

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____

Case number 16-40050 WJL7

CP

FILED

2016 JAN 25 PM 12:22

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CA.
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?

Robert H. Schwartz

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?

☒ No

☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Where should payments to the creditor be sent? (if different)

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Robert H. Schwartz

Name

4315 Wabbe Lake Drive South

Number

Street

13/Comfield Hills MI 48302

City

State

ZIP Code

Name

Number

Street

City

State

ZIP Code

Contact phone 2487016781

Contact phone _____

Contact email rh.schwartz@comcast.net

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☒ No

☐ 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?

☒ No

☐ 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? ☒ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ 1763.42 Does this amount include interest or other charges?
☒ No
☐ 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.

GOODS sold

9. Is all or part of the claim secured? ☒ No
☐ Yes. The claim is secured by a lien on property.
- Nature of property:**
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ 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) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

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

☒ No

☐ Yes. Check all that apply:

Amount entitled to priority

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

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

\$ _____

☐ 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.

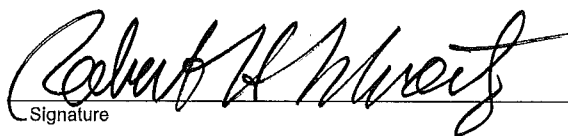
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 19 2016
MM / DD / YYYY


Signature

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

Name

Robert
First name

H
Middle name

Schwartz
Last name

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

4315 Woburn Lake Drive South
Number Street

Bloomfield Hills MI 48302
City State ZIP Code

Contact phone

248706781

Email

rhschwartz@edmcust.net

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000406672
Order Date: 3/4/2013

Salesperson: PB
Customer: 33081
Customer PO:

Sold To

Robert H Schwartz
6449 Pinecroft Drive
West Bloomfield, MI 48322 USA

Ship To

Robert Schwartz
c/o Butzel Long
Stoneridge West
41000 Woodward Ave.
Bloomfield Hills, MI 48304 USA

Phone: (248) 701-6781

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
43899 2010 Le Dome	3.00	0.00	169.99	509.97

Payments: 509.97

Net Order: 509.97

Freight: 0.00

Sales Tax: 0.00

03/05/2013	VPFE8AF4E8EB	*****0451	509.97
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USD 509.97

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000437316
Order Date: 2/13/2014
Salesperson: PB
Customer: 33081
Customer PO:

Sold To

Robert H Schwartz
4315 Wabeek Lake Drive South
Bloomfield Hills, MI 48302 USA

Ship To

Robert Schwartz
c/o Butzel Long
Stoneridge West
41000 Woodward Ave.
Bloomfield Hills, MI 48304 USA

Phone: (248) 701-6781

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
43899 2010 Le Dome	3.00	0.00	229.99	689.97

Payments: 752.07

Net Order: 689.97

Freight: 0.00

Sales Tax: 62.10

02/13/2014 VLFEA8276FC7 *****9781 752.07

USD 752.07

XFINITY Connect

rhschwartz@comcast.net
+ Font Size -

RE: Order Confirmation From Premier Cru

From : Phil Bohorfoush <phil@premiercru.net>

Wed, Mar 12, 2014 05:57 PM

Subject : RE: Order Confirmation From Premier Cru**To :** rhschwartz@comcast.net

Hello Robert,

I resent your invoice. We do fulfill orders first in, first out, so you likely won't receive all of your 2010 Le Dome at once.

Your first three bottles are staging at our London warehouse for a container. We expect those 3 bottles in late Spring, early and the other two orders behind them for summer.

Thanks,
Phil

From: rhschwartz@comcast.net [mailto:rhschwartz@comcast.net]**Sent:** Wednesday, March 12, 2014 12:31 PM**To:** Phil Bohorfoush**Subject:** Re: Order Confirmation From Premier Cru

I am not sure I ever received invoice. Can you resend? Also, will this wine arrive in August?

From: "Phil Bohorfoush" <phil@premiercru.net>**To:** "Robert Schwartz" <rhschwartz@comcast.net>**Sent:** Thursday, February 13, 2014 1:04:38 PM**Subject:** RE: Order Confirmation From Premier Cru

Robert,
Great. I emailed your invoice.
Many thanks,
Phil

From: Robert Schwartz [mailto:rhschwartz@comcast.net]**Sent:** Wednesday, February 12, 2014 5:16 PM**To:** Phil Bohorfoush**Subject:** Re: Order Confirmation From Premier Cru

I decided i would like 3 more bottles of the 2010 Le Dome..
Sent from my iPhone

On Feb 12, 2014, at 3:51 PM, "Premier Cru" <phil@premiercru.net> wrote:

SALES ORDER