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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
11

12 In re
13 FOX ORTEGA ENTERPRISES, INC.,
dba PREMIER CRU,
14 Debtor.
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16
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Case No. 16-40050-WJL

Chapter 7

**DECLARATION OF JASON BOLAND IN
SUPPORT OF MOTION FOR ORDER
APPROVING COMPROMISE WITH JF
HILLEBRAND FRANCE AND
PROPOSED SALE OF WINES TO
SPECTRUM**

1 I, Jason Boland, declare:

2 1. I am the President of Spectrum Wine Auctions (“Spectrum”), a third party who has
3 entered into a Sale Agreement with the trustee (the “Trustee”) of the above-captioned chapter 7
4 bankruptcy estate. The following facts are true of my own personal knowledge and if called upon
5 to do so, I would and could competently testify thereto, except as to those matters that are alleged
6 upon information and belief and as to those matters, I believe them to be true. I make this
7 declaration in support of the Trustee’s *Motion for Order Approving Compromise with JF*
8 *Hillebrand France and Proposed Sale of Wines to Spectrum* (the “Motion”) filed herewith.

9 2. Spectrum has entered into that certain Sale Agreement dated November 10, 2017
10 with the Trustee for Spectrum to purchase 824 bottles of wine currently in the possession of JF
11 Hillebrand France in Beaune, France (the “Wines”) for a price of \$95,000.00 (the “Sale Price”),
12 subject to approval by the Court.

13 3. Spectrum is an independent wine auction house. I negotiated all of the terms in the
14 Sale Agreement with the Trustee, through his counsel, in an arm’s length transaction. In
15 negotiating the Sale Price, I considered information regarding the present retail market valuation
16 of the Wines and a reasonable wholesale price.

17 4. Spectrum has no pre- or post-petition relationships with any other bidder. I have
18 not had any contact with any other entity that is interested in bidding on the Wines that are the
19 subject of the Sale Agreement, and have no intention of having any contact with any bidder. In
20 fact I have no information as to who the other bidders are as of this writing.

21 5. I have reviewed the Debtor’s schedules and to the best of my knowledge I have no
22 relationship with any of the creditors, the Debtor, or its former employees, officers or directors set
23 forth in the schedules. However, the Debtor may have purchased wine from Spectrum, and it is
24 possible that some of the creditors of this estate are customers of Spectrum. Although our
25 facilities are located in Southern California, we do hold online auctions, and therefore, it is
26 possible that some of the creditors could have purchased wine from our store in the past.

27 6. The Court has authorized other wines sales to Spectrum previously in this case and
28 prior to the transactions with the Trustee in this case, I did not know the Trustee or his counsel, or

1 have any contact with any of them to the best of my knowledge and belief.

2 7. Spectrum has not made any offers of employment or compensation to any of the
3 Debtor's current or former officers, directors, agents or employees.

4 8. Spectrum has not paid and does not contemplate paying any consideration in
5 connection with the sale to any person other than the Debtor.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct, and that this declaration was executed on November 22, 2017 at Oakland,
8 California.

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10 /s/ Jason Boland

Jason Boland

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