

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

In re: §
SMD CARROLLTON, LLC § Case No. 14-40109-BTR
§
§
Debtors(s) §

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under chapter 7 of the United States Bankruptcy Code was filed on 01/15/2014. The case was converted to a Chapter 7 on 08/07/2014. The undersigned trustee was appointed on 08/07/2014.

2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.

3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. §522, or have been or will be abandoned pursuant to 11 U.S.C. §554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized gross receipts of \$ 5,000.00

Funds were disbursed in the following amounts:

Payments made under an interim disbursement	0.00
Administrative Expenses	0.00
Bank Service Fees	20.00
Other Payments to Creditors	0.00
Non-Estate funds paid to 3 rd Parties	0.00
Exemptions paid to the Debtor	0.00
Other Payments to Debtor	0.00

Leaving a balance on hand of ¹ \$ 4,980.00

¹The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. §326(a) on account of the disbursement of the additional interest.

The remaining funds are available for distribution.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was 12/15/2014 and the deadline for filing governmental claims was 03/16/2015. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. §326(a), the maximum compensation allowable to the trustee is \$1,250.00. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests a sum of \$1,072.73, for a total compensation of \$1,072.73. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00, and now requests reimbursement for expenses of \$887.13 for total expenses of \$1,033.72

Pursuant to Fed. R. Bank. P. 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date : 10/26/2016

By : /s/ Mark A. Weisbart
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. §1320.4 (a)(2) applies.

²If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D).

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASES

Case No: 14-40109
Case Name: SMD CARROLLTON, LLC

Judge: Brenda Rhoades

Trustee Name: Mark A. Weisbart
Date Filed (f) or Converted (c): 08/07/2014 (c)
341(a) Meeting Date: 09/08/2014
Claims Bar Date: 12/15/2014

For Period Ending: 10/26/2016

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/Unscheduled Values	Est Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA) / Gross Value of Remaining Assets
1. Leasehold Interests	0.00	0.00		0.00	FA
2. Cash	109.12	0.00		0.00	FA
3. Checking Account - Viewpoint Bank	6,000.81	0.00		0.00	FA
4. Security Deposit	5,679.83	0.00		0.00	FA
5. Televisions & Computers	6,468.00	0.00		0.00	FA
6. IBP Retail No 6 Counter Claims/Third Party Claims	350,000.00	0.00		0.00	FA
7. Franchise Agreement with Smiling Moose Deli	0.00	0.00		0.00	FA
8. Miscellaneous Office Equipment	5,867.85	2,500.00		2,500.00	FA
9. Miscellaneous Furniture & Fixtures	135,263.43	2,500.00		2,500.00	FA
10. Food and Beverages	6,776.96	0.00		0.00	FA
11. Possible Claim Against Franchisor-SmilingMooseDeli	0.00	0.00		0.00	FA
Gross Value of Remaining Assets					
TOTALS (Excluding Unknown Values)	516,166.00	5,000.00		5,000.00	0.00

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

Claim objections filed then ready for fee application and TFR - February 17, 2016, 02:06 pm

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Initial Projected Date of Final Report(TFR) : 12/30/2015

Current Projected Date of Final Report(TFR) : 10/31/2016

Trustee's Signature

/s/Mark A. Weisbart

Date: 10/26/2016

Mark A. Weisbart
12770 Coit Road, Suite 541
Dallas, TX 75251
Phone : (972) 628-4903

**FORM 2
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Case No: 14-40109
Case Name: SMD CARROLLTON, LLC

Trustee Name: Mark A. Weisbart
Bank Name: First National Bank of Vinita
Account Number/CD#: *****2925 Checking Account
Blanket bond (per case limit): 300,000.00
Separate bond (if applicable): 0.00

Taxpayer ID No: **-***3184
For Period Ending: 10/26/2016

1	2	3	4		5	6	7
Transaction Date	Check or [Refer#]	Paid To / Received From	Description of Transaction	Uniform Trans. Code	Deposits(\$)	Disbursements(\$)	Account/ CD Balance(\$)
04/16/2015	[8] [9]	The University of Texas at Arlington	Purchase of FF&E 2,500.00 2,500.00	 1129-000 1129-000	5,000.00		5,000.00
05/07/2015		First National Bank of Vinita	BANK SERVICE FEE	2600-000		10.00	4,990.00
06/05/2015		First National Bank of Vinita	BANK SERVICE FEE	2600-000		10.00	4,980.00
09/06/2016		Transfer to Texas Capital Bank		9999-000		4,980.00	0.00

Page Subtotals 5,000.00 5,000.00

COLUMN TOTALS	5,000.00	5,000.00
Less: Bank Transfer/CD's	0.00	4,980.00
SUBTOTALS	<u>5,000.00</u>	<u>20.00</u>
Less: Payments to Debtors		0.00
Net	<u>5,000.00</u>	<u>20.00</u>

**FORM 2
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Case No: 14-40109
Case Name: SMD CARROLLTON, LLC

Trustee Name: Mark A. Weisbart
Bank Name: Texas Capital Bank
Account Number/CD#: *****9825 Checking Account
Blanket bond (per case limit): 300,000.00
Separate bond (if applicable): 0.00

Taxpayer ID No: **-***3184
For Period Ending: 10/26/2016

1	2	3	4		5	6	7
Transaction Date	Check or [Refer#]	Paid To / Received From	Description of Transaction	Uniform Trans. Code	Deposits(\$)	Disbursements(\$)	Account/ CD Balance(\$)
09/06/2016		Transfer from FNB of Vinita		9999-000	4,980.00		4,980.00
10/03/2016		Texas Capital Bank Treasury Management Operations 2350 Lakeside Blvd Richardson, TX 75082	Bank Service Fee	2600-000		15.00	4,965.00
10/04/2016		Texas Capital Bank	Bank Service Charge Refund	2600-000		(15.00)	4,980.00

Page Subtotals 4,980.00 0.00

COLUMN TOTALS	4,980.00	0.00
Less: Bank Transfer/CD's	4,980.00	0.00
SUBTOTALS	<u>0.00</u>	<u>0.00</u>
Less: Payments to Debtors		0.00
Net	0.00	0.00

All Accounts Gross Receipts: 5,000.00
All Accounts Gross Disbursements: 20.00
All Accounts Net: 4,980.00

TOTAL-ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCE
*****2925 Checking Account	5,000.00	20.00	
*****9825 Checking Account	0.00	0.00	
NetTotals	<u>5,000.00</u>	<u>20.00</u>	4,980.00

Claim No.	Creditors	UTC	Scheduled	Claimed	Allowed	Paid	Balance
	Mark Weisbart 12770 Coit Road Suite 541 Dallas, TX 75251	2100	0.00	1,072.73	1,072.73	0.00	1,072.73
	Mark Weisbart 12770 Coit Road Suite 541 Dallas, TX 75251	2200	0.00	0.00	1,033.72	0.00	1,033.72
000014A	UT SYSTEM BOARD OF Arlington c/o Office of General Counsel 201 West 7th Street Austin , TX 78701	2410	0.00	100.00	100.00	0.00	100.00
000015	SMILING MOOSE DELI 1517 Wynkoop Street Denver , CO 80202	2410	0.00	2,081.93	2,081.93	0.00	2,081.93
000016	OFFICE OF THE UNITED 110 North College Ave Room 300 Tyler , TX 75702	2950	0.00	976.72	976.72	0.00	976.72
ADMINISTRATIVE TOTAL			0.00	4,231.38	5,265.10	0.00	5,265.10
000001	CITY OF CARROLLTON Linebarger Goggan Blair & Sampson, LLP c/o Laurie Spindler Huffamn 2777 N. Stemmons Frwy Ste 1000 Dallas , TX 75201 disallowed 3/15/16	4110	0.00	1,956.95	0.00	0.00	0.00
000005	LEWISVILLE INDEPENDENT c/o Andrea Sheehan Law Offices of Robert E. Luna, P.C. 4411 North Central Expressway Dallas , TX 75205 disallowed 3/15/16	4800	0.00	4,601.97	0.00	0.00	0.00
000009	COUNTY OF DENTON disallowed 3/15/16	4800	0.00	1,525.91	0.00	0.00	0.00
000010	ARLINGTON ISD c/o Elizabeth Banda Calvo Perdue Brandon Fielder et al PO Box 13430 Arlington , TX 76094-0430 claim withdrawn	4800	0.00	642.96	0.00	0.00	0.00

Claim No.	Creditors	UTC	Scheduled	Claimed	Allowed	Paid	Balance
000017	ARLINGTON ISD c/o Perdue Brandon Fielder et al 500 E Border St, Suite 640 Arlington , TX 76010 claim withdrawn	4800	0.00	707.26	0.00	0.00	0.00
SECURED TOTAL			0.00	9,435.05	0.00	0.00	0.00
000004	INTERNAL REVENUE SERVICE P.O. Box 7346 Philadelphia , PA 19101-7346	5800	0.00	1,600.00	1,600.00	0.00	1,600.00
PRIORITY TOTAL			0.00	1,600.00	1,600.00	0.00	1,600.00
000002	AMERICAN INFOSOURCE LP T Mobile/T-Mobile USA Inc PO Box 248848 Oklahoma City , OK 73124-8848	7100	0.00	218.04	218.04	0.00	218.04
000003	SCHENDEL PESTWORKS 1035 S.E. Quincy Topeka , KS 66612	7100	0.00	97.42	97.42	0.00	97.42
000006	MANER FIRE EQUIPMENT, P. O. Box 26 Arlington , TX 76004	7100	0.00	220.48	220.48	0.00	220.48
000007	NUCO2 2800 SE Market Place Stuart , FL 34997	7100	0.00	264.21	264.21	0.00	264.21
000008	JENNIFER E. FRANK c/o Mitchell Madden Holmgren Johnson: Mitchell Madden, LLP 13800 Montfort Dr., Suite 160 Dallas , TX 75240 disallowed 3/15/16	7100	0.00	267,306.90	0.00	0.00	0.00
000011	IBP RETAIL NO. 6, LLC c/o Jonathan S. Colvin Wick Philips Gould & Martin LLP 3131 McKinney Avenue, Suite 100 Dallas , TX 75204 allowed as general unsecured for \$250,000 per settlement order docket #83	7100	0.00	0.00	0.00	0.00	0.00
000012	NICAL CONSULTING c/o Mitchell Madden Holmgren Johnson: Mitchell Madden, LLP 13800 Montfort Dr., Suite 160 Dallas , TX 75240 disallowed 3/15/16	7100	0.00	300,415.00	0.00	0.00	0.00

Claim No.	Creditors	UTC	Scheduled	Claimed	Allowed	Paid	Balance
000013	JENNIFER E. FRANK c/o Mitchell Madden Holmgren Johnson: Mitchell Madden, LLP 13800 Montfort Dr., Suite 160 Dallas , TX 75240 objection filed 2/17/16	7100	0.00	34,778.55	0.00	0.00	0.00
000014B	UT SYSTEM BOARD OF Arlington c/o Office of General Counsel 201 West 7th Street Austin , TX 78701	7100	0.00	93,415.32	93,415.32	0.00	93,415.32
UNSECURED TOTAL			0.00	696,715.92	94,215.47	0.00	94,215.47
REPORT TOTALS			0.00	711,982.35	101,080.57	0.00	101,080.57

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 14-40109

Case Name: SMD CARROLLTON, LLC

Trustee Name: Mark A. Weisbart

Balance on Hand \$4,980.00

Claims of secured creditors will be paid as follows:

NONE

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee, Fees: Mark Weisbart	\$ 1,250.00	\$ 0.00	\$ 1,072.73
Trustee, Expenses: Mark Weisbart	\$ 1,033.72	\$ 0.00	\$ 887.13
Fees: United States Trustee	\$ 976.72	\$ 0.00	\$ 838.21
Other: UT SYSTEM BOARD OF REGENTS OBO UT A	\$ 100.00	\$ 0.00	\$ 100.00
Other: SMILING MOOSE DELI	\$ 2,081.93	\$ 0.00	\$ 2,081.93

Total to be paid for chapter 7 administrative expenses \$ 4,980.00

Remaining Balance \$ 0.00

Applications for prior chapter fees and administrative expenses have been filed as follows:

NONE

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$1,600.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed Priority Claims are:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payment to Date	Proposed Payment
000004	INTERNAL REVENUE SERVICE	\$ 1,600.00	\$ 0.00	\$ 0.00

Total to be paid to priority creditors \$ 0.00

Remaining Balance \$ 0.00

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$94,215.47 have been allowed and will be paid pro rata only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 0.0 %, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payment to Date	Proposed Payment
000002	AMERICAN INFOSOURCE LP AS AGENT	\$ 218.04	\$ 0.00	\$ 0.00
000003	SCHENDEL PESTWORKS	\$ 97.42	\$ 0.00	\$ 0.00
000006	MANER FIRE EQUIPMENT, INC.	\$ 220.48	\$ 0.00	\$ 0.00
000007	NUCO2	\$ 264.21	\$ 0.00	\$ 0.00
000014B	UT SYSTEM BOARD OF REGENTS OBO	\$ 93,415.32	\$ 0.00	\$ 0.00
Total to be paid to timely general unsecured creditors				\$ 0.00
Remaining Balance				\$ 0.00

Tardily filed claims of general (unsecured) creditors totaling \$0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 %.

Tardily filed general (unsecured) claims are as follows:

NONE

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 %.

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

NONE