

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc. dba Premier Cru

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

CP FILED

2016 JAN 25 PM 12:42

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?

Kathe R. Barnett

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor Kathe R. McDonald

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)

Kathe Barnett

Name

Name

2667 11th Avenue

Number Street

Number Street

Sacramento CA 95818

City State ZIP Code

City State ZIP Code

Contact phone 916 734 4955

Contact phone _____

Contact email kathebarnett@rocketmail.com

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: 0 3 4 1

7. How much is the claim? \$ 930.75. 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 by debtor, charged to my credit card, including tax

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)?

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).

☐ 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ 86.94

\$ _____

\$ _____

* 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 01/20/2016
MM / DD / YYYY

Kathe R. Barnett
Signature



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

Name Kathe Russell Barnett
First name Middle name Last name

Title _____

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

Address 2667 11th Avenue
Number Street
Sacramento CA 95818
City State ZIP Code

Contact phone 916 734 4955 Email kathebarnett@rocketmail.com



P.O. BOX 15123
WILMINGTON, DE
19850-5123

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Log on to chase.com/alerts

82906 BEX 9 32014 C
KATHE R BARNETT
RICHARD J BARNETT
2667 11TH AVE
SACRAMENTO CA 95818-4418



CARDMEMBER SERVICE
PO BOX 94014
PALATINE IL 60094-4014



Manage your account online:
www.chase.com/united



Customer Service:
1-800-637-7783



Mobile: Visit chase.com
on your mobile browser

ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
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PAYMENTS AND OTHER CREDITS

11/03	Payment Thank You - Web	
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PURCHASES

10/20	PREMIER CRU -INTERNET 510-644-9463 CA	147.15
1/29	PREMIER CRU -INTERNET 510-644-9463 CA	39.23
12/21	PREMIER CRU -INTERNET 510-644-9463 CA	108.99
03/02	PREMIER CRU -INTERNET 510-644-9463 CA	87.18
03/17	PREMIER CRU -INTERNET 510-644-9463 CA	191.27
08/23	PREMIER CRU -INTERNET 510-644-9463 CA	87.59
10/20	PREMIER CRU -INTERNET 510-644-9463 CA	98.54
11/01	PREMIER CRU -INTERNET 510-644-9463 CA	170.80

The above charges correspond to the attached breakdown for purchases made and paid for with Premier Cru between October 2014 – October 2015. None of these items have been received, and I was told that none were available for pick-up.

Date		CA Tax	Prem Cru Order Number	Total Billed*
10/20/2014	135.00 2004 Philliponat Clos de Goisses	12.15	SO-0000458672-160542	147.15
11/29/2014	35.99 LeBrun-Servenay Selecion	3.24	SO-0000462620	39.23
12/20/2014	99.00 2002 Billecart NFB	9.00	SO-0000465034	108.99
3/1/2015	39.00 Bollinger Special Cuvee (2 @ 39 ea)	8.18	SO-0000471986-170818	87.18
3/15/2015	97.49 2002 Billecart NFB +	15.79	SO-0000473459	191.27
	77.99 2006 Taittinger Comtes		Included with line above	
8/23/2015	79.99 2006 Taittinger Comtes	7.60	SO-0000488280	87.59
10/20/2015	89.99 2006 Taittinger Comtes	8.55	SO-0000492608	98.54
10/31/2015	77.99 2005 Philipponnat Clos des Goisses (2)	14.82	SO-0000493520-188023	170.80
		79.33		930.75

*Total claim includes costs for California
State sales tax collected and paid
\$851.42 cost of wine; \$79.33 sales tax charged