

Fill in this information to identify the case:Debtor OTB Acquisition of Howard County LLCUnited States Bankruptcy Court for the: Northern District of Georgia
(State)Case number 25-52418**Modified Official Form 410
Proof of Claim****12/24**

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	1970 Group, Inc.	
	Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor	
2. Has this claim been acquired from someone else?	☒ No ☐ Yes. From whom?	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	1970 Group, Inc. Jonathan C. Harris 33 Benedict Place, 2nd Floor Greenwich, CT 06830	
	Contact phone <u>+19174492485</u>	Contact phone
	Contact email <u>jharris@1970group.com</u>	Contact email
	Uniform claim identifier (if you use one):	
4. Does this claim amend one already filed?	☒ No ☐ Yes. Claim number on court claims registry (if known) Filed on MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	☒ No ☐ Yes. Who made the earlier filing?	



Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	☒ No ☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ _
7. How much is the claim?	\$ <u>1,090,000</u> Does this amount include interest or other charges? ☒ No ☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Executory contract</u>
9. Is all or part of the claim secured?	☐ No ☒ Yes. The claim is secured by a lien on property. Nature or property: ☐ Real estate: If the claim is secured by the debtor's principle residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . ☐ Motor vehicle ☒ Other. Describe: <u>Escrow account; see addendum</u> Basis for perfection: <u>Perfection through control of account</u> Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: <u>\$ 55,750</u> Amount of the claim that is secured: <u>\$ 55,750</u> Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % ☐ Fixed ☐ Variable
10. Is this claim based on a lease?	☒ No ☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	☒ No ☐ Yes. Identify the property: _____



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9)?

☒ No

☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(3) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

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

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

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

Executed on date 05/29/2025
MM / DD / YYYY

/s/Jonathan C. Harris
Signature

Print the name of the person who is completing and signing this claim:

Name Jonathan C. Harris
First name Middle name Last name

Title General Counsel

Company 1970 Group, Inc.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Contact phone _____ Email _____



Verita (KCC) ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (888) 647-1744 | International (310) 751-2628

Debtor: 25-52418 - OTB Acquisition of Howard County LLC		
District: Northern District of Georgia, Atlanta Division		
Creditor: 1970 Group, Inc. Jonathan C. Harris 33 Benedict Place, 2nd Floor Greenwich, CT, 06830 Phone: +19174492485 Phone 2: Fax: Email: jharris@1970group.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party: Creditor	
	Other Names Used with Debtor:	
Amends Claim: No Acquired Claim: No		
Basis of Claim: Executory contract	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 1,090,000	Includes Interest or Charges: No	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: Yes: 55,750 Amount of 503(b)(9): No Based on Lease: No Subject to Right of Setoff: No	Nature of Secured Amount: Other Describe: Escrow account; see addendum Value of Property: 55,750 Annual Interest Rate: Arrearage Amount: Basis for Perfection: Perfection through control of account Amount Unsecured:	
Submitted By: Jonathan C. Harris on 29-May-2025 3:35:11 p.m. Pacific Time Title: General Counsel Company: 1970 Group, Inc.		

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:	)	
	)	Chapter 11
	)	
OTB Holding, LLC., <i>et al.</i> , ¹	)	Case No. 25-52415 (SMS)
	)	
Debtors.	)	(Jointly Administered)
	)	

**ADDENDUM TO PROOF OF
CLAIM OF 1970 GROUP, INC.**

1. On March 4, 2025 (the “Petition Date”), the above-captioned debtors and debtors in possession (each, a “Debtor” and, collectively, the “Debtors”) each filed a petition with the United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division (the “Court”) under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

2. The proof of claim and this attachment thereto (together, the “Proof of Claim”) is filed by 1970 Group, Inc. (the “Claimant”) on account of the following claims against one or more of the Debtors (the “Claims”) regarding the Claimant’s insurance collateral funding services. Specifically, the Proof of Claim is filed for all claims against the applicable Debtor for any and all rights and entitlement that the Claimant has or may have under that certain Substitute Insurance Collateral Funding Agreement between the applicable debtor and the Claimant (the “SICA”), including any payments, damages, costs, and expenses related thereto, from the applicable Debtor under the SICA, including for the Claimant’s collateralization of certain insurance policies under which the applicable Debtor is required, pursuant to the insurance policy, to set aside collateral to

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: OTB Holding LLC (3213), OTB Acquisition LLC (8500), OTB Acquisition of New Jersey LLC (1506), OTB Acquisition of Howard County LLC (9865), Mt. Laurel Restaurant Operations LLC (5100), OTB Acquisition of Kansas LLC (9014), OTB Acquisition of Baltimore County, LLC (6963). OTB Holding LLC’s service address is One Buckhead Plaza, 3060 Peachtree Road, NW, Atlanta, GA 30305.

cover deductibles. In addition to the SICA, there is a separate master escrow agreement (the “Master Escrow Agreement”) to which the applicable Debtor signed a joinder that, among other things, governs the Claimant’s rights and the conditions of disbursement for this escrow sub-account for the applicable Debtor.

3. The Claimant does not attach copies of the documents supporting the Claims, because it believes that the Debtors already have copies of the SICA, the Master Escrow Agreement, and the relevant letters of credit and insurance policies. The Claimant remains available, however, to deliver copies of the documentation upon request and reserves the right to supplement this proof of claim with documentation at any time.

4. The Claimant’s assertion of the Claims herein is without prejudice to the Claimant’s right to assert the Claims described as administrative expense claims against any of the Debtors under sections 503 and 507 of the Bankruptcy Code.

5. This Proof of Claim is filed to preserve any and all claims, rights, and entitlements, including contingent claims that the Claimant may have against the any of the Debtors. The filing of this Proof of Claim does not constitute a concession or admission by the Claimant or any of the Debtors of liability or of any facts or as to whether all or a portion of the claims are prepetition or postpetition in connection with any claim that has been or may be asserted against the Claimant or against any of the Debtors and their estates. Nothing set forth herein should be construed as an admission that any valid claims or causes of action exist against either the Debtors or the Claimant.

6. The Claimant reserves the right to amend and/or supplement further this Proof of Claim at any time and in any manner, and to file additional proofs of claim for additional claims that may be based on the respective rights and obligations arising under the documents described above, the relationship described therein or the same events and circumstances described herein.

The Debtors may also be obligated to the Claimant in a contingent, undetermined, and unliquidated amount with respect to any and all rights and entitlements that the Claimant may have for indemnification, contribution, reimbursement, or other payments (including, without limitation, damages, costs, attorneys' fees, and expenses related thereto). In addition, the Claimant reserves the right to attach or bring forth additional documents supporting the Claims, including additional documents that may become available after further investigation and discovery.

7. The filing of this Proof of Claim shall not constitute: (a) a waiver or release of the rights of the Claimant against any of the Debtors, or any other person or property, (b) a waiver of the Claimant to contest the jurisdiction of this Court with respect to the subject matter of the Claims set forth herein, any objection or other proceeding commenced with respect thereto or any other proceeding commenced in this case against or otherwise involving the Claimant or (c) an election of remedies or choice of law.

8. All notices, communications, and other pleadings relating to this Proof of Claim should be addressed as follows:

Claimant:

1970 Group, Inc.
Attn: Jonathan C. Harris
33 Benedict Place, 2nd Floor
Greenwich, CT 06830
Email: jharris@1970group.com

With a copy to:

Kirkland & Ellis LLP
Attn: Christopher S. Koenig;
Gabriela Zamfir Hensley
333 West Wolf Point Plaza
Chicago, Illinois 60654
Email: chris.koenig@kirkland.com;
gabriela.hensley@kirkland.com