

**SO ORDERED**



*Robert A. Gordon*  
ROBERT A. GORDON  
U.S. BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION

In re:

Capital Teas, Inc.

Case No.:17-19426-RAG

Debtor(s)

(Chapter 7)

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**ORDER GRANTING  
MOTION FOR ORDER ESTABLISHING PROCEDURE, SETTING  
BAR DATE, AND ALLOWING DISTRIBUTION OF \$366 UTILITY DEPOSIT**

Upon consideration of the Trustee's *Motion for Order Establishing Procedure, Setting Bar Date, and Allowing Distribution of \$366 Utility Deposit* (the "Motion"), and

WHEREAS, in connection with its operations the Debtor obtained services for electricity, gas, telephone, water, sewer, trash, cable and internet (collectively, the "Utility Services") from a large number of utility providers (the "Utility Providers");

WHEREAS, during the pendency of the Chapter 11 case the Debtor filed motions pursuant to 11 U.S.C. § 366 for entry of Interim and Final Orders prohibiting Utility Providers from altering, refusing or discontinuing Utility Services and providing adequate assurance of payment for future services. The Interim Order was entered on July 25, 2017 [P. 50] and the Final Order was entered on August 1, 2017 [P. 61];

WHEREAS, pursuant to the Orders the Debtor established a \$15,000 Utility Deposit to provide Utility Providers with adequate assurance of payment for postpetition

Utility Services, and these funds are currently held by the Chapter 7 Trustee (the "Utility Deposit");

WHEREAS, the utility deposit is alleged to be insufficient to cover the claims of all Utility Providers; and

WHEREAS, it is necessary to establish a procedure to allow for the *pro rata* allowance and payment of such claims, and for good cause shown, it is by the United States Bankruptcy Court for the District of Maryland –

ORDERED, that the Motion is granted; and it is

FURTHER ORDERED, that:

- A. Within 7 days of the entry of this Order, the Trustee shall serve a copy of this Order on all Utility Providers that were served with the original Final Order, as well as all Utility Providers that previously filed general proofs of claim with the Court. The Trustee shall promptly certify service to the Court.
- B. The Deadline (the "UPC Bar Date") for Utility Provider's to file a Claim to participate in the Utility Deposit is sixty (60) days after entry of this Order.
- C. Claims shall be filed using the Utility Provider's Claim Form (the "UPC Form") attached hereto as Exhibit A. The completed UPC Form shall be accompanied by a summary of charges for the postpetition period. If the Trustee requests backup documentation, such documentation must be provided within thirty days of the request or the claim will be disallowed. The completed UPC form must contain contact information for the person completing the form, including name, title, mailing address, telephone number and email address.
- D. In the event a surplus remains after the payment of all claims, the surplus will be returned to the general estate.
- E. All claims must be delivered to the Trustee – NOT FILED, WITH THE COURT – by the UPC Bar Date. Claims may be delivered by fax [410-580-0700], mail [PO Box 32308, Baltimore, MD 21282], or email [[Zvi@CapitalTeas.com](mailto:Zvi@CapitalTeas.com)].
- F. Any claim not actually **received** by the Trustee by the UPC Bar Date will not be eligible to participate in the Distribution.

- G. Once the UPC Bar Date has passed and all Claims are verified and tabulated, the Trustee shall allocate the Utility Deposit, *pro rata*, amongst all of the participating Utility Providers and make an appropriate distribution.

**Suggested Distribution List:**

Zvi Guttman, Esq.  
The Law Offices of Zvi Guttman, P.A.  
Post Office Box 32308  
Baltimore, Maryland 21282

Office of the U.S. Trustee  
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Simon Property Group, Inc.  
Attn: Ronald M. Tucker, Esq.  
225 W. Washington Street  
Indianapolis, IN 46204

**END OF ORDER**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION

In re: \_\_\_\_\_  
Capital Teas, Inc. \_\_\_\_\_ Case No.:17-19426-RAG  
Debtor(s) \_\_\_\_\_ (Chapter 7)  
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**CLAIM OF UTILITY PROVIDER TO PRO RATA SHARE OF \$366 UTILITY ESCROW**

THIS FORM IS TO BE COMPLETED AND FILED IN ACCORDANCE WITH ORDERS OF THE UNITED BANKRUPTCY COURT ENTERED ON **AUGUST 1, 2017 AND JANUARY \_\_, 2020.**<sup>1</sup> THE CLAIM MUST BE DELIVERED TO ZVI GUTTMAN, TRUSTEE, BY \_\_\_\_\_, 2020.\*  
**- DO NOT FILE THIS FORM WITH THE BANKRUPTCY COURT -**

Name of Claimant: \_\_\_\_\_  
Address (incl. zip): \_\_\_\_\_  
Type of utility provided: \_\_\_\_\_  
Service Address: \_\_\_\_\_  
Dates of Service:<sup>2</sup> \_\_\_\_\_  
Amount of Claim:<sup>3</sup> \$ \_\_\_\_\_

\*Claims must be delivered to the Trustee – **NOT FILED, WITH THE COURT** – by \_\_\_\_\_, 2020. [the UPC Bar Date]. Claims may be delivered by:

Fax [410-580-0700], Mail [P.O. Box 32308, Baltimore, MD 21282], or Email [[Zvi@CapitalTeas.com](mailto:Zvi@CapitalTeas.com)].

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any deposit or payments received toward the debt. I have examined the information in this Proof of Claim, and I declare under penalty of perjury that the foregoing is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_, 2020  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

<sup>1</sup> These Orders are available at [www.Guttman.Lawyer/CapitalTeas](http://www.Guttman.Lawyer/CapitalTeas).  
<sup>2</sup> Eligible dates July 11, 2017 - August 6, 2018.  
<sup>3</sup> Please provide a summary. Backup must be provided if requested.