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8	AN AMERICA COLUMN COLUM	
9	UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION	
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12	In re	Case No. 16-40050-WJL
	FOX ORTEGA ENTERPRISES, INC., dba PREMIER CRU,	Chapter 7
13		SUPPLEMENTAL DECLARATION OF
14		JASON BOLAND IN SUPPORT OF MOTION FOR ORDERS (1) AUTHORIZING SALE OF
15	Debtor.	WINE AND OVERBIDDING PROCEDURES, AND (2) MOTION FOR ORDER
16		AUTHÓRIZING SALE FREE AND CLEAR OF LIENS OF COMMUNITY BANK OF THE
17		BAY AND ADVANCE RESTAURANT FINANCE LLC, AND (3) AUTHORIZING
18		TRUSTEE TO MAKE CERTAIN PAYMENTS
19		RELATED TO REDEEMED BOTTLES
20		Date: August 3, 2016 Time: 10:30 a.m.
21		Place: Courtroom 220 1300 Clay Street
22		Oakland, CA Judge: William J. Lafferty, III
23		Judge. William J. Lamerty, III
24	I, Jason Boland, declare:	
25	1. I am the President of Spectrum Wine Auctions, the bidder in the Sale Agreement	
	and the Unfettered Sale Agreement with Michael G. Kasolas, trustee ("Trustee"). The following	
26	and the effected safe ingreement with interact G. Russias, trustee (indice). The following	

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follows.

facts are within my personal knowledge, and if called upon to testify, I could and would testify as

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- 2. It took three of my employees working full time for twelve days to provide the Trustee with a line item bid for the wine. There are over 7,710 line items and we checked a minimum of two sources per line item in developing our bid and the estimated cost of preparing the bid was the sum of \$21,600.
- 3. In choosing to make the bid we conducted an initial wine inspection on site at Premier Cru and the travel expenses, and cost of bringing my wine expert was the sum of \$1,900. There was a follow up inspection involving two wine experts for the cost of \$3,400. I will also travel to the hearing on the sale with my expert which I estimate will cost \$1,900.
- 4. The cost of my legal review of agreements, phone calls and discussions with my counsel was the sum of \$2,125. I anticipate that additional legal issues could arise at the auction, and I will incur additional legal expenses prior to and at the hearing on the sale, such as the review and of this declaration and the preparation of an amended purchase agreement. I estimate that these additional legal charges will be up to \$5,000 (through the hearing), but I have not received a bill as of this date.
- 5. To prepare my warehouse to take in approximately 79,000 bottles of wine to ensure that I had the space available to make the bid on all of the wine, as opposed to a portion, I have consolidated and moved items to accommodate the wine. This took four full time workers working 14 days at a cost of \$14,000. Because I told the Trustee that I would move the wine within 7-14 days, although the agreement provides 30 days, these are cost that I have to incur before the sale hearing.
- 6. One of my staff has worked 7 days full time to book travel arrangements, prepare a plan to ship the wine including determining the supplies and staff that will be needed for the shipping, and to prepare a schedule for additional staff and determine temporary staff needs to ship the wine and inspect and catalog the wine upon arrival at our warehouse after the sale. This is something that must be completed before the auction to insure that we are ready to move fast after the hearing. This has cost me the sum of \$2,800.
- 7. To be prepared to remove the wine within 7-14 days after the close, I have to purchase supplies in advance that I would not otherwise purchase in these quantities at this time.

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Our vendors do not have this quantity of supplies on hand, and the boxes are made to order; therefore cannot be returned if we are not the successful bidder. If we are not the successful bidder, I will have to store these supplies for quite some time before they are used. The cost of the boxes and inserts will be approximately \$26,692.27. I estimate that we will have to purchase at least 50% of the boxes before the auction hearing or roughly \$13,500 worth of boxes, and as we get closer we may be required to pay for additional boxes prior to the auction. In addition, we will purchase the miscellaneous supplies that are needed to assist in the packing process such as tape, tape guns, pallets, shrink wrap, etc., which I estimate will cost \$2,000 so that we are ready to proceed at the time of the sale.

- 8. We believe that our agreement to close the sale in seven days, and to carefully and methodically remove the wine from the warehouse in a short period of time is a valuable part of our agreement, and reduces the expenses that the estate will incur and certain risks for the estate as soon as the wine is removed from the warehouse. While I have not seen other bids, and do not know how long they proposed to remove wine from the facility, we believe that this is an important factor considered in making our offer competitive and the lead bid.
- 9. The above estimates total the sum of \$64, 225 (assuming that I only have to pay for half of the boxes prior to the auction), and it will be an additional \$13,500, if I have to pay for all of the boxes prior to the hearing.
- 10. I requested a breakup fee to compensate SWA for expenses incurred in undertaking the risk of not being the successful bidder at the hearing on the sale.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 9, 2016, at Tustin, California.

> /s/ Jason Boland Jason Boland