

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:	Mary's Operations, LLC, a Colorado limited liability company
Actual damages:	\$ <u>3,600,000.00</u>
Consequential and other damages, if any:	\$ <u>180,000.00</u> (extension fees)
Interest, if any:	\$ <u>2,269,000.00</u>
Attorneys' fees and costs, if any:	\$ <u>75,000.00</u>

Other:	\$ _____
TOTAL:	\$ <u>6,124,000.00</u>

2. The foregoing claim arose on August 18, 2021, and is based upon the following events:
Execution of Secured Promissory Note dated as of August 18, 2021 (as amended on June 28, 2022, and with an extended maturity date of August 28, 2023), and the related Guaranty and Security Agreement dated as of August 18, 2021. The Secured Promissory Note is in default as of August 28, 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 Defendant 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 August 18, 2021. Upon Information and belief, the location of the collateral has not changed since the execution of the Guaranty and 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 August 18, 2021 as amended June 28, 2022
Original rate of interest 15% increasing to 20% on 1/1/2022. On 1/1/2023 interest rate increased to 25% per First Amendment to Secured Promissory Note dated June 28, 2022. As of default date interest has been accruing at 35%.

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:

Honigman LLP

Name of Attorney (Please print)

2290 First National Building

660 Woodward Ave

Detroit, MI 48226-3506

Address (street address, not post-office box)

313-465-7000

Telephone Number

313-465-8000



Facsimile Number

JDrrouillard@honigman.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:

<small>DocuSigned by:</small> 	<small>DocuSigned by:</small> 
<small>757FE7A62BA9421...</small>	<small>8B0F5EA63ADF40D...</small>

Claimant Signature

Andrew Schweibold, Principal

Jonathan Rosenthal, Principal

Rose Capital Fund I LP By: Rose Capital Fund I, GP, its General Partner

Name of Claimant (Please print)

177 W Putnam Ave

Greenwich, CT 06830

Address (street address, not post-office box)

201-473-4746

Telephone

Facsimile

ir@boldrosecapital.com

E-mail Address

Dated: August 9, 2024 .

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.