

PROOF OF CLAIM

Boise

<p>United States Bankruptcy Court District of Idaho</p> <p>Instructions: Complete this form and mail to: US Bankruptcy Court 550 West Fort St. MSC 042 Boise, ID 83724</p>	<p>PROOF OF CLAIM Chapter (please check appropriate box): 7[X] 11[] 12[] 13[]</p> <p>Proof of Claim Form <i>and</i> Supporting Documents are to be filed in DUPLICATE on Chapter 12 and 13 cases</p>	<p>THIS SPACE FOR COURT USE ONLY</p> <p style="font-size: 1.2em;">U.S. COURTS</p> <p style="font-size: 1.2em;">97 JUL 31 PM 4:18</p> <p>REC'D FILED CAMERON S. BURKE CLERK IDAHO</p>
<p>In Re: (NAME OF DEBTOR) Sawtooth Enterprises, Inc. 82-0459581 dba Buckin' Bagel, The</p>	<p>CASE NUMBER: 96-03050</p>	
<p>NAME AND MAILING ADDRESS OF CREDITOR (The person or other entity to whom the debtor owes money or property):</p> <p>Alan D. Pesky 437 Madison Avenue, 34th Floor New York City, NY 10022</p>		
<p>ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR</p>	<p>Check here if this claim: [] REPLACES [] AMENDS a previously filed claim dated:</p>	
<p>1. BASIS FOR CLAIM: [] Goods Sold [] Services Performed [X] Money Loaned [] Personal Injury/Wrongful Death [] Taxes [] Assignment [] Retiree Benefits as defined in 11 U.S.C. §1114(a) [] Wages, salaries, and compensation: Social Security #: _____</p> <p>Unpaid compensation for services performed from _____ to _____ DATE DATE</p>		
<p>2. DATE DEBT OCCURRED: November 16, 1995</p>	<p>3. IF COURT JUDGMENT, DATE OBTAINED:</p>	
<p>4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code, all claims are classified as one or more of the following: a. Secured b. Unsecured Nonpriority c. Unsecured Priority It is possible for part of a claim to be in one category and part in another. COMPLETE THE APPROPRIATE BOX (or boxes) that best describes your claim and STATE THE AMOUNT OF THE CLAIM AT THE TIME THE CASE WAS FILED.</p>		
<p>SECURED CLAIM: \$ _____ Attach evidence of perfection of security interest Brief description of Collateral: [] Real Estate [] Motor Vehicle [] Other (Describe Briefly) Amount of Arreage and other charges at time case was filed included in secured claim above, if any: \$ _____</p>	<p>UNSECURED PRIORITY CLAIM: \$ _____ SPECIFY THE PRIORITY OF THE CLAIM:</p> <p>[] Wages, salaries, or commissions (up to \$4000, earned not more than 90 days before the filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier) 11 USC § 507(a)(3). [] Contributions to an employee benefit plan - 11 USC § 507(a)(4). [] Up to \$1800 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 USC § 507(a)(6). [] Taxes or penalties of governmental units - 11 USC § 507(a)(7). [] Other - Specify applicable paragraph of 11 USC § 507(a)_____</p>	
<p>UNSECURED CLAIM: \$ <u>37,150.71</u></p> <p>A claim is unsecured if there is not collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.</p>		
<p>5. TOTAL AMOUNT OF CLAIM AT THE TIME THE CASE WAS FILED:</p> <p>UNSECURED: \$ <u>37,150.71</u> SECURED: \$ _____ PRIORITY: \$ _____ TOTAL: \$ <u>37,150.71</u></p> <p>[X] Check if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.</p>		
<p>6. CREDITS AND OFFSETS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to the debtor.</p>	<p>THIS SPACE FOR COURT USE ONLY</p>	
<p>7. SUPPORTING DOCUMENTS: ATTACH COPIES OF SUPPORTING DOCUMENTS, such as promissory notes, purchase orders, invoices, assignments, deficiency documents, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.</p>		<p style="font-size: 2em;"><i>ASB</i></p>
<p>DATE: July 31, 1997</p>	<p>Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any).</p> <p style="text-align: center;"><i>Stephen R. Drake</i> Stephen R. Drake, Esq. TELEPHONE No. (208)385-5402</p>	

PENALTY FOR PRESENTING FRAUDULENT CLAIM: FINE OF UP TO \$500,000 OR IMPRISONMENT FOR UP TO 5 YEARS, OR BOTH. 18 USC §§ 152 and 3571.