://www.dol.gov/ebsa/investing.html.

Manage Your Account -

- Internet site: www.eSTRATAS.com
- Automated Telephone System: 1-800-789-401k (4015)

Once you log in to your account, you are able to:

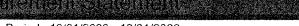
- Obtain up-to-date information about your account (i.e. current balance, investment information, and personalized rates of return)
- Make changes to your account (i.e. change future election, transfer investments)



Cynergy Data LLC Attn: Trish Newman, 30-30 47th Ave. 9th Fl. Long Island City, NY 11101

> CHE.5774.0007.002.00 JAVIER G BENSION 319 8TH ST CARLSTADT, NJ 07072

Your Account Balanc	:e
Beginning Balance (as of 10/01/2009)	\$40,472.74
Earnings Gain/Loss	(433.02)
Contributions	833.88
Distributions	(40,873.60)
Other	0.00
Ending Balance (as of 12/31/2009)	\$0.00
Vested Balance's	STOTAL.



Period: 10/01/2009 - 12/31/2009

Account Information

Your Account Details by Contribution Type **Ending** Beginning Gain Contri-Forfei-With-Fund Contribution Type Balance Balance or Loss butions drawals Transfers tures 0.00 Employee 401(k) 32,026.82 0.00 (344.03) 833.88 0.00 (32,516.67) Match 8,445.92 (88.99)0.00 0.00 (8,356.93) 0.00 0.00

Vesting of Benefits

Vested Percentage as of 12/31/2009

Contribution Type	Percentage			
Employee 401(k)	100%			
Match	100%			

nvestment	Beginning Balance	Gain or Loss	Contri- butions	Forfei- tures	With- drawals	Fund Transfers	Ending Balance	Number of Shares	Investmen Elections
Ameristock Mutual Fund	1,876.91	5.84	41.70	0.00	(1,924.45)	0.00	0.00	0.000	5.00
Calamos Growth A	9,391.30	22.87	208.47	0.00	(9,622.64)	0.00	0.00	0.000	25.00
Davis NY Venture A	7,295.67	(30.91)	166.77	0.00	(7,431.53)	0.00	0.00	0.000	20.0
First Eagle Overseas A	6,653.49	(289.97)	125.07	0.00	(6,488.59)	0.00	0.00	0.000	15.00
FPA Crescent Portfolio	4,324.16	8.50	83.40	0.00	(4,416.06)	0.00	0.00	0.000	10.00
Oakmark Equity & Income	10,931.21	(149.35)	208.47	0.00	(10,990.33)	0.00	0.00	0.000	25.0