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4
5 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA
6 **OAKLAND DIVISION**

7 In Re:) Case No. 16-40050 WJL
8)
9 FOX ORTEGA ENTERPRISES INC) Chapter 7
10)
11) **MOTION FOR ORDER AUTHORIZING**
12) **TRUSTEE TO PAY ADMINISTRATIVE**
13) **CLAIMS OF THE FRANCHISE TAX**
14) **BOARD**
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25)
Debtor(s)) [No Hearing Requested]

12
13 Michael G. Kasolas, Trustee in Bankruptcy of the estate of the above-named Debtor,
14 hereby moves the Court for an order authorizing the Trustee to pay the Franchise Tax Board
15 administrative claim on or before April 18, 2017 and until the case is closed, on the terms more
16 fully set forth in the *Notice of Trustee's Request for Authority to Pay Administrative Expense*
17 *Claims of the Franchise Tax Board*, filed herewith. An authentic copy of the Notice is attached
18 hereto as Exhibit A and is incorporated by reference.

19 Pursuant to the Ninth Circuit's June 15, 2015 decision in *In re Cloobek*, a trustee is
20 required to provide notice to creditors before paying administrative taxes incurred by a
21 bankruptcy estate.

22 The Trustee requests the Court to approve the upcoming administrative tax payment to
23 the FTB and the Trustee also requests authority to pay the FTB in the future the annual \$800 (or
24 whatever amount in the future it may be) Form 3522 fee each year until the case is closed. The
25 Trustee, at this time, anticipates this case will be closed at the end of 2018.

DATED: March 21, 2017

/s/ Michael G. Kasolas
MICHAEL G. KASOLAS,
Trustee in Bankruptcy

Michael G. Kasolas, Trustee
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trustee@kasolas.net

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE:

FOX ORTEGA ENTERPRISES INC

Debtor(s)

Chapter 7

Case No. 16-40050 WJL

**NOTICE OF TRUSTEE'S REQUEST
FOR AUTHORITY TO PAY
ADMINISTRATIVE EXPENSE CLAIMS
OF THE FRANCHISE TAX BOARD**

**TO: ALL CREDITORS, THE UNITED STATES TRUSTEE AND OTHER PARTIES
IN INTEREST:**

PLEASE TAKE NOTICE THAT Michael G. Kasolas, trustee, ("Trustee") of the above-captioned bankruptcy estate seeks authority from the Bankruptcy Court to pay the Franchise Tax Board ("FTB") the sum of \$800.00 for the 2017 tax year due on or before April 18, 2017 on account of administrative expenses owed to the FTB, and until the case is closed.

The Trustee seeks bankruptcy authority to pay these administrative expenses in accordance with the Ninth Circuit decision entitled *In re Cloobek*, 788 F13d 1243 (9th Cir.2015). *Cloobek* requires a trustee, pursuant to Bankruptcy Code Section 503 to provide notice to creditors before paying administrative taxes incurred by the bankruptcy estate.

PLEASE TAKE FURTHER NOTICE that this matter is governed by Bankruptcy Local Rule 9014-1(b)(3), which provides that:

Any objection to the requested relief, or a request for hearing on the matter, must be filed and served upon the initiating (undersigned) party within twenty-one (21) days of mailing the notice;

Any objection or a request for a hearing must be accompanied by any declarations or memoranda of law any requesting party wishes to present in support of its position;

If there is no timely objection to the requested relief or a request for hearing, the court may enter an order granting the relief by default;

1 The initiating party will give at least seven (7) days written notice of the hearing to the
2 objecting or requesting party, and to any trustee or committee appointed in the case.

3 Any objection or request for hearing should be served on the undersigned and filed with
4 the Clerk of the United States Bankruptcy Court, Northern District of California, Oakland
5 Division, 1300 Clay St Rm 300, Oakland California 94612.

6
7 DATED: March 21, 2017

8 /s/ Michael G. Kasolas

9 Michael G. Kasolas, Trustee
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In Re:) Case No. 16-40050 WJL
)
FOX ORTEGA ENTERPRISES INC) Chapter 7
)
) **CERTIFICATE OF SERVICE**
)
)
)
Debtor(s))

I, Joanne Emmanuel, declare as follows:

I am a citizen of the United States and am over the age of eighteen years and am not a party to the within action. My business address is POB 26650, San Francisco CA 94126-6650. On the date set forth below I served by mail a copy of the following document(s):

**NOTICE OF TRUSTEE'S REQUEST FOR AUTHORITY TO PAY
ADMINISTRATIVE CLAIMS OF THE FRANCHISE TAX BOARD**

[X] **by ECF** to the parties listed on the attached service list in accordance with the *Order Granting Motion to Reduce Notice Required for Future Notices Under Bankruptcy Rule 2002(a)* [Docket No. 437] who are ECF recipients.

AND

[X] **(by mail)** to the parties listed on the attached service list in accordance with the *Order Granting Motion to Reduce Notice Required for Future Notices Under Bankruptcy Rule 2002(a)* [Docket No. 437] who are not ECF recipients by placing a true and correct copy thereof enclosed in a sealed envelope with first-class postage prepaid in a designated area for outgoing mail, addressed as set forth on the attached list.

I declare under penalty of perjury under the laws of the State of California and the United States of America that this declaration is true and correct. Executed March 21, 2017 at San Francisco California

/s/ Joanne Emmanuel
Joanne Emmanuel
Administrative Assistant

**FOX ORTEGA ENTERPRISES, INC., DBA PREMIER CRU, DEBTOR
CASE NO. 16-40050**

**LIMITED NOTICE MAILING LIST
(Per Order Dated October 26, 2016)**

Twenty Largest Unsecured Creditors Who Have Timely Claims:

American Express Travel Rltd. Svcs. Co. Inc. c/o Becket and Lee LLP P.O. Box 3001 Malvern, PA 19355-0701
MSI Electronic Payments, LLC c/o T. Micah Dortch Cooper & Scully, P.C. 900 Jackson St., Suite 100 Dallas, Texas 75202
Universal Card, Inc. dba Merchant Services Thomas J. Stolp, Esq. Rogers, MacLeith & Stolp, LLP 10061 Talbert Avenue, Suite 390 Fountain Valley, CA 92708
Mun Hei Li aka Li Mun Hei c/o Raphael Cung, Esq. Callahan & Blaine, APLC 3 Hutton Centre Drive, 9th Floor Santa Ana, CA 92707
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Richard Schmidt 2500 Hospital Drive Mountain View, CA 94040
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Recipient)**Governmental Agencies
Filed Claims**

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CA 95812-2952

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7346
PA 19101-7346

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PO Box 942879
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Request for Special Notice

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Entries in bold NOT on ECF – Service by First Class Mail.

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