

Fill in this information to identify the case:

Debtor 1 FOX ORTEGA ENTERPRISES INC

Debtor 2 dba. PREMIER CRU
(Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN District of CALIFORNIA

Case number 16-40050 WJL 7

FILED
2016 JAN 26 AM 9:47
U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CAL.
OAKLAND, CAL.
OP

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>MICHAEL KELLY</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?	Where should notices to the creditor be sent?
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should payments to the creditor be sent? (if different)
Name <u>MICHAEL KELLY</u>	Name _____
Street <u>34-08 -29 STREET</u>	Street _____
City <u>ASTORIA</u>	City _____
State <u>NEW YORK</u>	State _____
ZIP Code <u>11106</u>	ZIP Code _____
Contact phone <u>347 672 6791</u>	Contact phone _____
Contact email <u>AISHD @ AOL.COM</u>	Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
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>13,157.74</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?	<p>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.</p> <p><u>I PURCHASED / PAID FOR 36 BOTTLES OF WINE THAT WERE NEVER DELIVERED FOR RETIREMENT APPRECIATION (THIRTY SIX BOTTLES)</u></p>
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)?

☒ 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

1/15/2016
MM / DD / YYYY

Signature

Michael Kelly

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

Name

MICHAEL
First name

OWEN
Middle name

KELLY
Last name

Title

—

Company

—

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

Address

3408 - 29 STREET
Number Street

ASTORIA
City

NY
State

11106
ZIP Code

Contact phone

(347) 672-6791

Email

AISHD@AOL.COM

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

MY ACCOUNT

RECENT ORDERS

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO-0000455021 (Open)	\$3,999.90	10	0	10	0	9/12/14
SO-0000394303 (Open)	\$959.88	12	0	12	12	10/12/12
SO-0000393175 (Open)	\$1,199.98	2	0	2	0	9/29/12
SO-0000392301 (Open)	\$6,997.98	12	0	12	2	9/20/12

[View all orders](#)

SUMMARY of
ORDERS

↓
13,157.74
Total

[MY ACCOUNT](#)

[EDIT PROFILE](#)

[ADDRESS BOOK](#)

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ORDER DETAILS

Order No.: SO-0000455021

Order Date.: Sep 12, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 La Mission Haut Brion, 750 ml	10	0	10	0	\$399.99	\$3,999.90

Subtotal: \$3,999.90

Tax: \$0.00

Total: \$3,999.90

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 La Mission Haut Brion, 750 ml	10	0	10

[MY ACCOUNT](#)

[EDIT PROFILE](#)

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ORDER DETAILS

Order No.: SO-0000394303

Order Date.: Oct 12, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Gracia, 750 ml	12	0	12	12	\$79.99	\$959.88

Subtotal: \$959.88

Tax: \$0.00

Total: \$959.88

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Gracia, 750 ml	12	0	12

MY ACCOUNT

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ORDER DETAILS

Order No.: SO-0000393175

Order Date.: Sep 29, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Beausejour Duffau 3 Liter, 3 L	2	0	2	0	\$599.99	\$1,199.98

Subtotal: \$1,199.98

Tax: \$0.00

Total: \$1,199.98

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Beausejour Duffau 3 Liter, 3 L	2	0	2

MY ACCOUNT

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ORDER DETAILS

Order No.: SO-0000392301

Order Date.: Sep 20, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Margaux, 750 ml	2	0	2	0	\$500.00	\$1,000.00
2010 Lafite Rothschild, 750 ml	2	0	2	0	\$700.00	\$1,400.00
2010 Haut Brion, 750 ml	2	0	2	0	\$599.00	\$1,198.00
2010 La Mission Haut Brion, 750 ml	2	0	2	2	\$499.99	\$999.98
2010 Mouton Rothschild, 750 ml	2	0	2	0	\$500.00	\$1,000.00
2010 Latour, 750 ml	2	0	2	0	\$700.00	\$1,400.00
2010 First Growth Bordeaux Special Set, 750 ml	0	0	0	0	\$0.00	\$0.00

Subtotal: \$6,997.98

Tax: \$0.00

Total: \$6,997.98

SHIPPING DETAILS