

Fill in this information to identify the case:

Debtor 1 Premier Cru

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

FILED
CP
2016 JAN 26 AM 9:49
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>Worth Caldwell</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>Worth Caldwell</u> Name _____ <u>2945 sw Homesteader Rd</u> Number Street _____ <u>West Linn</u> <u>OR</u> <u>97068</u> City State ZIP Code _____ Contact phone <u>503-929-6980</u> Contact email <u>wcaldwell2945@gmail.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? \$ 2,610.00 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.
Pre-Purchase of wine never delivered to me- doc's attached

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

\$ _____

\$ 2,610.00

\$ _____

\$ _____

\$ _____

\$ _____

* 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 01/21/2016
MM / DD / YYYY

Worth W Caldwell

Signature

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

Name Worth W Caldwell
First name Middle name Last name

Title _____

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

Address 2945 sw Homesteader Rd
Number Street
West Linn OR 97068
City State ZIP Code

Contact phone 503-929-6980 Email wcaldwell2945@gmail.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

unfulfilled Sales Order

Page: 1

Order Number: 0000397520

Order Date: 11/21/2012

Web Order No: 115124

Salesperson: JG

Customer: 43812

Customer PO:

Sold To	Ship To
Worth Caldwell 24705 SW 65th Avenue Tualatin, OR 97062 USA	Worth Caldwell 9304 SE Main Street Milwaukie, OR 97222 USA

Contact: Worth W Caldwell
Phone: (503) 482-5329

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
45369 07 Brunello di Montalcino Tenuta Nuova, de Neri	12.00	0.00	59.99	719.88

UN: ~~11/21/2012~~ ~~719.88~~
PW: ~~11/21/2012~~ ~~719.88~~

Payments: 719.88

Net Order: 719.88

Freight: 0.00

Sales Tax: 0.00

11/21/2012 VXHEA2765581 *****7811 719.88

USD 719.88

unfulfilled
Sales Order

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Page: 1
Order Number: 0000463032
Order Date: 12/4/2014
Web Order No: 163940
Salesperson: JG
Customer: 43812
Customer PO:

Sold To

Worth Caldwell
24705 SW 65th Avenue
wcaldwell@pacificmarketingandpublishing
.com
Tualatin, OR 97062 USA

Ship To

Worth Caldwell
9304 SE Main Street
Milwaukie, OR 97222 USA

Contact: Worth W Caldwell
Phone: (503) 482-5329

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51265 2010 Brunello di Montalcino Tenuta Nuova, di Neri	12.00	0.00	79.99	959.88

Net Order: 959.88

Payments: 959.88

Freight: 0.00
Sales Tax: 0.00

12/4/2014	VLCAB94E964C	*****6770	959.88
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USD 959.88

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Unfulfilled Sales Order

Page: 1
Order Number: 0000467509
Order Date: 1/22/2015
Web Order No: 167245
Salesperson: SA
Customer: 43812
Customer PO:

Sold To	Ship To
Worth Caldwell 24705 SW 65th Avenue wcaldwell@pacificmarketingandpublishing.com Tualatin, OR 97062 USA	Worth Caldwell 9304 SE Main Street Milwaukie, OR 97222 USA

Contact: Worth W Caldwell
Phone: (503) 482-5329

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51342 2010 Brunello di Montalcino, Pacenti	6.00	0.00	79.99	479.94
51552 2010 Brunello di Montalcino, Sassetti	6.00	0.00	74.99	449.94

Payments: 929.88

1/22/2015 VQFABAB5DD24 *****6770 929.88

Net Order: 929.88

Freight: 0.00

Sales Tax: 0.00

USD 929.88

supporting email conversations

Worth Caldwell

From: Peter Powlovich <peter@premiercru.net>
Sent: Thursday, December 3, 2015 9:18 AM
To: Worth Caldwell
Subject: RE: Order status

Hello Worth,

Will do. And please feel free to check in with me as well. I can gladly help handle your account going forward.

Sincerely,
Peter N Powlovich
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
fax (510) 647-3833
Peter@premiercru.net

-----Original Message-----

From: Worth Caldwell [mailto:wcaldwell@pmap.us]
Sent: Thursday, December 03, 2015 9:16 AM
To: Peter Powlovich
Subject: RE: Order status

Thanks for your reply Peter.
I will await further news and keep in touch.

Best,

Worth

-----Original Message-----

From: Peter Powlovich [mailto:peter@premiercru.net]
Sent: Wednesday, December 2, 2015 4:59 PM
To: Worth Caldwell <wcaldwell@pmap.us>
Subject: RE: Order status

Hello Worth,

→ First let me start by apologizing. We have been extremely busy with phone calls as we are in the middle of our shipping season and have not been able to reply to all phone calls or emails in a timely manor.

All of the 2010 Brunellos are all good and coming directly from our supplier. We are currently working out the logistics of the container to be shipped at this time so I do not have a specific arrival date yet, but we anticipate to be fullfilling all of those orders by Spring 2016.

Regarding the 07 Brunello di Montalcino Tenuta Nuova, de Neri. We had received that wine, and then there was an accident in our warehouse and a whole pallet was broken. That wine is still available in the market and we are still working on resourcing the wine from another trusted seller.

Please feel free to check in with me for updates at your convenience.

Sincerely,
Peter N Powlovich
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
fax (510) 647-3833
Peter@premiercru.net

From: Worth Caldwell [mailto:wcaldwell@pmap.us]
Sent: Tuesday, December 01, 2015 3:16 PM
To: Premier Cru
Cc: Premier Cru
Subject: FW: Order status

Cru,

I am once again asking about the order mentioned below as well as the status of the two orders attached.

The 2007 Casa Di Neri Tenuta Nuova BdM I ordered AND PAID for three years ago (Nov. 2012)....I am still awaiting.

Please provide me some good news about delivery!!!

Cheers

Worth Caldwell

Worth W Caldwell

Executive Director

Pacific Marketing & Publishing, Inc.

503.653.0145

www.PMAP.US <<http://www.pmap.us/>>

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From: James Gillerman [mailto:james@premiercru.net]
Sent: Tuesday, October 14, 2014 3:43 PM
To: 'Worth Caldwell' <wcaldwell@pmap.us>
Subject: RE: Order status

Hello Worth,

Remember that you can always see your orders and their arrival status on our website at www.premiercru.net <<http://www.premiercru.net>> under your account. You can also schedule shipments from there, or via e-mail or telephone if you prefer.

Your 6 x 99 Quilceda Creek Cabernet are here in stock and can ship out whenever you choose to schedule it.

Your 12 x 07 Brunello di Montalcino Tenuta Nuova, de Neri remain pre-arrival bottles. Thanks for your continued patience. These bottles too will migrate here for you presently, but have not made it here just yet. We apologize that this is unsettling to you. Sometimes wines do take a very long time to get here, but they do come. This one will come as

well, and again we thank you for your patience. We purchase wines such as these in extremely large quantities, and in huge mixed parcels.

We purchase directly in Europe, and do our own direct importing. That makes our prices VERY good on the wines, as you probably already know.

Yes sometimes the process can take quite a long time, but it does work to provide high end wines at rock bottom pricing to our customers.

In the meantime, we can certainly ship the Quildedda Creek whenever you choose to schedule it, or we can continue to hold this wine here under temperature control pending more arrivals, more in stock orders or better shipping weather. We never ship anything automatically, and will always wait for your specific shipping instructions.

If you do decide to ship the bottles here for you, one way or another we need you to confirm all the following details and we will be happy to schedule for you:

SHIP DATE

We are currently scheduling for 10-16, or any business date thereafter with sufficient advance warning. Probably early next week makes sense if you want to ship, to avoid shipping over a weekend.

SHIP SPEED

Ground (2 business days up to OR) or Next Day air are your realistic choices to OR. Remember that temperature risks of shipping are yours not ours.

SHIP TO ADDRESS

We have 9304 SE Main Street on file for you, to which we have shipped previously. Please confirm.

CREDIT CARD

We have x6770 as your most recent card on file for shipping costs, though it appears to be expiring soon. Please confirm, or you can provide an updated expiration date if appropriate. You can also use the secure website to update your billing information if appropriate, but e-mail if you use the website and we will look there for a new card.

Thank you for your business, and once again your patience on the di Neri. Look at the price on those, and I think you will agree that these will be well worth the wait.

Regards,

James Gillerman

=====

James Gillerman
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: james@premiercru.net <mailto:james@premiercru.net>
Web: www.premiercru.net <http://www.premiercru.net>

From: Worth Caldwell [mailto:wcaldwell@pmap.us <mailto:wcaldwell@pmap.us>]
Sent: Tuesday, October 14, 2014 12:28 PM
To: 'Premier Cru'
Subject: Order status

Hello,

Will you please let me know the status of two purchases under my account:

-Quilceda Creek (from attached email)

-Casa Di Neri (case of 2007 Tenuta Nuova)

***This was purchased from you TWO YEARS ago and I demand to know if this is available now or if you will get it for me (it is available on Winebid.com).

Waiting two years and especially pre-paying has become quite unsettling to me.

I appreciate your reply.

Worth

Worth W Caldwell

Executive Director - Sales

Pacific Marketing & Publishing, Inc.

503.653.0145

www.PMAP.US <<http://www.pmap.us/>>

cid:image001.png@01CFE7A9.EB0F9530

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From: Premier Cru [mailto:james@premiercru.net]
Sent: Tuesday, April 22, 2014 2:24 PM
To: Worth Caldwell
Subject: Sales Order From Premier Cru at Premier Cru

http://emailimages.pdfblaster.com/pdfblaster/customeremail_header_logo.gif
<http://redirect.dfhosting.com/programRedirect.asp?pr_program=pdfbcustomeremailink&pr_name=pdfbhome>

http://emailimages.pdfblaster.com/pdfblaster/customeremail_header_line.gif
<http://emailimages.pdfblaster.com/pdfblaster/customeremail_header_line>

gii>

http://emailimages.pdfblaster.com/pdfblaster/dot_clear.gif
<http://emailimages.pdfblaster.com/pdfblaster/dot_clear.gif>

http://emailimages.pdfblaster.com/pdfblaster/dot_clear.gif
<http://emailimages.pdfblaster.com/pdfblaster/dot_clear.gif>

Sales Order

From:
Premier Cru
Premier Cru

http://emailimages.pdfblaster.com/pdfblaster/customeremail_header_midline.gif
<http://emailimages.pdfblaster.com/pdfblaster/customeremail_header_midline.gif>

To: Worth W Caldwell
Date: 4/22/2014

To view the attached Sales Order, you need the free Adobe Acrobat Reader, which is available from www.adobe.com
<<http://www.adobe.com>> .

-Regards,

Premier Cru
Premier Cru

To view certain attachments to this email, you need Adobe's Acrobat Reader software, which can be downloaded for free by clicking the following link:

[[Download Acrobat Reader Now](#)

<http://redirect.dfhosting.com/programRedirect.asp?pr_program=general&pr_name=downloadAcrobat>]

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<http://emailimages.pdfblaster.com/pdfblaster/customeremail_header_midline.gif>