

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
 OP

2016 JAN 27 AM 10:21

U.S. BANKRUPTCY COURT
 NORTHERN DIST. OF CA.
 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>DEAN CIMINO</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor <u>N/A</u>	
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>DEAN CIMINO</u> Name <u>1405 - BALBOA AVENUE</u> Number Street <u>BURLINGAME, CA - 94010</u> City State ZIP Code Contact phone <u>(415) 265-1269</u> Contact email <u>dpcsell@SRE@AOL.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? \$ 1,168.77 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 - Purchased Wine that I Never Received

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 01/25/2016
MM DD YYYY

Dean Cimino
Signature DEAN CIMINO

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

Name

DEAN
First name

Middle name

CIMINO
Last name

Title

Company

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

Address

1405-Balboa Avenue
Number Street

Burlingame
City

CA- 94010
State ZIP Code

Contact phone

(415)265-1269

Email

opcsellsRE@aol.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000469117

Order Date: 2/6/2015

Web Order No: 168555

Salesperson: MR

Customer: 47494

Customer PO:

Sold To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Ship To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51299 2010 Brunello di Montalcino, Argiano	3.00	0.00	48.99	146.97

Payments: 160.20

Net Order: 146.97

Freight: 0.00

Sales Tax: 13.23

2/6/2015 VSYACB2679F0 *****3851 160.20

USD 160.20

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000469142

Order Date: 2/7/2015

Web Order No: 168576

Salesperson: MR

Customer: 47494

Customer PO:

Sold To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Ship To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51670 2010 Brunello di Montalcino Montosoli, Altesino	2.00	0.00	49.99	99.98

Payments: 108.98

Net Order: 99.98

Freight: 0.00

Sales Tax: 9.00

2/7/2015 VQFABBA4D9C4 *****3851 108.98

USD 108.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000470059

Order Date: 2/14/2015

Web Order No: 169294

Salesperson: SA

Customer: 47494

Customer PO:

Sold To	Ship To
Dean Cimino 1405 Balboa Avenue Hillborough, CA 94010 USA	Dean Cimino 1405 Balboa Avenue Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51765 2010 Brunello di Montalcino, Pieve di Santa Restituta	2.00	0.00	39.99	79.98

Payments:	87.18	Net Order:	79.98
		Freight:	0.00
		Sales Tax:	7.20
2/14/2015 VPEABA977BBB *****3851 87.18		USD	87.18

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000470042

Order Date: 2/14/2015

Web Order No: 169280

Salesperson: PB

Customer: 47494

Customer PO:

Sold To	Ship To
Dean Cimino 1405 Balboa Avenue Hillborough, CA 94010 USA	Dean Cimino 1405 Balboa Avenue Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

I will pick up the wine when it arrives along w...
This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51759 2010 Brunello di Montalcino 'Zebras', Cipressi	2.00	0.00	39.99	79.98

Payments:	87.18	Net Order:	79.98	
2/14/2015	VTHACD9A9E6D *****3851	87.18	Freight:	0.00
			Sales Tax:	7.20
			USD	87.18

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000470402

Order Date: 2/16/2015

Web Order No: 169577

Salesperson: MR

Customer: 47494

Customer PO:

Sold To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Ship To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
47896 2012 Pontet Canet	2.00	0.00	55.24	110.49

Payments: 120.43

Net Order: 110.49

Freight: 0.00

Sales Tax: 9.94

2/16/2015	VLEABDD79486	*****3851	120.43
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USD 120.43

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000470648
Order Date: 2/18/2015
Web Order No: 169759
Salesperson: YW
Customer: 47494
Customer PO:

Sold To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Ship To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

25% Discount Applied
This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51772 2010 Brunello di Montalcino, Talenti	2.00	0.00	33.75	67.50

Payments: 73.58

Net Order: 67.50

Freight: 0.00

Sales Tax: 6.08

2/19/2015 VXYACDB05C06 *****3851 73.58

USD 73.58

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000472554
Order Date: 3/8/2015
Web Order No: 171263
Salesperson: SA
Customer: 47494
Customer PO:

Sold To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Ship To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51787 2010 Brunello di Montalcino, Lisini	2.00	0.00	45.00	90.00

Payments: 98.10

Net Order: 90.00

Freight: 0.00

Sales Tax: 8.10

3/9/2015 VQFABD4607C9 *****3851 98.10

USD 98.10

Sales Order

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Page: 1
Order Number: 0000474679
Order Date: 3/30/2015
Web Order No: 172970
Salesperson: MS
Customer: 47494
Customer PO:

Sold To	Ship To
Dean Cimino 1405 Balboa Avenue Hillborough, CA 94010 USA	Dean Cimino 1405 Balboa Avenue Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51553 2010 Brunello di Montalcino, Valdicava	2.00	0.00	77.34	154.69

Payments: 168.61	Net Order: 154.69
	Freight: 0.00
	Sales Tax: 13.92
3/30/2015 AQ0ABE773946 *****3851 168.61	USD 168.61

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000475067

Order Date: 4/4/2015

Web Order No: 173276

Salesperson: MS

Customer: 47494

Customer PO:

Sold To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Ship To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

Item		Ordered	Quantity Shipped	Unit Price	Amount
51983	2010 Brunello di Montalcino, Nardi	2.00	0.00	25.99	51.98

Payments: 56.66

Net Order: 51.98

Freight: 0.00

Sales Tax: 4.68

4/6/2015 AQ0ABEDE382A *****3851 56.66

USD 56.66

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000475265
Order Date: 4/5/2015
Web Order No: 173458
Salesperson: MS
Customer: 47494
Customer PO:

Sold To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Ship To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51986 2010 Brunello di Montalcino, Altesino	1.00	0.00	29.99	29.99

Payments: 32.69

Net Order: 29.99

Freight: 0.00

Sales Tax: 2.70

4/7/2015 AL0AC0A23A21 *****3851 32.69

USD 32.69

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000482476

Order Date: 6/28/2015

Web Order No: 179065

Salesperson:

Customer: 47494

Customer PO:

Sold To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Ship To

Dean Cimino
1405 Balboa Avenue
Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

Item	Ordered	Quantity Shipped	Unit Price	Amount
51984 2010 Brunello di Montalcino, La Gerla	2.00	0.00	29.99	59.98

Payments: 65.68

Net Order: 59.98

Freight: 0.00

Sales Tax: 5.70

6/28/2015	AR0AC39E319F	*****3851	65.68
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USD 65.68

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000482698
Order Date: 6/30/2015

Salesperson: SA
Customer: 47494
Customer PO:

Sold To	Ship To
Dean Cimino 1405 Balboa Avenue Hillborough, CA 94010 USA	Dean Cimino 1405 Balboa Avenue Hillborough, CA 94010 USA

Contact: Dean Cimino
Phone: (415) 265-1269

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51670 2010 Brunello di Montalcino Montosoli, Altesino	2.00	0.00	49.99	99.98

Payments:	109.48	Net Order:	99.98
6/30/2015	AS0AD30A2843	*****3851	109.48
Case 16-40050 Claim 400 Filed 01/27/16		Desc Main Document	Page 15 of 15
		USD	109.48