

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

CP

FILED

2016 JAN 26 AM 9:48

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>Jonathan Creighton</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>Jonathan Creighton</u> Name <u>758 Trestle Glen Rd</u> Number Street <u>Oakland</u> <u>CA</u> <u>94610</u> City State ZIP Code Contact phone <u>650-506-6404</u> Contact email <u>j_creighton@yahoo.com</u>	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?	<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? ☒ 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? \$ 143.84 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.
Undelivered wine held for pickup in Premier Cru warehouse

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 01/20/2016
MM / DD / YYYY

Signature

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

Name Jonathan Creighton
First name Middle name Last name

Title _____

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

Address 758 Trestle Glen Rd
Number Street

Oakland CA 94610
City State ZIP Code

Contact phone 650-506-6404 Email j_creighton@yahoo.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000434276

Order Date: 1/16/2014

Web Order No: 142274

Salesperson: PB

Customer: 45874

Customer PO:

Sold To

Jonathan Creighton
758 Trestle Glen rd
Oakland, CA 94610 USA

Ship To

Jonathan Creighton
758 Trestle Glen rd
Oakland, CA 94610 USA

Contact: Jonathan Creighton
Phone: (510) 913-3021

Hold for pickup
This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
47222 07 Chateaufeuf du Pape, Guigal	4.00	0.00	32.99	131.96

Payments: 143.84

Net Order: 131.96

Freight: 0.00

Sales Tax: 11.88

1/16/2014	VTYEB63790E2	*****0507	143.84
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USD 143.84

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1/16/2014 VTYEB63790E2 *****0507 143.84

USD 143.84

Subject: Premier Cru - Your wine has arrived
From: Premier Cru (shipping@premiercru.net)
To: J_creighton@yahoo.com;
Date: Monday, January 19, 2015 10:00 AM

Please see your summary below of your New Arrivals and a summary of all of your Previous Arrivals in our warehouse.

- Shipping information is required before we ship your wines. We do not ship until requested
- Pickup information is noted below

Shipping Information required:

1. Ship to address - Adult signature is required.
2. Credit Card information - Please note the last 4 digits of your credit card for your shipping fees. You may update your card under My Account (<https://www.premiercru.net/premier/user/ShowAccount.do>).
3. Ship Method - Please provide shipping speed (ground, 2 day, overnight). UPS is our preferred provider.

Shipping Information: <http://www.premiercru.net/premier/company/ShippingInfo.do>
Weather resource: http://www.weather.com/maps/activity/travel/usweathertoday_large.html

4. Ship Date - Please provide your ship date and allow, at least, 48 hours for us to prepare your shipment.

Please note: We do not advise shipping in warmer or freezing temperatures and if so, recommend Next Day morning delivery. We are not responsible for any wines damaged by weather once they have left our warehouse.

Pickups:

- Please allow 72 hours for us to gather your wines.

For further assistance, please email us at shipping@premiercru.net or call us at 510-644-9463.

Pick Up Address:
1011 University Ave
Berkeley, CA 94710

Premier Cru
510-644-9463 ext. 0
shipping@premiercru.net
www.premiercru.net

Store Hours - 10am-6pm Monday-Friday | 10am-5pm Saturday | Closed Sunday |

Id: 45874
Name: Jonathan Creighton

The items listed below are your wines currently in our warehouse.

OrderNumber	OrderDate	WineName	Qty
0000434276	01/16/2014	07 Chateauneuf du Pape, Guigal	4

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1. Ship to address - Adult signature is required.
2. Credit Card information - Please note the last 4 digits of your credit card for your shipping fees. You may update your card under My Account (<https://www.premiercru.net/premier/user/ShowAccount.do>).
3. Ship Method - Please provide shipping speed (ground, 2 day, overnight). UPS is our preferred provider.

Shipping Information: <http://www.premiercru.net/premier/company/ShippingInfo.do>

Weather resource: http://www.weather.com/maps/activity/travel/usweathertoday_large.html

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