

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc. dba Premier Cru

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

FILED  
2016 JAN 27 AM 10:17  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF  
CALIFORNIA  
SAN FRANCISCO, 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>Barry P. Boothe</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>Barry P. Boothe</u> Name <u>2435 Divisadero Street</u> Number Street <u>San Francisco</u> <u>CA</u> <u>94115</u> City State ZIP Code Contact phone <u>415-346-5934</u> Contact email <u>barrypboothe@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? \$ 741.91. 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 to me and paid for but not delivered to me

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:** \$ 741.91 (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:

☐ 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 01/20/2016  
MM / DD / YYYY

Barry P. Boothe  
Signature

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

Name Barry Power Boothe  
First name Middle name Last name

Title \_\_\_\_\_

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

Address 2435 Divisadero Street  
Number Street  
San Francisco CA 94115  
City State ZIP Code

Contact phone 415-346-5934 Email barrypboothe@aol.com

Attachment for Proof of Claim for Barry P. Boothe Case number 16-40050 WJL 7

Attached to this note is the Sales Order for wine not delivered to me by Premier Cru.

All of the wine on the Sales Order # 0000340360 dated 7-6-2010 was delivered to me except the 2009 Vieux Chateau Certan wines – two 750 ml bottles and two 375 ml bottles. The total cost for these bottles as shown on the Sales Order was \$676.00 plus \$65.91 for the 9.75% sales tax in effect at that time for a total of \$741.91.

A handwritten signature in black ink, reading "Barry P. Boothe". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

# PREMIER CRU

5890 CHRISTIE AVENUE  
EMERYVILLE, CA 94608  
(510)655-6691 FAX(510)547-5405

## Sales Order

Page: 1

Order Number: 0000340360  
Order Date: 7/6/2010  
Change Order: 0  
Confirm No:  
Salesperson: MC  
Customer: bboo  
Customer PO:

Sold To	Ship To
Barry Boothe 2435 Divisadero St. San Francisco, CA 94115 USA	Barry Boothe 2435 Divisadero St. San Francisco, CA 94115 USA

Contact: Barry P Boothe  
Phone: (415) 346-8844

Item	Ordered	Quantity Shipped	Unit Price	Amount
41707 09 Cos d'Estournel	4.00	0.00	297.99	1,191.96
41708 09 Cos d'Estournel 1/2	2.00	0.00	149.99	299.98
41717 09 Leoville las Cases	4.00	0.00	305.00	1,220.00
41718 09 Leoville las Cases 1/2	2.00	0.00	153.50	307.00
41693 09 Pichon Lalande	4.00	0.00	169.99	679.96
41694 09 Pichon Lalande 1/2	2.00	0.00	85.99	171.98
41605 09 Haut Bailly	2.00	0.00	115.00	230.00
41649 09 Haut Bailly 1/2	2.00	0.00	58.50	117.00
41728 09 Vieux Chateau Certan	2.00	0.00	224.50	449.00
41729 09 Vieux Chateau Certan 1/2	2.00	0.00	113.50	227.00
41687 09 Pavie	2.00	0.00	259.99	519.98
41688 09 Pavie 1/2	2.00	0.00	131.99	263.98
41686 09 La Conseillante	2.00	0.00	195.00	390.00
41751 09 La Conseillante 1/2	2.00	0.00	98.50	197.00

Payments: 6,875.66

Net Order: 6,264.84  
Discount: 0.00  
Freight: 0.00  
Sales Tax: 610.82

7/6/2010	VREE5CB80A9A	*****3915	6,875.66
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9,756 →

USD 6,875.66