

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

JB 10:03 AM
FILED

JAN 29 2016

BANKRUPTCY COURT
OAKLAND, CALIFORNIA

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>Paul Schulze</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>Paul Schulze</u> Name <u>1024 Tinker Hill Lane</u> Number Street <u>Malvern</u> <u>PA</u> <u>19355</u> City State ZIP Code Contact phone <u>610-933-3083</u> Contact email <u>wine.guy@vorpallblade.org</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? \$ 2,048.71. 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 ordered and paid for, but 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)?

☐ 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).

\$ 2,048.71

☐ 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.

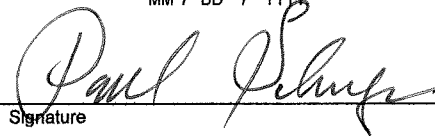
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 01/21/2016
MM / DD / YYYY


Signature

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

Name Paul Schulze
First name Middle name Last name

Title _____

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

Address 1024 Tinker Hill Lane
Number Street

Malvern PA 19355
City State ZIP Code

Contact phone 610-933-3083 Email wine.guy@vorpallblade.org

MY ACCOUNT EDIT PROFILE ADDRESS BOOK BILLING INFORMATION

MY ACCOUNT

RECENT ORDERS

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO-0000472737 (Open)	\$539.92	8	0	8	0	3/10/15
SO-0000468955 (Open)	\$1,253.82	18	0	18	0	2/2/15
SO-0000433687 (Open)	\$254.97	3	0	3	0	1/10/14

[View all orders](#)

VIEW ORDERS

☒ Open ☐ Closed ☐ All [VIEW](#)

VIEW ITEMS

☒ Open ☐ Closed ☐ All ☐ Ready to Ship [VIEW](#)

RECENT SHIPMENTS

Ship Tran ID	Ship Method	Ship Date	Shipped
0000320497-SH	UPS 2-Day	Sep 30, 2013	12
0000314104-SH	UPS 2-Day	Nov 26, 2012	3
0000307554-SH	UPS 2-Day	Jan 31, 2012	3
0000299112-SH	UPS 2-Day	Feb 21, 2011	36
0000254975-SH	UPS 2-Day	May 14, 2007	6

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Berkeley, CA 94710
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Store Hours
Tuesday-Friday: 10am-6pm
Saturday: 10am-5pm
Sunday: Closed

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MY ACCOUNT EDIT PROFILE ADDRESS BOOK BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000472737
Order Date.: Mar 10, 2015
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Brunello di Montalcino, Sassetti, 750 ml	4	0	4	0	\$74.99	\$299.96
2010 Brunello di Montalcino Montosoli, Altesino, 750 ml	4	0	4	0	\$59.99	\$239.96

Subtotal: \$539.92

Tax: \$0.00

Total: \$539.92

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Brunello di Montalcino, Sassetti, 750 ml	4	0	4
2010 Brunello di Montalcino Montosoli, Altesino, 750 ml	4	0	4

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MY ACCOUNT EDIT PROFILE ADDRESS BOOK BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000468955

Order Date.: Feb 2, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Brunello di Montalcino Tenuta Nuova, di Neri, 750 ml	6	0	6	0	\$79.99	\$479.94
2010 Brunello di Montalcino, Argiano, 750 ml	6	0	6	0	\$48.99	\$293.94
2010 Brunello di Montalcino, Pacenti, 750 ml	6	0	6	0	\$79.99	\$479.94

Subtotal: \$1,253.82

Tax: \$0.00

Total: \$1,253.82

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Brunello di Montalcino Tenuta Nuova, di Neri, 750 ml	6	0	6
2010 Brunello di Montalcino, Argiano, 750 ml	6	0	6
2010 Brunello di Montalcino, Pacenti, 750 ml	6	0	6

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MY ACCOUNT EDIT PROFILE ADDRESS BOOK BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000433687

Order Date.: Jan 10, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Condrieu La Doriane, Guigal, 750 ml	3	0	3	0	\$84.99	\$254.97

Subtotal: \$254.97

Tax: \$0.00

Total: \$254.97

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Condrieu La Doriane, Guigal, 750 ml	3	0	3

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Paul Schulze

From: Peter Powlovich <peter@premiercru.net>
Sent: Tuesday, December 1, 2015 8:09 PM
To: Paul Schulze
Subject: RE: Web Store Contact Us: Pre-Arrival Question

Hello Paul,

I apologize, being in the middle of a busy shipping season, we have been unable to get to all emails in a timely manor.

At this time, we are expecting all of your 2010 Brunellos to start coming in the first quarter of 2016. We have a few purchase orders out for each wine and it is just a matter of getting them shipped to us. The 2012 Condrieu La Doriane, Guigal is also anticipated in the 1st quarter of next year.

Again, I apologize that we were not able to get to you in a timely manor. 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

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

From: Paul Schulze [<mailto:wine.guy@vorpallblade.org>]
Sent: Tuesday, December 01, 2015 11:46 AM
To: customer-service@premiercru.net
Subject: FW: Web Store Contact Us: Pre-Arrival Question

Why are you not answering me? May I please have a response?

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

From: Paul Schulze [<mailto:wine.guy@vorpallblade.org>]
Sent: Sunday, November 22, 2015 6:03 PM
To: 'customer-service@premiercru.net'
Subject: FW: Web Store Contact Us: Pre-Arrival Question

May I please have a response to my query?

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

From: customer-service@premiercru.net
[<mailto:customer-service@premiercru.net>]

Sent: Monday, November 16, 2015 8:20 PM
To: customer-service@premiercru.net
Cc: Paul Schulze
Subject: Web Store Contact Us: Pre-Arrival Question

Pre-Arrival Question:

Would you please provide me with an update on my open orders, SO-0000433687, SO-0000468955, and SO-0000472737? When will I receive these wines?