B6 Summary (Official Form 6 - Summary) (12/07)

# United States Bankruptcy Court District of Delaware

In re	iBAHN Corporation	•	Case No13-12	2285
-		Debtor		
			Chapter	11

## **SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	0.00		
B - Personal Property	Yes	4	19,950,035.00		
C - Property Claimed as Exempt	No	0			
D - Creditors Holding Secured Claims	Yes	1		15,846,803.43	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	2		78,212.85	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	1		0.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	No	0			N/A
J - Current Expenditures of Individual Debtor(s)	No	0			N/A
Total Number of Sheets of ALL Schedu	les	11			
	To	otal Assets	19,950,035.00		
			Total Liabilities	15,925,016.28	

## Case 13-12285-PJW Doc 98 Filed 10/07/13 Page 2 of 18

B6A (Official Form 6A) (12/07)

In re	iBAHN Corporation	Case No 13-12285
_	Debtor	•

### SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
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None

0.00 (Total of this page) Sub-Total > 0.00

Total >

(Report also on Summary of Schedules)

B6B (Official Form 6B) (12/07)

In re	iBAHN Corporation	Case No. <u>13-12285</u>	
-		Debtor	

### **SCHEDULE B - PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

	Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property without Deducting any Secured Claim or Exemption
1.	Cash on hand	x			
2.	Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		organ Chase checking account no. xxxxx3298 ed at 1125 17th Street, Denver, CO 80202	•	35.00
3.	Security deposits with public utilities, telephone companies, landlords, and others.	X			
4.	Household goods and furnishings, including audio, video, and computer equipment.	X			
5.	Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
5.	Wearing apparel.	X			
7.	Furs and jewelry.	X			
8.	Firearms and sports, photographic, and other hobby equipment.	X			
€.	Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
۱0.	Annuities. Itemize and name each issuer.	X			
			(Total	Sub-Tota of this page)	35.00

3 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re	iBAHN Corporation		Case No	13-1
		Debtor		

2285

# **SCHEDULE B - PERSONAL PROPERTY**

	(Continuation Sheet)							
	Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption			
11.	Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X						
12.	Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X						
13.	Stock and interests in incorporated and unincorporated businesses.		100% interest in Mycall.com Holdings N.V.	-	12,700,000.00			
	Itemize*		100% interest in iBAHN China	-	500,000.00			
			50% interest in iBAHN Near East and Africa Telcoms Ltd.	•	650,000.00			
			100% interest in iBHAN General Holdings Corp.	-	6,100,000.00			
			100% interest in ETV Interactive Ltd.	-	Unknown			
14.	Interests in partnerships or joint ventures. Itemize.	X						
15.	Government and corporate bonds and other negotiable and nonnegotiable instruments.	X						
16.	Accounts receivable.	X						
17.	Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X						
18.	Other liquidated debts owed to debtor including tax refunds. Give particulars.	X						
19.	Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X						

Sub-Total > (Total of this page) 19,950,000.00

Sheet 1 of 3 continuation sheets attached to the Schedule of Personal Property

<sup>\*</sup>Item 13 amounts are estimates based on the book value of each business' assets and deducting each business' liabilities (without taking into account any intercompany credits or liabilities).

B6B (Official Form 6B) (12/07) - Cont.

In	re iBAHN Corporation		······································	No. <u>13</u> -	12285
			Debtor		
		SC	HEDULE B - PERSONAL PROPERTY (Continuation Sheet)		
	Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property without Deducting any Secured Claim or Exemption
20.	Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	х			
21.	Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22.	Patents, copyrights, and other intellectual property. Give particulars.	(	Methods and apparatus for providing high speed connectivity to a hotel environment	-	Unknown
			Methods and apparatus for processing network data transmissions		
			Detection of multiple users of a network access node		
			Antenna designs for multi-path environments		
			Monitoring and reporting policy compliance of nome networks		
		-	Techniques for wireless deployment		
		1	Virtual Set Top Box		
23.	Licenses, franchises, and other general intangibles. Give particulars.	X			
24.	Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25.	Automobiles, trucks, trailers, and other vehicles and accessories.	X			
26.	Boats, motors, and accessories.	X			
27.	Aircraft and accessories.	X			
28.	Office equipment, furnishings, and supplies.	x			
			(Total o	Sub-Tota of this page)	1> 0.00

to the Schedule of Personal Property

Sheet 2 of 3 continuation sheets attached

B6B (Official Form 6B) (12/07) - Cont.

III IC IDAIN COIDUIAUUII	In	re	<b>iBAHN</b>	Corporation
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Case No. \_\_\_\_\_13-12285

Debtor

# SCHEDULE B - PERSONAL PROPERTY (Continuation Sheet)

	Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
29.	Machinery, fixtures, equipment, and supplies used in business.	X			
30.	Inventory.	X			
31.	Animals.	X			
32.	Crops - growing or harvested. Give particulars.	x			
33.	Farming equipment and implements.	X			
34.	Farm supplies, chemicals, and feed.	X			
35.	Other personal property of any kind not already listed. Itemize.	X			

Sub-Total > (Total of this page)

0.00

Total >

19,950,035.00

Sheet 3 of 3 continuation sheets attached to the Schedule of Personal Property

(Report also on Summary of Schedules)

B6E (Official Form 6E) (4/13) - Cont.

In re	iBAHN Corporation	Case No	13-12285	
	Debtor	<del></del> ,		

# SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

(Continuation Sheet)

Taxes and Certain Other Debts Owed to Governmental Units

TYPE OF PRIORITY CODEBTOR Husband, Wife, Joint, or Community DETT CO TEN DISPUTED COZHLZGEZH AMOUNT NOT ENTITLED TO PRIORITY, IF ANY CREDITOR'S NAME, AND MAILING ADDRÉSS Н DATE CLAIM WAS INCURRED AMOUNT INCLUDING ZIP CODE, w AND CONSIDERATION FOR CLAIM OF CLAIM AND ACCOUNT NUMBER J AMOUNT ENTITLED TO PRIORITY С (See instructions.) Corporate Tax Account No. **Delaware Department of State** Unknown **Division of Corporations** Attn: Secretary of State PO Box 898 **Dover, DE 19903** 58,690.80 Unknown Tax Account No. Miami-Dade County Tax Collector Unknown Attn: Account Manager 140 West Flagler St. Miami, FL 33130-1575 19,522.05 Unknown Account No. Account No. Account No. Subtotal 0.00 of 1 continuation sheets attached to (Total of this page) Schedule of Creditors Holding Unsecured Priority Claims 78,212.85 0.00 0.00 Total

(Report on Summary of Schedules)

0.00

78,212.85

B6E (Official Form 6E) (4/13)

In re	iBAHN Corporation		Case No	13-12285	
-		Debtor			

# SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled

to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.  The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).  If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropri schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled." (You may need to place an "X" in more than one of these three columns.)  Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.  Report the total of amounts not entitled to priority listed on each sheet in
☐ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.
TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)
☐ Domestic support obligations
Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).
☐ Extensions of credit in an involuntary case
Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).
☐ Wages, salaries, and commissions
Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$12,475* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).
☐ Contributions to employee benefit plans
Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).
☐ Certain farmers and fishermen
Claims of certain farmers and fishermen, up to \$6,150* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).
☐ Deposits by individuals
Claims of individuals up to \$2,775* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).
■ Taxes and certain other debts owed to governmental units
Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).
☐ Commitments to maintain the capital of an insured depository institution
Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).
☐ Claims for death or personal injury while debtor was intoxicated
Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

\_\_\_ continuation sheets attached

<sup>\*</sup> Amount subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

B6E (Official Form 6E) (4/13) - Cont.

In re	iBAHN Corporation	Case No13-12285
-		Debtor

# SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS (Continuation Sheet)

**Taxes and Certain Other Debts Owed to Governmental Units** 

							TYPE OF PRIORIT	Υ
CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	CODEBTOR	H W H	sband, Wife, Joint, or Community  DATE CLAIM WAS INCURRED  AND CONSIDERATION FOR CLAIM	CONTINGEN	DZLLQDLDA	ΙE	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY AMOUNT ENTITLED TO PRIORITY
Account No.  Delaware Department of State			Corporate Tax	]	DATED			
Division of Corporations Attn: Secretary of State PO Box 898 Dover, DE 19903	•	_					58,690.80	58,690.80
Account No.			Тах					
Miami-Dade County Tax Collector Attn: Account Manager 140 West Flagler St. Miami, FL 33130-1575		-						0.00
							19,522.05	19,522.05
Account No.								
Account No.								
Account No.								
Sheet 1 of 1 continuation sheets atta				ubt				0.00
Schedule of Creditors Holding Unsecured Price	ority	Cla	ims (Total of t		oag ota		78,212.85	78,212.85 0.00

(Report on Summary of Schedules)

78,212.85

B6F (Official Form 6F) (12/07)

In re	iBAHN Corporation		Case No	13-12285	
		Debtor			

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME,	18	н	usband, Wife, Joint, or Community	Ις	ű	P	
MAILING ADDRESS INCLUDING ZIP CODE,	СОБШВНОК	Н	T DATE CLAUVEW AS INCURRED AND	Ň	i`	DI SPUTED	
AND ACCOUNT NUMBER	B T	J	L CONSIDERATION FOR CLAIM IF CLAIM	I N	Q U	Ų	AMOUNT OF CLAIM
(See instructions above.)	R	С	is subject to setort, so state.	G E	P	E	
Account No.				T	Ī		
				L	Ď	L	_
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Account No.		┢				-	
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Account No.							
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Account No.	$\dashv$						
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continuation sheets attached			(Total of th				
			(1000000		ota		
			(Report on Summary of Sci				0.00

B6G (Official Form 6G) (12/07)

In re	iBAHN Corporation		Case No	13-12285	
-	······································	Debtor ,			-

# SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract

Description of Contract or Lease and Nature of Debtor's Interest.
State whether lease is for nonresidential real property.
State contract number of any government contract.

Farnam Street Financial, Inc. 240 Pondview Plaza 5850 Opus Parkway Hopkins, MN 55343

**Operating Lease** 

B6H (Official Form 6H) (12/07)

In re	iBAHN Corporation		Case No	13-12285
•		Debtor		

### **SCHEDULE H - CODEBTORS**

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR

iBAHN General Holdings Corporation 2755 E. Cottonwood Parkway Suite 400 Salt Lake City, UT 84121

iBAHN Leasing LLC 2755 E. Cottonwood Parkway Suite 400 Salt Lake City, UT 84121 NAME AND ADDRESS OF CREDITOR

JP Morgan Chase Bank 1125 17th Street Suite 300 Denver, CO 80202

JP Morgan Chase Bank 1125 17th Street Suite 300 Denver, CO 80202 B6 Declaration (Official Form 6 - Declaration). (12/07)

# United States Bankruptcy Court District of Delaware

In re	iBAHN Corporation		Case No.	13-12285
		Debtor(s)	Chapter	11

### **DECLARATION CONCERNING DEBTOR'S SCHEDULES**

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Chief Financial Officer of the corporation named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of \_\_\_\_\_\_ sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date	10/7/13	Signature		$\searrow$	
	V		Ryan Jonson Chief Financial O	fficer	

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

# IN THE UNITED STATES BANKRUPTCY COURT

### FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
iBAHN CORPORATION, et al.,1	)	Case No. 13-12285 (PJW) (Jointly Administered)
Debtors.	• )	(001111)
	)	

# GLOBAL NOTES AND STATEMENT OF LIMITATIONS, METHODS, AND DISCLAIMER REGARDING IBAHN CORPORATION'S SCHEDULES OF ASSETS AND LIABILITIES AND STATEMENT OF FINANCIAL AFFAIRS

iBAHN Corporation, (the "Debtor") submits its Schedules of Assets and Liabilities (the "Schedules") and Statement of Financial Affairs (the "SoFA") in the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court"). The Debtor, with the assistance of its advisors and management, prepared the Schedules and SoFA in accordance with section 521 title 11 of the United States Code, 11 U.S.C. sections 101-1532 (the "Bankruptcy Code") and Rule 1007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

These Global Notes and Statement of Limitations, Methods, and Disclaimer Regarding the Debtor's Schedules and SoFA (collectively, the "Global Notes") pertain to, are incorporated by reference in, and comprise an integral part of the Schedules and SoFA. These Global Notes should be referred to, and reviewed in connection with any review of the Schedules and SoFA.<sup>2</sup>

The Schedules and SoFA have been prepared by the Debtor's management and are unaudited and subject to further review and potential adjustment and amendment. In preparing the Schedules and SoFA, management relied on financial data derived from the Debtor's books and records that was available at the time of preparation. Management has made reasonable efforts to ensure the accuracy and completeness of such financial information, however, subsequent information or discovery of other relevant facts may result in material changes to the Schedules and SoFA and inadvertent errors, omissions, or inaccuracies may exist. The Debtor reserves all rights to amend or supplement its Schedules and SoFA.

<sup>&</sup>lt;sup>1</sup> The Debtors in these Chapter 11 Cases and the last four digits of each Debtor's federal tax identification numbers are: iBAHN Corporation (9189); iBAHN General Holdings Corp. (5253); and iBAHN Leasing LLC (2004). The location of the Debtors' headquarters and the service address for each of the Debtors is 2755 E. Cottonwood Parkway, Suite 400, Salt Lake City, UT 84141.

<sup>&</sup>lt;sup>2</sup> These Global Notes are in addition to any specific notes contained in the Debtor's Schedules or SoFA. The fact that the Debtor has prepared a "general note" with respect to any of the Schedules and SoFA and not to others should not be interpreted as a decision by the Debtor to exclude the applicability of such general note to any of the Debtor's remaining Schedules and SoFA, as appropriate.

Reservation of Rights. The Debtor reserves all rights to amend the SoFA and Schedules in all respects, as may be necessary or appropriate, including, but not limited to, the right to dispute or to assert offsets or defenses to any claim reflected on the SoFA and Schedules as to amount, liability or classification of the claim, or to otherwise subsequently designate any claim as "disputed," "contingent" or "unliquidated." Furthermore, nothing contained in the SoFA and Schedules shall constitute a waiver of rights by the Debtor involving any present or future causes of action, contested matters or other issues under the provisions of chapter 11 of title 11 of the United States Code or other applicable non-bankruptcy laws.

**Description of the Case and "As Is" Information Date.** On September 6, 2013 (the "Petition Date"), the Debtor filed a voluntary petition for relief with the Bankruptcy Court under Chapter 11 of the Bankruptcy Code. The Debtor is operating its business and managing its properties as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

The Debtor filed bankruptcy subsequent to the beginning of a reporting period. As it is impractical to determine assets and liabilities during the middle of a reporting period, the books were closed on August 31, 2013 with certain adjustments for material, identifiable transactions that occurred between September 1, 2013 and the Petition Date. Asset information reflects net book value and liabilities reflect the most readily available detail as of September 6, 2013 unless otherwise noted.

**Basis of Presentation.** It would be prohibitively expensive and unduly burdensome to obtain current market valuations of the Debtor's property interests. Accordingly, unless otherwise indicated, the Schedules and SoFA reflect net book values, rather than current market values, of the Debtor's assets and may not reflect the net realizable value.

The Schedules and SoFA do not purport to represent financial statements prepared in accordance with Generally Accepted Accounting Principles ("GAAP"), nor are they intended to fully reconcile to any financial statements otherwise prepared and/or distributed by the Debtor.

Although these Schedules and SoFA may, at times, incorporate information prepared in accordance with GAAP, the Schedules and SoFA neither purport to represent nor reconcile to financial statements prepared and/or distributed by the Debtor in accordance with GAAP or otherwise. Moreover, given, among other things, the valuation and nature of certain liabilities, to the extent that the Debtor shows more assets than liabilities, this is not a conclusion that the Debtor was solvent at the Petition Date. Likewise, to the extent that the Debtor shows more liabilities than assets, this is not a conclusion that the Debtor was insolvent at the Petition Date or any time prior to the Petition Date.

Estimates. To timely close the books and records of the Debtor management must make certain estimates and assumptions that affect the reported amounts of assets and liabilities and reported revenue and expenses. The Debtor reserves all rights to amend the reported amounts of assets, liabilities, revenue, and expenses to reflect changes in those estimates and assumptions.

Confidentiality. There may be instances within the Schedules and SoFA where names, addresses, or amounts have been left blank. Due to the nature of an agreement between the Debtor and the third party, concerns of confidentiality, or concerns for the privacy of an

individual, the Debtor may have deemed it appropriate and necessary to avoid listing such names, addresses, and amounts.

Insiders. For purposes of the Schedules and SoFA, the Debtor defines "insider" pursuant to Section 101(31) as (a) directors, (b) officers, (c) relatives of directors or officers of the Debtor, (d) any managing agent or managing member of the Debtor and (e) entities under common ownership with the Debtor. Payments to insiders listed in (a) through (e) above are set forth on Ouestion 3.c. of the SoFA.

Persons listed as "insiders" have been included for informational purposes only. The Debtor did not take any position with respect to whether such individual could successfully argue that he or she is not an "insider" under applicable law, including without limitation, the federal securities laws, or with respect to any theories of liability or for any other purpose.

Excluded Accruals and GAAP Entries. The Debtor's balance sheet reflects liabilities recognized in accordance with GAAP; however, not all such liabilities would result in a claim against the Debtor. Certain liabilities (including but not limited to certain reserves, deferred charges, and future contractual obligations) have not been included in the Debtor's Schedules. The Debtor has also excluded from the Schedules certain assets that have no book value and certain assets recorded in accordance with GAAP, including those associated with the aforementioned liabilities (such as capital lease balances). Other immaterial assets and liabilities may also have been excluded.

Classification and Claim Descriptions. Any failure to designate a claim on the Schedules as "disputed," "contingent" or "unliquidated" does not constitute an admission by the Debtor that such amount is not "disputed," "contingent" or "unliquidated." The Debtor reserves the right to dispute, or to assert offsets or defenses to, any claim reflected on its Schedules as to amount, liability or classification or to otherwise subsequently designate any claim as "disputed," "contingent" or "unliquidated."

Listing a claim (i) in Schedule D as "secured," (ii) in Schedule E as "priority" or (iii) in Schedule F as "unsecured nonpriority," or listing a contract in Schedule G as "executory" or "unexpired," does not constitute an admission by the Debtor of the legal rights of the claimant or a waiver of the Debtor's right to recharacterize or reclassify such claim or contract.

Moreover, the Debtor reserves all rights to amend the SoFA and Schedules, in all respects, as may be necessary or appropriate, including, but not limited to, the right to dispute or to assert offsets or defenses to any claim reflected on the SoFA and Schedules as to amount, liability or classification of the claim, or to otherwise subsequently designate any claim as "disputed," "contingent" or "unliquidated." Furthermore, nothing contained in the SoFA and Schedules shall constitute a waiver of rights by the Debtor involving any present or future causes of action, contested matters or other issues under the provisions of Chapter 11 of title 11 of the United States Code or other relevant non-bankruptcy laws.

Credits and Adjustments. The claims of individual creditors for, among other things, goods, products, services or taxes are listed as the amounts entered on the Debtor's books and records and may not reflect credits, allowances or other adjustments due from such creditors to the

Debtor. The Debtor reserves all of its rights respecting such credits, allowances or other adjustments.

**Paid Claims.** Pursuant to certain first-day orders approved by the Court, the Debtor was authorized to pay various outstanding prepetition claims, such as certain employee wages and benefit claims, and related tax claims. If the Debtor had any such claims on the Petition Date that have been subsequently paid pursuant to Court order, such claims have not been listed on the Schedules.

**Setoffs.** The Debtor routinely incurs setoffs from third parties during the ordinary course of business. Setoffs in the ordinary course can result from various routine transactions, including intercompany transactions, pricing discrepancies, warranty claims and other disputes between the Debtor and third parties. Certain of these constitute normal setoffs consistent with the ordinary course of business in the Debtor's industry. In such instances, such ordinary course setoffs are excluded from the Debtor's responses to Question 13 of the SoFA. The Debtor reserves all rights to enforce or challenge, as the case may be, any setoffs that have been or may be asserted.

<u>Specific Notes.</u> These general notes are in addition to the specific notes set forth in the related Statement and Schedules hereinafter.

### Note to Schedule "B"

#### Schedule B Disclaimer

Unless otherwise noted, all of the amounts listed on Schedule B represent the value of the Debtor's assets as reflected in the Debtor's books and records (net of depreciation or amortization where applicable). The Debtor has performed no independent review of the value of these assets. The actual value of the assets listed may differ significantly from the amounts reflected in the Debtor's books and records.

### Note to Schedule "E"

### **Taxes**

Schedule "E" contains the Debtor's best estimate of all of the potential priority claims against the Debtor's estate held by governmental and quasi-governmental entities. The Debtor has not determined whether, and to what extent, any of the creditors identified on Schedule "E" in fact are entitled to priority under Section 507 of the Bankruptcy Code. The Debtor reserves the right to assert that claims identified on Schedule "E" are not claims of governmental entities and/or that such claims are not entitled to priority.

# Accrued Wages, Vacation and PTO

The Debtor has filed motions in this case requesting certain orders in this case to authorize, inter alia, the Debtor to pay prepetition wages owed to Employees in accordance with the statutory limit provided under 11 U.S.C. § 507(a)(4). Such orders if entered would also authorize the

Debtor to honor its existing prepetition vacation and sick PTO obligations to its employees accrued prior to the Petition Date. The Debtor's continued honoring of prepetition vacation and sick PTO obligations to their employees in the ordinary course of business if allowed will reduce the aggregate amount of accrued vacation owed to such employees.

#### Note to Schedule "G"

### **Executory Contracts and Unexpired Leases**

While commercially reasonable efforts have been made to ensure the accuracy of Schedule G, inadvertent errors, omissions or over-inclusions may have occurred. The Debtor hereby reserves all of its rights to dispute the validity, status, or enforceability of any contracts, agreements or leases set forth in Schedule G and to amend or supplement such Schedule as necessary. The contracts, agreements and leases listed on Schedule G may not have taken effect or be binding on any party and may have expired or been modified, amended, or supplemented from time to time by various amendments, restatements, waivers, estoppel certificates, letter and other documents, instruments and agreements which may not be listed therein.

Certain of the real property leases and contracts listed on Schedule G may contain renewal options, guarantees of payments, options to purchase, rights of first refusal, rights to lease additional space and other miscellaneous rights. Such rights, powers, duties and obligations are not set forth on Schedule G.

Certain of the agreements listed on Schedule G may be in the nature of conditional sales agreements or secured financings. The presence of these agreements or any other agreements on Schedule G does not constitute an admission that any such agreement is an executory contract or unexpired lease.

The Debtor reserves all of its rights, claims and causes of action with respect to the contracts and agreements listed on the Schedule, including the right to dispute or challenge the characterization or the structure of any transaction, document, or instrument. Certain executory agreements may not have been memorialized in writing and could be subject to dispute. Generally, executory agreements that are oral in nature have not been included in the Schedule. Schedule G generally does not include standalone equipment purchase orders. Additionally, the Debtor may be a party to various other agreements concerning real property, such as easements, rights of way, subordination, non-disturbance, supplemental agreements, amendments/letter agreements, title documents, consents, site plans, maps and other miscellaneous agreements. Such agreements, if any, are not set forth in Schedule G.

### General Disclaimer

The Debtor has prepared the Schedules and the SoFA based on the information reflected in the Debtor's books and records. However, inasmuch as the Debtor's books and records have not been audited or formally closed and evaluated for proper cut-off on the Petition Date, the Debtor cannot warrant the absolute accuracy of these documents. The Debtor has made a diligent effort to complete these documents accurately and completely. To the extent additional information becomes available, the Debtor will amend and supplement the Schedules and SoFA.