

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

FILED

2016 JAN 27 AM 10:20

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CAL.
OAKLAND, CA.

Official Form 410
Proof of Claim

+ 9 supporting documents
✓ Scott Nyberg 1-12-2016
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?

Scott L. Nyberg

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?

Scott L. Nyberg

Name

4770 Mayo Woodlands Road SW

Number Street

Rochester

MN

55902

City

State

ZIP Code

Contact phone 507-261-1768

Contact email nyberg.scott@mayo.edu

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

(same)

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

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? \$ 18,503.86 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 (45 bottles of fine wine that were never 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

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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:

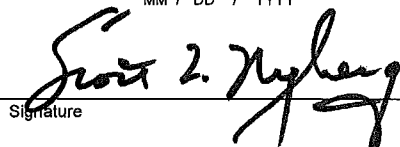
- ☒ I am the creditor.
- ☐ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 01/17/2016
MM / DD / YYYY

 / Scott L. Nyberg
Signature

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

Name Scott Lyle Nyberg
First name Middle name Last name

Title _____

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

Address 4770 Mayo Woodlands Road SW
Number Street
Rochester MN 55902
City State ZIP Code

Contact phone 507-261-1768 Email nyberg.scott@mayo.edu

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ORDER HISTORY

All Time



Sort By [Order No.](#)



GO

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO 0000495366 (Open)	\$1,259.94	6	0	6	6	9/19/15
SO 0000462754 (Open)	\$2,609.05	6	0	6	0	12/1/14
SO 0000400551 (Open)	\$13,794.00	30	0	30	0	12/28/12
SO 0000373375 (Open)	\$839.97	3	0	3	0	2/2/12

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[Become a fan!](#)

Premier Cru

1011 University Ave
Berkeley, CA 94710
[Click here for directions](#)

Store Hours

Tuesday-Friday: 10am-6pm
Saturday: 10am-5pm
Sunday: Closed

Support 1/9
Hyberg

MY ACCOUNT EDIT PROFILE ADDRESS BOOK BILLING INFORMATION

ORDER DETAILS

Order No.: 30-0000490366
 Order Date: Sep 19, 2015
 Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Opus One, 750 ml	6	0	6	0	1209.99	\$1,259.94
Subtotal:						\$1,259.94
Tax:						\$0.00
Total:						\$1,259.94

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Opus One, 750 ml	6	0	6

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Company History

Enter Wine

Enter Email

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About Us

At Opus One, we are committed to providing you with the finest wine and the most exceptional customer service. We are proud to be a family-owned and operated business, and we are dedicated to providing you with the highest quality wine and the most exceptional customer service.

Home

Wine

Wine

Wine

Wine

Wine

Wine

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Support 2/9
 Nyberg

ORDER DETAILS

Order No.: SO-0600462764
 Order Date: Dec 1, 2014
 Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2008 Grange, Penfolds, 750 ml	3	0	3	0	\$479.99	\$1,439.98
2010 Grange, Penfolds, 750 ml	3	0	3	0	\$389.99	\$1,169.97
Subtotal:						\$2,609.95
Tax:						\$0.00
Total:						\$2,609.95

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2008 Grange, Penfolds, 750 ml	3	0	3
2010 Grange, Penfolds, 750 ml	3	0	3

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Premier Cru

1011 University Ave.
 Berkeley, CA 94710
[Click here for directions](#)

Store Hours

Tuesday-Friday: 10am-6pm
 Saturday: 10am-5pm
 Sunday: Closed

Support 3/9
 Nyberg

Billings, Montana

Case 16-40050 Claim 398 Filed 01/27/16 Desc Main Document Page 7 of 12

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ORDER DETAILS

Order No: 001000000000
Order Date: 04/06/16
Status: Open

PURCHASE DETAILS

Item	Qty	Ordered	Remain	Ready To Ship	Price/Unit	Total Price
2010 Vaux Ch Corbin, P50 ml	1	0	1	0	1272.00	1272.00
Subtotal:						\$127.57
Tax:						\$0.00
Total:						\$127.57

SHIPPING DETAILS

Item	Ordered	Shipped	Remain
2010 Vaux Ch Corbin, P50 ml	1	0	1

Insurance Website

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Area 101

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We are the world's first wine of extremely high quality
produced from the finest grapes in the world.
Our wine is made from the finest grapes in the world.
Our wine is made from the finest grapes in the world.

1. Welcome to

Premier Cru

Our Premier Cru
Wine is made from
the finest grapes in the world.

Share House

Wine is made from
the finest grapes in the world.
Our wine is made from the finest grapes in the world.

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Nylberg

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000490366

Order Date: 9/19/2015

Web Order No: 185478

Salesperson:

Customer: 42198

Customer PO:

Sold To

Scott Nyberg
4770 Mayo Woodlands Road SW
WANTS OWC!
Rochester, MN 55902 USA

Ship To

Scott Nyberg
4770 Mayo Woodlands Road SW
WANTS OWC!
Rochester, MN 55902 USA

Contact: Scott Lyle Nyberg
Phone: (507) 261-1768

Item	Ordered	Quantity Shipped	Unit Price	Amount
52997 2012 Opus One	6.00	6.00	209.99	1,259.94

Payment: 1,259.94

Net Order: 1,259.94

Freight: 0.00

Sales Tax: 0.00

USD 1,259.94

Support 6/9
Nyberg

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000462754
Order Date: 12/1/2014
Web Order No: 163790
Salesperson: SA
Customer: 42198
Customer PO:

Sold To	Ship To
Scott Nyberg 4770 Mayo Woodlands Road SW WANTS OWC! Rochester, MN 55902 USA	Scott Nyberg 4770 Mayo Woodlands Road SW WANTS OWC! Rochester, MN 55902 USA

Contact: Scott Lyle Nyberg
Phone: (507) 261-1768

20% discount applied 08 Grange
This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
47583 08 Grange, Penfolds	3.00	0.00	479.99	1,439.98
51008 2010 Grange Hermitage, Penfolds	3.00	0.00	389.99	1,169.97

Payments:	2,609.95	Net Order:	2,609.95
12/1/2014 VPEAB6DD784E *****1005	2,609.95	Freight:	0.00
		Sales Tax:	0.00
		USD	2,609.95

Support 7/9
Nyberg

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000400853
Order Date: 12/28/2012
Web Order No: 117420
Salesperson: PB
Customer: 42198
Customer PO:

Sold To	Ship To
Scott Nyberg 4770 Mayo Woodlands Road SW WANTS OWC! Rochester, MN 55902 USA	Scott Nyberg 4770 Mayo Woodlands Road SW WANTS OWC! Rochester, MN 55902 USA

Contact: Scott Lyle Nyberg
Phone: (507) 261-1768

please ship as original wood cases (OWC)
This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
44849 2010 First Growth Bordeaux Special Set	6.00	0.00	2,299.00	13,794.00

Payments:	13,794.00	Net Order:	13,794.00
12/29/2012 VSHEA2183DDB *****1005	13,794.00	Freight:	0.00
		Sales Tax:	0.00
		USD	13,794.00

Support 8/9
Nyberg

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000373375

Order Date: 2/2/2012

Web Order No: 91175

Salesperson: PB

Customer: 42198

Customer PO:

Sold To

Scott Nyberg
4770 Mayo Woodlands Road SW
WANTS OWC!
Rochester, MN 55902 USA

Ship To

Scott Nyberg
4770 Mayo Woodlands Road SW
WANTS OWC!
Rochester, MN 55902 USA

Contact: Scott Lyle Nyberg
Phone: (507) 261-1768

This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
44079 2010 Vieux Ch Certan	3.00	0.00	279.99	839.97

Payments: 839.97

Net Order: 839.97

Freight: 0.00

Sales Tax: 0.00

2/3/2012	VZME3D195768	*****1005	839.97
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USD 839.97

Support 9/9
Nyberg