

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:**

**EMERALD MIST RESTAURANT &  
PUB, LLC**

**DEBTOR**

§  
§  
§  
§  
§  
§

**CASE NO. 02-44620-R  
CHAPTER 7**

**TRUSTEE'S  
FINAL REPORT AND PROPOSED DISTRIBUTION**

LINDA S. PAYNE, trustee of the estate of the above-named Debtor(s), certifies under penalty of perjury, to the Court and the United States Trustee, that the trustee has faithfully and properly fulfilled the duties of her office and that the trustee has examined all proofs of claims as appropriate under the proposed distribution, and that the proposed distribution, attached hereto, is proper, and consistent with the law and rules of court. The Trustee applies for the commissions and expenses set forth herein and states that they are reasonable and proper.

I hereby authorize the Office of the United States Trustee to file by electronic means this Trustee's Final Report, Application for Compensation and Report of Proposed Distribution on my behalf, and I agree and acknowledge that the designation of my signature on this document once filed, constitutes my valid signature for the purposes of 11 U.S.C. § 704(9) and Fed.R.Bankr.Pro.9011.

Therefore, the Trustee requests that the Final Report, Application for Compensation and Report of Proposed Distribution be approved.

Date: December 7, 2003

/s/ Linda Payne  
Linda Payne, Trustee

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:**

**EMERALD MIST RESTAURANT &  
PUB, LLC**

**DEBTOR**

§  
§  
§  
§  
§  
§

**CASE NO. 02-44620-R  
CHAPTER 7**

**TRUSTEE'S FINAL REPORT AND APPLICATION TO CLOSE CASE AND  
DISCHARGE TRUSTEE**

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth in Schedule A and states: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced moneys from personal funds for expenses, and the Trustee has not been reimbursed.
2. The Trustee submits Form I as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554 (c).
3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them and the estate is ready to be closed.
4. The Trustee submits Form II as the account of estate cash receipts and disbursements.
5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted by the Bankruptcy Code.
6. The Trustee requests approval of this final report.
7. The trustee has examined each and every claim filed and noted her approval of claims as filed, or she has filed objections to allowance or requests for reclassification.
8. The Trustee further requests that after final distribution of all moneys in accordance with the Trustee's Report of Final Distribution, and upon filing of a Supplemental Final Report and Account and certification by the U. S. Trustee the trustee be discharged from office and that the case be closed.

I declare under penalty of perjury that this Report and attached Schedules are true and correct to the best of my knowledge and belief.

Dated: December 7, 2003

/s/ Linda Payne  
Linda Payne, Trustee

**SCHEDULE A-1**

FINAL ACCOUNT AS OF: 12/7/03

**A: Receipts** \$1,734.73

**B. Disbursements**

1. Secured Creditors-----\$

2. Administrative-----

3. Priority-----

4. Other-----

Total disbursements----- \$

**C. Current Balance** \$1,734.73

## Individual Estate Property Record and Report Asset Cases

Case Number: 02-44620 DRS  
 Case Name: EMERALD MIST RESTAURANT  
 DBA EMERALD MIST RESTAURANT AND PUB  
 Period Ending: 12/07/03

Trustee: (631540) LINDA S. PAYNE  
 Filed (f) or Converted (c): 08/27/02 (f)  
 \$341(a) Meeting Date: 10/21/02  
 Claims Bar Date: 02/03/03

Ref. #	Asset Description (Scheduled And Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=\$554(a) abandon. DA=\$554(c) abandon.	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	Bank Account	1,400.00	1,728.95		1,728.95	FA
2	Emerald Mist Liquor License	0.00	0.00	DA	0.00	FA
3	Equipment , machinery and inventory No value to estate. File abandonment	11,000.00	0.00	OA	0.00	FA
Int	INTEREST (u)	Unknown	N/A		5.78	Unknown
4	<b>Assets</b>	<b>Totals (Excluding unknown values)</b>	<b>\$12,400.00</b>	<b>\$1,728.95</b>	<b>\$1,734.73</b>	<b>\$0.00</b>

Major Activities Affecting Case Closing:

Ready to Close

Initial Projected Date Of Final Report (TFR): August 1, 2003

Current Projected Date Of Final Report (TFR): August 1, 2003

Form 2

Cash Receipts And Disbursements Record

Case Number: 02-44620 DRS  
 Case Name: EMERALD MIST RESTAURANT  
 DBA EMERALD MIST RESTAURANT AND PUB  
 Taxpayer ID #: 75-2814042  
 Period Ending: 12/07/03

Trustee: LINDA S. PAYNE (631540)  
 Bank Name: JPMORGAN CHASE BANK  
 Account: 312-8897669-65 - Money Market Account  
 Blanket Bond: \$300,000.00 (per case limit)  
 Separate Bond: N/A

1 Trans- Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Money Market Account Balance
12/04/02	{1}	Comerica Bank	Bank account	1129-000	1,728.95		1,728.95
12/31/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.4300%	1270-000	0.47		1,729.42
01/31/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4300%	1270-000	0.63		1,730.05
02/28/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4300%	1270-000	0.57		1,730.62
03/31/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4000%	1270-000	0.61		1,731.23
04/30/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4000%	1270-000	0.57		1,731.80
05/30/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4000%	1270-000	0.59		1,732.39
06/30/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.3000%	1270-000	0.48		1,732.87
07/31/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.3000%	1270-000	0.44		1,733.31
08/29/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.2500%	1270-000	0.37		1,733.68
09/30/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.2500%	1270-000	0.36		1,734.04
10/31/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.2000%	1270-000	0.33		1,734.37
11/28/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.2000%	1270-000	0.29		1,734.66
12/07/03	* Int	JPMORGAN CHASE BANK	CURRENT Interest Rate is 0.2000%	1270-000	0.07		1,734.73
12/07/03		To Account #312889766966	Final Report	9999-000		1,734.73	0.00

**ACCOUNT TOTALS**      1,734.73      1,734.73      \$0.00  
 Less: Bank Transfers      0.00      1,734.73  
**Subtotal**      1,734.73      0.00  
 Less: Payments to Debtors      0.00  
**NET Receipts / Disbursements**      \$1,734.73      \$0.00

**Form 2**

**Cash Receipts And Disbursements Record**

Case Number: 02-44620 DRS  
 Case Name: EMERALD MIST RESTAURANT  
 Taxpayer ID #: 75-2814042  
 Period Ending: 12/07/03

Trustee: LINDA S. PAYNE (631540)  
 Bank Name: JPMORGAN CHASE BANK  
 Account: 312-8897669-66 - Checking Account  
 Blanket Bond: \$300,000.00 (per case limit)  
 Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
12/07/03		From Account #312889766965	Final Report	9999-000 1	1,734.73		1,734.73

**ACCOUNT TOTALS**  
 Less: Bank Transfers 1,734.73 0.00 \$1,734.73  
 Subtotal 0.00 0.00  
 Less: Payments to Debtors 0.00  
**NET Receipts / Disbursements \$0.00 \$0.00**

TOTAL - ALL ACCOUNTS		Net Receipts	Net Disbursements	Account Balances
MMA # 312-8897669-65		1,734.73	0.00	0.00
Checking # 312-8897669-66		0.00	0.00	1,734.73
		<b>\$1,734.73</b>	<b>\$0.00</b>	<b>\$1,734.73</b>

**SCHEDULE B**

**APPLICATION FOR COMPENSATION**

TRUSTEE COMPENSATION:

Total Receipts	\$1,734.73	25% of First \$5,000.00	\$ 433.68
Balance	\$ _____	10% of Next \$45,000.00	\$ _____
Balance	\$ _____	5% of Next \$950,000.00	
Balance	\$ _____	3% of Remaining Balance	\$ _____
TOTAL COMMISSIONS			\$ 433.68

UNREIMBURSED EXPENSES: (See attached breakdown)

Recording Fees-----	
Premium on bond-----	
Travel-----	77.00
Clerical & Stenographic-----	124.00
Copies-----	33.00
Postage-----	23.92
Certified Mail (1)-----	
Court Certification-----	
Federal Express-----	

TOTAL UNREIMBURSED EXPENSES-\$257.92

RECORDS:

Trustee did not take possession of business or personal records of the debtor.

\_\_\_\_\_ X \_\_\_\_\_

Trustee did take possession of business or personal records of the debtor.

\_\_\_\_\_ . \_\_\_\_\_

Notice given to debtor on \_\_\_\_\_  
to pick up business or personal records in  
hands of trustee. If not picked up within  
30 days such records or work files may be  
destroyed.

\_\_\_\_\_

Expenses of Trustee  
Rimmer

Travel:

Objections to Claims hearing in Plano – 220 miles

220 miles @ 0.35 a mile = \$77.00

Other:

	Copies	Postage
Notice of Intent to Abandon (#8 on docket) 2.10	69	16.83
Objection to Claims (#11 on docket) 1.10	24	2.03
Final Report (E filed) 1.00	20	
Distribution Checks 1.00	5	1.11
Supplemental Final Report (E filed) 1.00	14	
Mail checks and statements to UST		3.95

TOTALS

Travel-----\$77.00  
Secretarial 6.20 @ \$20.00/hr----- 124.00  
Copies:132 @ 0.25 ----- 33.00  
Postage----- 23.92

**TOTAL EXPENSES: \$257.92**

**SCHEDULE C  
EXPENSES OF ADMINISTRATION**

	AMOUNT CLAIMED	AMOUNT PAID	AMOUNT DUE
1. 11 U.S.C. Sec 507(a)(1) <u>Court Cost and Fees</u>			
A. Notice & Claim Fees \$			
B. Adv. filing fees			
C. Quarterly Chapt 11			
2. 11 U.S.C. Sec 503(b)(1)(a) <u>Preservation of estate</u>			
A. Transportation			
B. Storage			
C. Wages			
D. Estates share FICA			
E. Insurance			
F. Other (itemize)			
3. 11 U.S.C. Sec.503(b)(2) <u>Post-Petition Taxes and related penalties</u>			
4. 11 U.S.C. Sec.503(b)(2) <u>Compensation and Reimbursement</u>			
A. Trustee Fees	433.68	0	433.68
B. Trustee Expenses	257.92	0	257.92
C. Attorney to Trustee			
D. Expenses for Attorney To Trustee			
E. Attorney for Debtor			
F. Expenses for Attorney For Debtor			
5. Other (Itemize)			
 TOTAL-----	 \$ 691.60	 0	 691.60

**SCHEDULE D**

**SECURED CLAIMS**

<u>Claim #</u>	<u>Claimant</u>	<u>Amount Claimed</u>	<u>Amount Not Determined</u>	<u>Amount Allowed</u>	<u>Previously Paid</u>	<u>Amount Due</u>
----------------	-----------------	---------------------------	----------------------------------	---------------------------	----------------------------	-------------------

Totals		\$ 0				
--------	--	------	--	--	--	--

**SCHEDULE E**

**PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES  
IN THE FOLLOWING ORDER OF PRIORITY**

	(1) Claim No.	(2) Amt. Claimed	(3) Amt. Allowed	(4) Amt. Paid	(5) Amt. Due
1. For Credit Extended §364(e)(1)					
2. Claims from failure of adequate protection §307 (a)(b)					
3. "Gap Claims" §507 (a)(2)					
4. Wages, etc. §507 (a)(3)					
5. Contributions to benefit plans §507 (a)(4)					
6. Engaged in raising of grain or fisherman §507 (a)(5)					
7. Consumer deposits §507 (a)(6)					
8. Alimony or child support §507 (a)(7)					
9. Taxes §507 (a)(8)					
Richardson ISD	2	9,446.40	9,446.40	0	9,446.40
Dallas County	6	3,070.90	3,070.90	0	3,070.90
City of Richardson	7	2,688.97	2,688.97	0	2,688.97

TOTAL ALLOWED PRIORITY CLAIMS: \$15,206.27

FILED UNSECURED CLAIMS TOTAL: \$4,019.42



## Claims Distribution Register

## Case: 02-44620 EMERALD MIST RESTAURANT

Claim #	Date	Pri	Claimant / Proof / <Category> / Memo	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment
<b>Admin Ch. 7 Claims:</b>								
	08/27/02	200	LINDA S. PAYNE 100 NORTH MAIN ST. PARIS, TX 75460 <2100-00 Trustee Compensation>	433.68	433.68	0.00	433.68	433.68
	08/27/02	200	LINDA S. PAYNE 100 NORTH MAIN ST. PARIS, TX 75460 <2200-00 Trustee Expenses>	257.92	257.92	0.00	257.92	257.92
<b>Total for Priority 200: 100% Paid</b>				<b>\$691.60</b>	<b>\$691.60</b>	<b>\$0.00</b>	<b>\$691.60</b>	<b>\$691.60</b>
<b>Total for Admin Ch. 7 Claims:</b>				<b>\$691.60</b>	<b>\$691.60</b>	<b>\$0.00</b>	<b>\$691.60</b>	<b>\$691.60</b>

## Priority Claims:

2	11/15/02	570	Richardson ISD P O Box 13430 Arlington, Te 76094 <5800-00 Claims of Governmental Units--§ 507(a)(8)> Secured	9,446.40	9,446.40	0.00	9,446.40	648.01
6	12/10/02	570	Dallas County 2323 Bryan St 1720 Univision Dallas, Te 75201 <5800-00 Claims of Governmental Units--§ 507(a)(8)> Secured	3,070.90	3,070.90	0.00	3,070.90	210.66
7	12/17/02	570	City of Richardson 2323 Bryan St 1720 Univision Dallas, Te 75201 <5800-00 Claims of Governmental Units--§ 507(a)(8)> Secured	2,688.97	2,688.97	0.00	2,688.97	184.46
<b>Total for Priority 570: 6.85987% Paid</b>				<b>\$15,206.27</b>	<b>\$15,206.27</b>	<b>\$0.00</b>	<b>\$15,206.27</b>	<b>\$1,043.13</b>
<b>Total for Priority Claims:</b>				<b>\$15,206.27</b>	<b>\$15,206.27</b>	<b>\$0.00</b>	<b>\$15,206.27</b>	<b>\$1,043.13</b>

## Unsecured Claims:

1	11/15/02	610	Flake Industrial Services, Inc. P.O. Box 811 Wichita Falls, TX 76307 <7100-00 General Unsecured § 726(a)(2)> Unsecured	742.77	742.77	0.00	742.77	0.00
3	11/20/02	610	NuCo2, Inc. P.O. Box 3328 Stuart, FL 34995 <7100-00 General Unsecured § 726(a)(2)> Unsecured	474.00	474.00	0.00	474.00	0.00

### Claims Distribution Register

#### Case: 02-44620 EMERALD MIST RESTAURANT

Claim #	Date	Pri	Claimant / Proof / <Category> / Memo	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment
4	12/16/02	610	Bar Express P.O. Box 3050 Fort Worth, TX 76113 <7100-00 General Unsecured § 726(a)(2)> Priority	1,781.50	1,781.50	0.00	1,781.50	0.00
5	12/13/02	610	Henry Held & Associates, P.C. 2301 N. Greenville Ave., #150 Richardson, TX 75082 <7100-00 General Unsecured § 726(a)(2)> Unsecured	42.50	42.50	0.00	42.50	0.00
8	01/08/03	610	TXU Energy P O Box 650393 Dallas, Te 75265 <7100-00 General Unsecured § 726(a)(2)> Unsecured	815.90	815.90	0.00	815.90	0.00
<b>Total for Priority 610: 0% Paid</b>				<b>\$3,856.67</b>	<b>\$3,856.67</b>	<b>\$0.00</b>	<b>\$3,856.67</b>	<b>\$0.00</b>
9	06/18/03	620	Verizon Directories Corp fka GTE Directories Corp c/o D&B / RMS Bkcy Svcs PO Box 5126 Timonium, MD 21094 <7200-00 Tardy General Unsecured § 726(a)(3)> Unsecured	162.75	162.75	0.00	162.75	0.00
<b>Priority 620: 0% Paid</b>								
<b>Total for Unsecured Claims:</b>				<b>\$4,019.42</b>	<b>\$4,019.42</b>	<b>\$0.00</b>	<b>\$4,019.42</b>	<b>\$0.00</b>
<b>Total for Case :</b>				<b>\$19,917.29</b>	<b>\$19,917.29</b>	<b>\$0.00</b>	<b>\$19,917.29</b>	<b>\$1,734.73</b>