

Fill in this information to identify the case:

Debtor 1 FOX ORTEGA ENTERPRISES, INC.

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

of

FILED

2016 JAN 22 PM 2:21

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CAL.
OAKLAND, CA.

Official Form 410

Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>CHRIS EBER</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>CHRIS EBER</u> Name <u>22744 SW ULSKY RD</u> Number Street <u>WEST LINN</u> <u>OR</u> <u>97068</u> City State ZIP Code	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code
	Contact phone <u>818 990 3900</u> Contact email <u>CEBER@CHRISEBER.COM</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	\$ <u>2,244.78</u> Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>ORDERED MERCHANDISE, PAID, DID NOT RECEIVE</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 01/17/2016

MM / DD / YYYY

Signature

CHRIS EBER

Print the name of the person who is completing and signing this claim:

Name	CHRIS	EBER
	First name	Last name
Title		
Company		
	Identify the corporate servicer as the company if the authorized agent is a servicer.	
Address	22744 SW ULSKY ROAD	
	Number	Street
	WEST LINN	OR 97068
	City	State ZIP Code
Contact phone	818 990 3900	Email CEBER@CHRISEBER.COM

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1
Order Number: 0000475137
Order Date: 4/4/2015

Salesperson: MR
Customer: 43084
Customer PO:

Sold To

Chris Eber
22744 SW Ulsky Road
West Linn, OR 97068 USA

Ship To

Chris Eber
22744 SW Ulsky Road
West Linn, OR 97068 USA

Contact: Chris Eber
Phone: (818) 990-3900

Item	Ordered	Quantity Shipped	Unit Price	Amount
50852 2013 Chapelle Chambertin, Jadot	3.00	0.00	89.99	269.97
50844 2013 Clos Vougeot, Jadot	3.00	0.00	59.99	179.97
51986 2010 Brunello di Montalcino, Altesino	6.00	0.00	29.99	179.94

Payments: 629.88

4/4/2015	AR3ABEFD6984	*****2004	629.88
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Net Order: 629.88

Freight: 0.00
Sales Tax: 0.00

USD 629.88

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1
Order Number: 0000436432
Order Date: 2/4/2014
Web Order No: 143895
Salesperson: PB
Customer: 43084
Customer PO:

Sold To	Ship To
Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA	Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA

Contact: Chris Eber
Phone: (818) 990-3900

This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
46674 2011 Corton Charlemagne, Boillot	3.00	0.00	125.00	375.00

Payments: 375.00

Net Order: 375.00

Freight: 0.00

Sales Tax: 0.00

2/4/2014 VTYEB7629276 *****2004 375.00

USD 375.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1

Order Number: 0000437830

Order Date: 2/20/2014

Salesperson: JG

Customer: 43084

Customer PO:

Sold To	Ship To
Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA	Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA

Contact: Chris Eber
Phone: (818) 990-3900

This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
49031 09 Chablis Vaulorent Magnum, Fevre	2.00	0.00	99.99	199.98

Payments: 199.98

Net Order: 199.98

Freight: 0.00

Sales Tax: 0.00

2/20/2014	VPFEA6BCEB04	*****2004	199.98
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USD 199.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1
Order Number: 0000437821
Order Date: 2/20/2014
Salesperson: JG
Customer: 43084
Customer PO:

Sold To	Ship To
Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA	Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA

Contact: Chris Eber
Phone: (818) 990-3900

last btl
This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
49032 2010 Chablis Vaulorent Magnum, Fevre	1.00	0.00	79.99	79.99

Payments: 79.99

2/20/2014	VUHEB7D9C3B0	*****2004	79.99
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Net Order: 79.99
Freight: 0.00
Sales Tax: 0.00

USD 79.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1
Order Number: 0000393173
Order Date: 9/29/2012
Salesperson: PB
Customer: 43084
Customer PO:

Sold To	Ship To
Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA	Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA

Contact: Chris Eber
Phone: (818) 990-3900

This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
45008 2010 Montrachet, Jadot	1.00	0.00	299.99	299.99

Payments: 299.99

9/29/2012	VXJEA05FCBD3	*****2004	299.99
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Net Order: 299.99

Freight: 0.00

Sales Tax: 0.00

USD 299.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1
Order Number: 0000393592
Order Date: 10/5/2012
Salesperson: PB
Customer: 43084
Customer PO:

Sold To	Ship To
Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA	Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA

Contact: Chris Eber
Phone: (818) 990-3900

This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
42904 09 Clos Vougeot V.V., Raphet	3.00	0.00	79.99	239.97

				Net Order:	239.97
Payments: 239.97				Freight:	0.00
10/5/2012	VXJEA0A3D5BA	*****2004	239.97	Sales Tax:	0.00
				USD	239.97

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1
Order Number: 0000391167
Order Date: 9/7/2012

Salesperson: MR
Customer: 43084
Customer PO:

Sold To	Ship To
Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA	Chris Eber 22744 SW Ulsky Road West Linn, OR 97068 USA

Contact: Chris Eber
Phone: (818) 990-3900

This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
46463 05 Roederer Cristal	3.00	0.00	139.99	419.97

Payments: 419.97

Net Order: 419.97

Freight: 0.00

Sales Tax: 0.00

9/7/2012 VLEE7B5D0E49 *****2004 419.97

USD 419.97