

**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 WJL 7

FILED

CP

2016 JAN 28 AM 9:58

U.S. BANKRUPTCY COURT  
NORTHERN DIST. OF CAL.  
SILVERTON, OREGON

**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? Michael Schmidt  
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?	Where should payments to the creditor be sent? (if different)
	<u>Michael Schmidt</u> Name <u>1111 Pine St</u> Number Street <u>Silverton</u> <u>OR</u> <u>97381</u> City State ZIP Code Contact phone <u>503-580-3210</u> Contact email <u>michael@silvertonrealty.com</u>	<u>Michael Schmidt</u> Name <u>1111 Pine St</u> Number Street <u>Silverton</u> <u>OR</u> <u>97381</u> City State ZIP Code Contact phone <u>503-580-3210</u> Contact email <u>michael@silvertonrealty.com</u>

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? \$ 209.97. 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 purchased but, not 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:

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- |   | Amount entitled to priority |
|---|-----------------------------|
| <input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  | \$ _____                    |
| <input type="checkbox"/> 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).  | \$ _____                    |
| <input type="checkbox"/> 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). | \$ _____                    |
| <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).  | \$ _____                    |
| <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).  | \$ _____                    |
| <input type="checkbox"/> 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 01/19/2016  
MM / DD / YYYY

  
Signature

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

Name Michael Schmidt  
First name Middle name Last name

Title \_\_\_\_\_

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

Address 1111 Pine St  
Number Street

Silverton OR 97381  
City State ZIP Code

Contact phone 503-580-3210 Email michael@silvertonrealty.com

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000461474  
Order Date: 11/17/2014  
Web Order No: 162772  
Salesperson: SA  
Customer: 47073  
Customer PO:

Sold To	Ship To
Michael Schmidt 1111 Pine St Silverton, OR 97381 USA	Michael Schmidt 1111 Pine St Silverton, OR 97381 USA

Contact: Michael J Schmidt  
Phone: (503) 580-3210

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
49307 2012 Chateaneuf Clos des Papes, Avril	3.00	0.00	69.99	209.97

Payments:	209.97	Net Order:	209.97	
11/17/2014	VTJAC80E6BB2 *****8592	209.97	Freight:	0.00
			Sales Tax:	0.00
			USD	209.97

## Michael Schmidt

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**From:** Premier Cru <sales@premiercru.net>  
**Sent:** Monday, November 17, 2014 3:11 PM  
**To:** Michael Schmidt  
**Subject:** RE: Web Order # 162772 from michael schmidt

Dear Michael,

Thank you for your order, emailed to you under separate cover. As noted on the website and during checkout, your order contains pre-arrival bottles. You will be notified as these arrive and can make appropriate shipping (or pickup) arrangements at that time. You can also check your arrival status of your orders on our website under "my account" after the website syncs overnight.

We never automatically ship upon arrival here. You have been billed for the wine but not yet for any shipping costs, and will not be charged for shipping until these actually ship out. Thanks for your business.

Kind regards,

Sunita Aggarwal  
Premier Cru - the world's finest wines  
1011 University Avenue  
Berkeley, CA 94710 (directions)  
phone (510) 644-9463 ext. 11  
fax (510) 647-3833  
sunita@premiercru.net

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

From: Premier Cru  
Sent: Monday, November 17, 2014 12:31 PM  
To: Premier Cru  
Subject: Web Order # 162772 from michael schmidt

Order Number: 162772  
Placed: Nov 17 2014 10:36AM  
Cust Name: michael schmidt  
Email Address: michael@silvertonrealty.com Cust Id: 47073 Order No:  
SO-0000461474 Order Status: OK

Billing Address:

Michael Schmidt  
1111 Pine St

Silverton, OR 97381

Day Phone: 503-580-3210  
Eve Phone:  
Cel Phone:

Shipping Address:

Day Phone: 0  
Eve Phone: 0  
Cel Phone: 0

Ship On or After: ASAP  
Ship Via: HOLD  
Payment: 8592 exp: 10 15  
Name on Card: Michael J Schmidt

qty	item	Wine	price
ext	status		
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3	49307	2012 Chateauneuf Clos des Papes, Avril	69.99
209.97	pre-arrival		

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Bottles : 3  
Subtotal: 209.97  
Shipping (estimate): 0.00  
Tax : 0.00  
Total : 209.97

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Please note:

We do not ship automatically upon order.  
If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.  
We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at [info@premiercru.net](mailto:info@premiercru.net) or call us at 510-644-9463.

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Premier Cru  
1011 University Avenue  
Berkeley, CA 94710  
(510) 644-9463