

Fill in this information to identify the case:

Debtor Charope, Inc.

United States Bankruptcy Court for the: _____ District of New Jersey
(State)

Case number 24-11870

Official Form 410
Proof of Claim

04/22

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?	<u>Atlantic Specialty Insurance Company</u> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
	<u>Atlantic Specialty Insurance Company</u> Scott C. Williams 1201 Demonbreun Street, Suite 900 Nashville, TN 37203	<u>Intact Insurance Surety Group</u> James OHalloran 230 W. Monroe Street, Suite 2810 Chicago, IL 60606
	Contact phone <u>615-742-9370</u>	Contact phone <u>312-821-4727</u>
	Contact email <u>swilliams@manierherod.com</u>	Contact email <u>johalloran@intactinsurance.com</u>
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ <div style="text-align: right;">MM / DD / YYYY</div>	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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? \$ 2,000,000.00. 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.

Other Basis - Customs Bond

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 *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: Cash Collateral

Basis for perfection: Possession/Control
 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: \$ 2,000,000.00
Amount of the claim that is secured: \$ 2,000,000.00
Amount of the claim that is unsecured: \$ 0.00 (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.

<input type="checkbox"/> No		
<input checked="" type="checkbox"/> Yes. Check all that apply:		Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).		\$ _____
<input type="checkbox"/> 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).		\$ _____
<input type="checkbox"/> 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).		\$ _____
<input checked="" type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).		\$ <u>2,000,000.00</u>
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).		\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(<u> </u>) 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)(2) 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 05/02/2024
MM / DD / YYYY

/s/Scott C. Williams
Signature

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

Name Scott C. Williams
First name Middle name Last name

Title Attorney

Company Manier and Herod, P.C.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____

Contact phone _____ Email _____



KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 967-0496 | International +1 (310) 751-2696

Debtor: 24-11870 - Charope, Inc.		
District: District of New Jersey, Trenton Division		
Creditor: Atlantic Specialty Insurance Company Scott C. Williams 1201 Demonbreun Street, Suite 900 Nashville, TN, 37203 Phone: 615-742-9370 Phone 2: Fax: Email: swilliams@manierherod.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement: Has Related Claim: No Related Claim Filed By: Filing Party: Authorized agent	
Disbursement/Notice Parties: Intact Insurance Surety Group James OHalloran 230 W. Monroe Street, Suite 2810 Chicago, IL, 60606 Phone: 312-821-4727 Phone 2: Fax: E-mail: johalloran@intactinsurance.com DISBURSEMENT ADDRESS		
Other Names Used with Debtor:	Amends Claim: No Acquired Claim: No	
Basis of Claim: Other Basis - Customs Bond	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 2,000,000.00	Includes Interest or Charges: No	
Has Priority Claim: Yes	Priority Under: 11 U.S.C. §507(a)(8): 2,000,000.00	
Has Secured Claim: Yes: 2,000,000.00 Amount of 503(b)(9): No Based on Lease: No Subject to Right of Setoff: No	Nature of Secured Amount: Other Describe: Cash Collateral Value of Property: 2,000,000.00 Annual Interest Rate: Arrearage Amount: Basis for Perfection: Possession/Control Amount Unsecured: 0.00	

Submitted By:

Scott C. Williams on 02-May-2024 8:34:40 a.m. Eastern Time

Title:

Attorney

Company:

Manier and Herod, P.C.

Fill in this information to identify the case:

Debtor _____
 United States Bankruptcy Court for the District of New Jersey
 Case number _____

To view the full list of Debtors, please see the Bar Date Notice included in your package or visit www.kccllc.net/thrasio.

**Official Form 410
 Proof of Claim**

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

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, February 28, 2024.

Part 1: Identify the Claim

1. **Who is the current creditor?** _____
 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?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
	Name _____	Name _____
	Number _____ Street _____	Number _____ Street _____
	City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____
	Country _____	Country _____
	Contact phone _____	Contact phone _____
Contact email _____	Contact email _____	
Uniform claim identifier for electronic payments in chapter 13 (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? \$ _____ 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.

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate: If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____
Basis for perfection: _____
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: \$ _____
Amount of the claim that is secured: \$ _____
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:*
- | | Amount entitled to priority |
|--|------------------------------------|
| <input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). | \$ _____ |
| <input type="checkbox"/> 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). | \$ _____ |
| <input type="checkbox"/> 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). | \$ _____ |
| <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). | \$ _____ |
| <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). | \$ _____ |
| <input type="checkbox"/> 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.

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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 _____
MM / DD / YYYY

Signature

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

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code Country

Contact phone _____ Email _____

CLAIM SUMMARY

DEBTOR: Charope, Inc.
CASE NO.: 24-10693
CREDITOR / CLAIMANT: Atlantic Specialty Insurance Company

I. SUMMARY OF CLAIM

Atlantic Specialty Insurance Company (“ASIC”) is the surety on Customs Bond No. 23C001L40 (the “Bond”) naming Charope, Inc. as principal in the amount of \$2,000,000.00. The Debtor is an indemnitor with respect to the Bond as discussed below.

ASIC is the holder of a claim against the Debtor in a currently unliquidated amount of not less than \$2,000,000.00, which amount reflects the penal limit of the Bond, exclusive of bond premiums, charges with respect to the Bond, interest, costs, and attorneys’ fees, for which ASIC also makes a claim (all of the foregoing, collectively, the “Claim”). ASIC is unable, at the present time, to determine the total loss which may ultimately arise from the Claim because the Bond remains vulnerable to claims which arose or accrued during the periods for which the Bond was effective, some of which claims are either in the process of being liquidated or may not have yet been made against the Bond to date.

ASIC files this Proof of Claim under a full reservation of all rights, remedies, and defenses available to it under the Bond, by contract, at law, in equity, or otherwise, including, without limitation, the respective penal limits of the Bond and the rights and defenses, whether arising from contract, or at law or in equity, of any or all of the Bond principals or obligees, which ASIC may assert pursuant to its rights of equitable subrogation and assignment.

II. BASIS OF CLAIM

ASIC has common law indemnity claims against the Debtor for the Bond naming the Debtor as principal. ASIC’s rights also include, without limitation, the right to assert the claims or rights of the obligees named in the Bond and all other persons who may have claims against the Debtor for which ASIC may become obligated to make any payment and/or incur any expense under the Bond. ASIC further reserves all rights and remedies it may be entitled to pursuant to contract and any and all applicable statutory, equitable, and common law remedies and defenses under the Bankruptcy Code or otherwise, including, but not limited to, exoneration, subrogation, indemnification, and reimbursement.

III. SECURED CLAIM

ASIC has a first-priority lien on and security interest in cash and other collateral in the amount of not less than \$2,000,000.00 (the “Cash Collateral”). Additionally, pursuant to its right of equitable subrogation, ASIC may have an interest in any money, property (including, without limitation, third party claims), or proceeds thereof, if any, relating to the Bond (the foregoing, together with the Cash Collateral, the “Collateral”). The Collateral secures any and all obligations under the Bond and Indemnity Agreement, including but not limited to, indemnification for losses incurred in connection with the Bond, premiums due or which may become due, and/or attorneys’

fees and expenses incurred by ASIC in the process of enforcing its rights in these or any other proceedings.

To the extent of the available Collateral, ASIC's Claim is secured. To the extent the available Collateral is insufficient to satisfy the value of ASIC's Claim in full, ASIC asserts a claim for any unsecured deficiency arising therefrom, and, accordingly, hereby reserves the right to amend and/or supplement this Proof of Claim to specify the value of any such deficiency.

ASIC is entitled to priority under 11 U.S.C. § 507(a)(8) in the amount of \$2,000,000.00 to the extent of any payments made on behalf of the Debtors under the Bond. ASIC reserves the right to amend and/or supplement this Proof of Claim to specify the value of any such priority claim.

IV. RESERVATION OF RIGHTS

ASIC files this Proof of Claim under a full reservation of rights, remedies, and defenses both at law and in equity. Further, ASIC fully reserves its right to amend and/or supplement this Proof of Claim as its claim continues to be liquidated, and any such amendments or supplements are incorporated herein by reference.