

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, Colorado 80202	
Plaintiffs: ROSS BERMAN, JASON H. KARP, IMJ I LLC, a Delaware limited liability company, RACHEL FARBER REVOCABLE TRUST, STEPHEN FARBER REVOCABLE TRUST, AND RED CLOUD CAPITAL, LLC, a Connecticut limited liability company, v. Defendants: BELLROCK BRANDS INC., a British Columbia corporation, BRB DB HOLDINGS, INC., a Delaware corporation, BRB MARY'S HOLDINGS CORP., a Delaware corporation, DIXIE BRANDS (USA) INC., a Delaware corporation, MARY'S OPERATIONS, LLC, a Colorado limited liability company, MARY'S PETS, LLC, a Colorado limited liability company, MARY'S NUTRITIONALS, LLC, a Colorado limited liability company, DB FINANCE NEVADA, LLC, a Nevada limited liability company, and DB OKLAHOMA, LLC, a Colorado limited liability company.	▲ COURT USE ONLY ▲ Case Number: 2024CV30763 Division/Courtroom:
CLAIM FORM	

The undersigned Claimant hereby asserts a claim against one of the above-captioned Defendants (also known as "Receivership Defendants") as follows:

1. Amount of Claim as it existed on March 25, 2024.

Claim is asserted against:	BRB Mary's Holdings Corp., a Delaware corporation
Actual damages:	\$ <u>500,000.00</u>
Consequential and other damages, if any:	\$ _____
Interest, if any:	\$ <u>236,194</u>
Attorneys' fees and costs, if any:	\$ _____

Other: \$ _____
TOTAL: \$ 736,194 _____

2. The foregoing claim arose on April 19, 2021, and is based upon the following events:
Execution of Secured Promissory Note dated as of April 19, 2021 and replaced in total with the execution of the Promissory Note dated December 30, 2022. As well as the related Guaranty and Security Agreement dated April 19, 2021 and the First Amended and Restated Security Agreement executed December 30, 2022. and effective April 19, 2022. The Promissory Note is in default as of December 30, 2023.

The claim amount is owed jointly and severally by the Receivership Defendants. See Attached Addendum A.

DOCUMENTS SUPPORTING THE CLAIM MUST BE ATTACHED TO THIS CLAIM FORM. IF SUPPORTING DOCUMENTATION IS NOT AVAILABLE, YOU MUST ATTACH AN EXPLANATION OF WHY THE DOCUMENTATION IS UNAVAILABLE.

3. This claim is (select one):

unsecured; OR,

secured by the following collateral or security:

All of such Defendant's right, title and interest in and to all property, assets and undertaking of such Defendant, whether now or hereafter acquired, including without limitation, all equipment, inventory, furniture and fixtures wherever located; all accounts receivable, notes receivable contract rights and general intangibles including tax refunds and insurance proceeds; all intellectual property; all commercial tort claims; all investment property, including, without limitation, all investment property of each Defendant set forth in Addendum B hereto; and all documents, letter-of-credit rights, chattel paper and instruments evidencing any obligation to a Grantor for payment of goods sold or services rendered; and all proceeds and products of the foregoing and all substitutions, exchanges, replacements, additions or increases and, where applicable, accessions to any of the foregoing property, assets and undertaking from time to time.

4. If the claim is secured, please identify the location of all collateral:

See attached Guaranty and Security Agreement dated April 19, 2021 and First Amended and Restated Security Agreement executed December 30, 2022 and effective April 10, 2022. Upon information and belief the location of the collateral has not changed since the execution of both the Guaranty and Security Agreement and the First Amended and Restated Security Agreement.

5. If the claim includes interest, please specify each of the reasons for such interest and the rate thereof (e.g. contract, statute, etc.):

Secured Promissory Note agreement dated April 19, 2021 with an original rate of interest of 15%
The Secured Promissory Note was replaced by the Promissory Note dated December 30, 2022
with an interest rate of 15%. As of default date, interest has been accruing at 25%.

6. The nature and value of any offset or counterclaim (*i.e.*, money or property that you owe Defendants or the Estate, or any claims that Defendants or the Estate may have against you):

None

7. If you are currently represented by an attorney, please complete the following:

Christopher Montville

Name of Attorney (Please print)

c/o Haddon Morgan Foreman

945 Pennsylvania St, Denver, CO 80203

Address (street address, not post-office box)

720-287-5831

Telephone Number

Facsimile Number

cmontville@HMFlaw.com

E-mail Address

CLAIMANT HEREBY CERTIFIES THAT IT HAS DISMISSED ANY OTHER PENDING SUITS OR PROCEEDINGS IT HAS COMMENCED AGAINST ANY AND ALL RECEIVERSHIP DEFENDANTS, OR ANY OF THEM, OR THE RECEIVERSHIP ESTATE AND THAT IT WILL NOT FILE (OR RE-FILE) ANY SUIT OR PROCEEDING IN ANOTHER FORUM WITHOUT THE RECEIVER'S PERMISSION OR LEAVE OF THIS COURT.

8. I hereby certify and attest, under the penalty of perjury, that the information contained in the foregoing Claim Form is true and correct:

Andrew Schweibold

Claimant Signature

Andrew Schweibold

Name of Claimant (Please print)

c/o Haddon Morgan Foreman attn Christopher Montville

945 Pennsylvania St, Denver, CO 80203

Address (street address, not post-office box)

720-287-5831

Telephone

Facsimile

cmontville@HMFlaw.com

E-mail Address

Dated: August 9, 20 .

IMPORTANT: A FULLY COMPLETED AND SIGNED CLAIM FORM WITH ALL SUPPORTING DOCUMENTATION MUST BE RECEIVED AT THE ADDRESS BELOW NO LATER THAN THE CLAIMS BAR DATE OR UNKNOWN CLAIMANT BAR DATE, AS APPLICABLE. REFER TO THE NOTICE YOU RECEIVED TO DETERMINE THE APPLICABLE CLAIMS BAR DATE OR UNKNOWN CLAIMANT BAR DATE.

Claim forms submitted by hand delivery, courier, email (as an attachment in portable document format (.pdf)), facsimile or U.S. mail addressed to:

West 4th Holdings, LLC
c/o Jordan Factor, Esq.
Allen Vellone Wolf Helfrich & Factor, P.C.
1600 Stout Street, Suite 1900

Denver, Colorado 80202
Tel. No. (303) 534-4499
Fax No. (303) 893-8332
Email: jfactor@allen-vellone.com

Please note that your Claim must be legible, written in English and denominated in United States currency.

Any Claimant who is required to submit a Proof of Claim, but fails to do so in a timely manner or in the proper form, will be: (a) barred, estopped, and enjoined to the fullest extent allowed by applicable law from asserting, in any manner, such Claim against the Receiver, the Receivership Defendants and their respective estates or property, (b) not be permitted to object to any distribution plan proposed by the Receiver on account of such Claim, (c) be denied any distributions under any distribution plan implemented by the Receiver on account of such Claim, and (d) not receive any further notices on account of such Claim. Further, the Receivership Defendants will be discharged from any and all indebtedness or liability with respect to such Claim.