

**Fill in this information to identify the case:**

Debtor 1 Fox Ortega Enterprises, Inc

Debtor 2 dba Premier Cru  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050

LM 11:09 AM  
**FILED**  
FEB 1 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>David Aaron True</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>David Aaron True</u> Name <u>250 Athol Ave.</u> Number Street <u>Oakland</u> <u>CA</u> <u>94606</u> City State ZIP Code  Contact phone <u>415.309.1477</u> Contact email <u>datrue@gmail.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? \$ 1,097.21. 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 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 01/28/2016  
MM / DD / YYYY

AT  
Signature

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

Name David Aaron True  
First name Middle name Last name

Title \_\_\_\_\_

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

Address 250 Athol Ave.  
Number Street

Oakland CA 94606  
City State ZIP Code

Contact phone 415.309.1477 Email datrue@gmail.com

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000494795

Order Date: 11/18/2015

Web Order No: 189078

Salesperson: KR

Customer: dtru

Customer PO:

### Sold To

David True  
250 Athol Ave.  
to be picked up by Derrek Peel  
Oakland, CA 94606 USA

### Ship To

Aaron True  
1 Front St., 35th floor  
Covington & Burling LLP  
San Francisco, CA 94111 USA

Contact: David Aaron True  
Phone: (415) 955-6814

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
33619 Philipponat Brut Royale	4.00	0.00	19.19	76.78

Payments: 84.07

Net Order: 76.78

Freight: 0.00

Sales Tax: 7.29

11/18/2015 AS0ADAEDC569 \*\*\*\*\*2648 84.07

USD 84.07

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000490016

Order Date: 9/13/2015

Web Order No: 185266

Salesperson: KR

Customer: dtru

Customer PO:

### Sold To

David True  
250 Athol Ave.  
to be picked up by Derrek Peel  
Oakland, CA 94606 USA

### Ship To

Aaron True  
1 Front St., 35th floor  
Covington & Burling LLP  
San Francisco, CA 94111 USA

Contact: David Aaron True  
Phone: (415) 955-6814

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
52114 2014 Rieussec 1/2	2.00	0.00	18.53	37.05

Payments: 40.57

Net Order: 37.05

Freight: 0.00

Sales Tax: 3.52

9/14/2015 AS0AD7398AB2 \*\*\*\*\*2648 40.57

USD 40.57

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000488844

Order Date: 8/30/2015

Web Order No: 184277

Salesperson: KR

Customer: dtru

Customer PO:

### Sold To

David True  
250 Athol Ave.  
to be picked up by Derrek Peel  
Oakland, CA 94606 USA

### Ship To

Aaron True  
1 Front St., 35th floor  
Covington & Burling LLP  
San Francisco, CA 94111 USA

Contact: David Aaron True  
Phone: (415) 955-6814

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
52209	2014 Grand Puy Lacoste	4.00	0.00	31.19	124.77

Payments: 136.62

Net Order: 124.77

Freight: 0.00

Sales Tax: 11.85

8/31/2015 AS0AD66E4ACA \*\*\*\*\*2648 136.62

USD 136.62

# Sales Order

## PREMIER CF

1011 University Avenue  
Berkeley, CA 94710

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

Page: 1

Order Number: 0000487361

Order Date: 8/15/2015

Web Order No: 183064

Salesperson:

Customer: dtru

Customer PO:

Sold To	Ship To
David True 250 Athol Ave. to be picked up by Derrek Peel Oakland, CA 94606 USA	Aaron True 1 Front St., 35th floor Covington & Burling LLP San Francisco, CA 94111 USA

Contact: David Aaron True  
Phone: (415) 955-6814

Item	Ordered	Quantity Shipped	Unit Price	Amount
52222 2014 Pontet Canet	4.00	0.00	49.99	199.96

Payments: 218.96				Net Order:	199.96
				Freight:	0.00
				Sales Tax:	19.00
8/16/2015	AQ0AC60E351E	*****2648	218.96	USD 218.96	

# Sales Order

## PREMIER CF

1011 University Avenue  
Berkeley, CA 94710

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

Page: 1

Order Number: 0000485257

Order Date: 7/26/2015

Web Order No: 181363

Salesperson:

Customer: dtru

Customer PO:

Sold To	Ship To
David True 250 Athol Ave. to be picked up by Derrek Peel Oakland, CA 94606 USA	Aaron True 1 Front St., 35th floor Covington & Burling LLP San Francisco, CA 94111 USA

Contact: David Aaron True  
Phone: (415) 955-6814

Item	Ordered	Quantity Shipped	Unit Price	Amount
52267 2014 Coutet 1/2	4.00	0.00	10.73	42.90

Payments:	46.98	Net Order:	42.90
7/26/2015 AU0AD5E37AB3 *****2648 46.98		Freight:	0.00
		Sales Tax:	4.08
		USD	46.98



# Sales Order

# PREMIER CF

1011 University Avenue  
Berkeley, CA 94710

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

Page: 1

Order Number: 0000483204

Order Date: 7/5/2015

Web Order No: 179685

Salesperson:

Customer: dtru

Customer PO:

## Sold To

David True  
250 Athol Ave.  
to be picked up by Derrek Peel  
Oakland, CA 94606 USA

## Ship To

Aaron True  
1 Front St., 35th floor  
Covington & Burling LLP  
San Francisco, CA 94111 USA

Contact: David Aaron True  
Phone: (415) 955-6814

Item	Ordered	Quantity Shipped	Unit Price	Amount
52265 2014 Climens 1/2	4.00	0.00	17.54	70.17

Payments:	76.84	Net Order:	70.17
		Freight:	0.00
		Sales Tax:	6.67
7/5/2015	AR0AC3FEA5D4	*****0520	76.84
		USD	76.84

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000473274

Order Date: 3/14/2015

Web Order No: 171847

Salesperson: PB

Customer: dtru

Customer PO:

### Sold To

David True  
250 Athol Ave.  
to be picked up by Derrek Peel  
Oakland, CA 94606 USA

### Ship To

Aaron True  
1 Front St., 35th floor  
Covington & Burling LLP  
San Francisco, CA 94111 USA

Contact: David Aaron True

Phone: (415) 955-6814

Item		Ordered	Quantity Shipped	Unit Price	Amount
48155	Geoffroy Brut Volupte	4.00	0.00	29.99	119.96

Payments: 130.76

Net Order: 119.96

Freight: 0.00

Sales Tax: 10.80

3/15/2015 VRFABDDBC31D \*\*\*\*\*0520 130.76

USD 130.76

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000472116

Order Date: 3/4/2015

Web Order No: 170906

Salesperson: SA

Customer: dtru

Customer PO:

### Sold To

David True  
250 Athol Ave.  
to be picked up by Derrek Peel  
Oakland, CA 94606 USA

### Ship To

Aaron True  
1 Front St., 35th floor  
Covington & Burling LLP  
San Francisco, CA 94111 USA

Contact: David Aaron True  
Phone: (415) 955-6814

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
50785	2011 Chateaufneuf du Pape Cuvee Reservee, Pegau	4.00	0.00	32.49	129.97

Payments: 141.67

Net Order: 129.97

Freight: 0.00

Sales Tax: 11.70

3/4/2015	VLFAEBEC40CF	*****0520	141.67
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USD 141.67

**True, Aaron**

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**From:** Premier Cru <shipping@premiercru.net>  
**Sent:** Friday, December 26, 2014 12:49 PM  
**To:** True, Aaron  
**Subject:** Premier Cru Order Acknowledgement

Thank you for your order.  
Premier Cru has received your web order request.  
Your web order number is SO-0000465447-165679.

89.<sup>57</sup> + tax

Sales are processed in the order they are received. Once we have determined that the wines you requested are available, we will confirm and process your order.

Our online inventory is updated every minute. However since many wines are in high demand and limited supply, we cannot guarantee that the wines you requested were still available at the time your order was submitted. Once we determine this, process your order and bill you, your order is confirmed and we will e-mail you a confirmed copy.

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

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000459231  
Order Date: 10/26/2014  
Web Order No: 161041  
Salesperson: JG  
Customer: dtru  
Customer PO:

Sold To	Ship To
David True 250 Athol Ave. to be picked up by Derrek Peel Oakland, CA 94606 USA	Aaron True 1 Front St., 35th floor Covington & Burling LLP San Francisco, CA 94111 USA

Contact: David Aaron True  
Phone: (415) 955-6814

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
50727 04 Pol Roger Brut	3.00	0.00	39.99	119.97

Payments: 130.77

Net Order: 119.97

Freight: 0.00

Sales Tax: 10.80

10/27/2014	VPCAB507DE29	*****0520	130.77
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USD 130.77