

**Fill in this information to identify the case:**

Debtor Windstream Communications, LLC

United States Bankruptcy Court for the: Southern District of New York  
(State)

Case number 19-22433

## Official Form 410

## Proof of Claim

04/16

**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>209-219 W. 38 LLC</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?	<b>Where should notices to the creditor be sent?</b> <u>209-219 W. 38 LLC</u> <u>Lasser Law Group, PLLC</u> <u>369 Lexington Avenue</u> <u>Third Floor</u> <u>New York, NY 10017</u>  Contact phone <u>212-292-3075</u> Contact email <u>slasser@lasserlg.com</u>	<b>Where should payments to the creditor be sent? (if different)</b>   Contact phone _____ Contact email _____  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 _____ MM / DD / YYYY	
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**

<b>6. Do you have any number you use to identify the debtor?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:   __ __ __ __
<b>7. How much is the claim?</b>	\$ <u>4,982.71</u> <b>Does this amount include interest or other charges?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
<b>8. What is the basis of the claim?</b>	<p>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.</p> <p><u>Balance of License Agreement</u></p>
<b>9. Is all or part of the claim secured?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. <b>Nature or property:</b> <input type="checkbox"/> 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> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____  <b>Basis for perfection:</b> _____ 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.)  <b>Value of property:</b> \$ _____ <b>Amount of the claim that is secured:</b> \$ _____ <b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)  <b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____  <b>Annual Interest Rate</b> (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
<b>10. Is this claim based on a lease?</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. <b>Amount necessary to cure any default as of the date of the petition.</b> \$ <u>4,982.71</u>
<b>11. Is this claim subject to a right of setoff?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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 \$2,850\* 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 \$12,850\*) 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 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim 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 07/12/2019  
MM / DD / YYYY

/s/Stephen M. Lasser  
Signature

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

Name Stephen M. Lasser  
First name Middle name Last name

Title Managing Partner

Company Lasser Law Group, PLLC  
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 (877) 759-8815 | International (424) 236-7262

<b>Debtor:</b> 19-22433 - Windstream Communications, LLC <b>District:</b> Southern District of New York, White Plains Division		
<b>Creditor:</b> 209-219 W. 38 LLC Lasser Law Group, PLLC 369 Lexington Avenue Third Floor New York, NY, 10017 <b>Phone:</b> 212-292-3075 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> slasser@lasserlg.com	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded <b>Related Document Statement:</b>	
	<b>Has Related Claim:</b> No <b>Related Claim Filed By:</b>	
	<b>Filing Party:</b> Authorized agent	
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Balance of License Agreement	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 4,982.71	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No <b>Amount of 503(b)(9):</b> No <b>Based on Lease:</b> Yes, 4,982.71 <b>Subject to Right of Setoff:</b> No	<b>Nature of Secured Amount:</b> <b>Value of Property:</b> <b>Annual Interest Rate:</b> <b>Arrearage Amount:</b> <b>Basis for Perfection:</b> <b>Amount Unsecured:</b>	
<b>Submitted By:</b> Stephen M. Lasser on 12-Jul-2019 1:10:17 p.m. Eastern Time <b>Title:</b> Managing Partner <b>Company:</b> Lasser Law Group, PLLC		



**Molly Reich**

**Consultant – Real Estate**

4001 N. Rodney Parham Road, Ste. 300  
Little Rock, AR 72212

Molly.Reich@Windstream.com

Phone: 469-341-3218

February 20, 2019

Sabrina Kolenovic  
GFP Real Estate, LLC  
125 Park Avenue, 14th Floor  
New York, NY 10017  
skolenovic@gfpre.com

Re: Notice of Non-Renewal/Termination

Property Location: 209 West 38th Street, New York, NY

Between: Building License Agreement dated March 17, 2006 between Newmark and Company Real Estate Inc (as agent for 209-219 W. 38 LLC) and Eureka Networks LLC dba InfoHighway Communications c/o Windstream Communications (the "License Agreement")

To whom it may concern:

Windstream is hereby giving notice of non-renewal/termination, per the License Agreement, which will cause the current agreement to have expired on January 16, 2019. Windstream agrees to pay the balance of \$4,982.71 to 209-219 W. 38 LLC upon execution hereof. Notwithstanding anything contained in the License Agreement, Windstream has elected not to remove any of its equipment and/or property (hereinafter collectively, the "Property") from the Buildings set forth hereinbelow and the parties hereby acknowledge and agree that upon execution hereof, the Property shall be deemed abandoned and Windstream shall have no right interest and/or title into the Property and the may dispose of the same as they see fit.

Windstream hereby represents and warrants that as of the date hereof: (i) Windstream does not have any customers and/or clients in any of the Building and (ii) the Property, as abandoned, shall not adversely affect the building systems located in the Building. Windstream hereby agrees (to the fullest extent permitted by law) to indemnify and hold 209-219 W. 38 LLC and GFP Real Estate LLC, harmless from any and all claims and liabilities arising out of the breach of such representation and warranty as set forth in sub articles (i) and (ii) hereinabove.

Windstream is also hereby providing official Notice of change of Tenant's contact information. The new contact information is:

Windstream Communications, Inc.

PO Box 25410

Little Rock, AR 72221-5410

Mail Stop: 1170-B3F03-36B

If you have any questions or concerns, please feel free to contact me by any means listed above. Thank you for your cooperation.

Sincerely,

DS  
TH

Molly Reich

Agreed and Accepted:

Date: February 21, 2019

By: Jeffrey Gural

Signatory: [Signature]

2/25/2019

Tammy Hoover

DocuSigned by:  
Tammy Hoover  
62A8E1DCEFF415...

Cc: file