

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

CP

FILED

2016 JAN 26 AM 9:38

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?

Joel L Hodes

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?

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

Where should notices to the creditor be sent?

Joel L Hodes

Name

One Commerce Plaza, Suite 1900

Number Street

Albany

NY

12260

City

State

ZIP Code

Contact phone (518) 487-7744

Contact email jhodes@woh.com

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

Name

Number Street

City

State

ZIP Code

Contact phone _____

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 01/20/2016

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? \$ 9,490.75. 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.
173 bottles of fine wine sold by Debtor, paid for in full, not delivered

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

\$ _____

\$ 2,775.00

\$ _____

\$ _____

\$ _____

\$ _____

* 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

Signature

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

Name Joel L Hodes
First name Middle name Last name

Title Creditor

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

Address One Commerce Plaza, Suite 1900
Number Street

Albany NY 12260
City State ZIP Code

Contact phone (518) 487-7744 Email jhodes@woh.com

ORDER HISTORY

All Time

Sort By

Order No

GO

Item	Unit Price	Qty	Shipped	Remain	Avail	Order Number (Status)	Date
2012 Chianti Classico Riserva Nigra del Sorbo, Fontodi, 750 ml	\$49.99	6	0	6	0	SO-0000490424 (Open)	9/20/15
2013 Chablis Cote de Jonquerois, Fevre, 750 ml	\$45.00	6	0	6	0	SO-0000488190 (Open)	8/23/15
2005 Bollinger Grand Annce, 750 ml	\$64.99	4	0	4	0	SO-0000488190 (Open)	8/23/15
2012 Beaucastel, 750 ml	\$49.99	6	0	6	0	SO-0000488190 (Open)	8/23/15
2005 Rioja Gran Reserva 904, La Rioja Alta, 750 ml	\$29.99	6	0	6	0	SO-0000488190 (Open)	8/23/15
2007 Boederer Cristal, 750 ml	\$104.99	2	0	2	0	SO-0000488032 (Open)	8/22/15
2011 Equino, Antinori, 750 ml	\$49.99	12	0	12	0	SO-0000487998 (Open)	8/21/15
2007 Boederer Cristal, 750 ml	\$104.99	4	0	4	0	SO-0000487998 (Open)	8/21/15
2013 Clos Vougeot, Jadot, 750 ml	\$77.99	12	0	12	0	SO-0000484263 (Open)	7/16/15
2013 Clos Vougeot, Chateau de la Pome, 750 ml	\$84.49	12	0	12	0	SO-0000483933 (Open)	7/12/15
2010 Barolo Pajana, Clerico, 750 ml	\$51.99	3	0	3	0	SO-0000483218 (Open)	7/5/15
2010 Brunello di Montalcino, Poggio Antico, 750 ml	\$59.99	3	0	3	0	SO-0000478350 (Open)	5/9/15
2010 Brunello di Montalcino, Argiano, 750 ml	\$48.99	3	0	3	0	SO-0000478350 (Open)	5/9/15
2010 Brunello di Montalcino, Valdicava, 750 ml	\$79.99	3	0	3	0	SO-0000478350 (Open)	5/9/15
2010 Brunello di Montalcino Montosoli, Alesino, 750 ml	\$49.99	3	0	3	0	SO-0000478350 (Open)	5/9/15
2013 Chablis Cote de Jonquerois, Fevre, 750 ml	\$45.00	6	0	6	0	SO-0000465521 (Open)	12/26/14
2013 Chablis Vaudesir, Fevre, 750 ml	\$45.00	6	0	6	0	SO-0000465521 (Open)	12/26/14
2013 Beaucastel, 750 ml	\$49.99	4	0	4	0	SO-0000459124 (Open)	10/26/14
2012 Chablis Montee de Tonnerre, Fevre, 750 ml	\$45.00	6	0	6	0	SO-0000457957 (Open)	10/14/14
2012 Chablis Preuses, Fevre, 750 ml	\$79.99	3	0	3	0	SO-0000457957 (Open)	10/14/14
2012 Chablis Vaudesir, Fevre, 750 ml	\$56.99	4	0	4	0	SO-0000438425 (Open)	2/27/14
2012 Chablis Voltons, Fevre, 750 ml	\$33.99	4	0	4	0	SO-0000438425 (Open)	2/27/14
2012 Chablis Mopiee de Tonnerre, Fevre, 750 ml	\$45.00	4	0	4	0	SO-0000438425 (Open)	2/27/14
2010 Cote Rotie d'Ampus, Guigal, 750 ml	\$79.99	3	0	3	0	SO-0000432643 (Open)	12/30/13
2011 St Joseph Grands Rouge, Chapoutier, 750 ml	\$39.99	6	0	6	0	SO-0000432643 (Open)	12/30/13
2010 Chianti Classico, Fontodi, 750 ml	\$24.99	6	0	6	0	SO-0000430011 (Open)	12/4/13
2007 Ciro di Neri, Tua Rita, 750 ml	\$39.99	6	0	6	0	SO-0000424349 (Open)	9/30/13
2008 Ciro di Neri, Sella Panti, 750 ml	\$49.99	6	0	6	0	SO-0000424349 (Open)	9/30/13
2010 Volnay Clos de la Barre, Jadot, 750 ml	\$52.99	3	0	3	0	SO-0000421330 (Open)	8/23/13
2010 Volnay Lallepieds, Bonchard, 750 ml	\$45.00	6	0	6	0	SO-0000421328 (Open)	8/23/13
2010 Cuvée V.P. Extra Brut Grand Cru, 750 ml	\$49.99	4	0	4	0	SO-0000418846 (Open)	7/20/13
2010 Pommard Jarolieres, Poussé d'Or, 750 ml	\$49.99	4	0	4	0	SO-0000418168 (Open)	7/14/13
2010 Volnay Caillerets, Poussé d'Or, 750 ml	\$49.99	3	0	3	0	SO-0000418168 (Open)	7/14/13
2011 Chablis Preuses, Fevre, 750 ml	\$45.00	4	0	4	0	SO-0000414522 (Open)	6/1/13

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Store Hours
Tuesday-Friday: 10am-6pm
Saturday: 10am-6pm
Sunday: Closed

WINES
PAID IN
FULL BY
CREDITOR,
NOT SHIPPED
BY DEBTOR