

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

LM 11:04 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? James J Pappas  
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>James J Pappas</u>	
	Name _____	Name _____
	<u>616 Moaniala Street</u>	
	Number _____ Street _____	Number _____ Street _____
	<u>Honolulu HI 96821</u>	
	City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____
	Contact phone <u>808 373 4801</u>	Contact phone _____
	Contact email <u>jpappas115@aol.com</u>	Contact email _____

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? \$ 8,442.40 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.  
Wine futures ordered, paid for and never 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: The wine has been paid for and ordered for me.  
**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: \$ 8,442.40  
Amount of the claim that is secured: \$ 8,442.40  
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: \$ 8,442.40  
  
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.

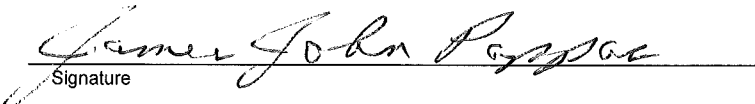
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 1 28 2016  
MM / DD / YYYY

  
Signature

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

Name James John Pappas

First name

Middle name

Last name

Title \_\_\_\_\_

Company \_\_\_\_\_

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

Address

616 Moaniala Street

Number Street

Honolulu, HI 96821

City

State

ZIP Code

Contact phone

808 373 4801

Email jpappas115@aol.com

wine, region, varietal, producer

[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)**ORDER DETAILS**

Order No.: SO-0000353076

Order Date.: Mar 24, 2011

Status: Open

**PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Les Pagodes de Cos, 750 ml	12	12	0	0	\$49.99	\$599.88
2009 Beychevelle, 750 ml	12	12	0	0	\$69.99	\$839.88
2009 Lynch Bages, 750 ml	24	0	24	0	\$119.99	\$2,879.76
2009 Malescot St Exupery, 750 ml	6	6	0	0	\$99.99	\$599.94

Subtotal: \$4,919.46

Tax: \$0.00

Total: \$4,919.46

**SHIPPING DETAILS**

Wine	Ordered	Shipped	Remain
2009 Les Pagodes de Cos, 750 ml	12	12	0
2009 Beychevelle, 750 ml	12	12	0
2009 Lynch Bages, 750 ml	24	0	24
2009 Malescot St Exupery, 750 ml	6	6	0

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Order No.: SO-0000438824

Order Date.: Mar 3, 2014

Status: Open

**PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2007 Chablis Blanchots V.V., Billaud Simon, 750 ml	1	1	0	0	\$79.99	\$79.99
2009 Chablis Clos, Faiveley, 750 ml	6	6	0	0	\$59.99	\$359.94
2009 Chablis Vaudesir, Fevre, 750 ml	6	6	0	0	\$59.99	\$359.94
2012 Chablis Bougros Cote de Bouguerots, Fevre, 750 ml	3	0	3	0	\$79.99	\$239.97
2012 Chablis Preuses, Fevre, 750 ml	3	0	3	0	\$79.99	\$239.97
2012 Chablis Vaudesir, Fevre, 750 ml	3	0	3	0	\$59.99	\$179.97

Subtotal: \$1,459.78

Tax: \$0.00

Total: \$1,459.78

**SHIPPING DETAILS**

Wine	Ordered	Shipped	Remain
2007 Chablis Blanchots V.V., Billaud Simon, 750 ml	1	1	0
2009 Chablis Clos, Faiveley, 750 ml	6	6	0
2009 Chablis Vaudesir, Fevre, 750 ml	6	6	0
2012 Chablis Bougros Cote de Bouguerots, Fevre, 750 ml	3	0	3
2012 Chablis Preuses, Fevre, 750 ml	3	0	3
2012 Chablis Vaudesir, Fevre, 750 ml	3	0	3

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1011 University Ave

510 644 9463

wine, region, varietal, producer

MY ACCOUNT

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BILLING INFORMATION

## ORDER DETAILS

Order No.: SO-0000344416

Order Date.: Oct 22, 2010

Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Clos Vougeot, Jadot, 750 ml	3	3	0	0	\$109.99	\$329.97
2009 Echezeaux, Jadot, 750 ml	3	3	0	0	\$124.99	\$374.97
2009 Beychevelle, 750 ml	12	12	0	0	\$61.99	\$743.88
2009 Lynch Bages, 750 ml	6	6	0	0	\$109.99	\$659.94
2009 Malescot St Exupery, 750 ml	6	6	0	0	\$99.99	\$599.94
2009 Beaune Clos du Roi, H Boillot, 750 ml	6	6	0	0	\$47.99	\$287.94
2009 Chablis Clos, Faiveley, 750 ml	6	6	0	0	\$59.99	\$359.94
2009 Clos Vougeot, Faiveley, 750 ml	3	3	0	0	\$129.99	\$389.97
2009 Echezeaux, Faiveley, 750 ml	3	0	3	0	\$129.99	\$389.97
<b>Subtotal:</b>						\$4,136.52
<b>Tax:</b>						\$0.00
<b>Total:</b>						\$4,136.52

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Clos Vougeot, Jadot, 750 ml	3	3	0
2009 Echezeaux, Jadot, 750 ml	3	3	0
2009 Beychevelle, 750 ml	12	12	0
2009 Lynch Bages, 750 ml	6	6	0
2009 Malescot St Exupery, 750 ml	6	6	0
2009 Beaune Clos du Roi, H Boillot, 750 ml	6	6	0
2009 Chablis Clos, Faiveley, 750 ml	6	6	0
2009 Clos Vougeot, Faiveley, 750 ml	3	3	0
2009 Echezeaux, Faiveley, 750 ml	3	0	3

*wine, region, varietal, producer*

MY ACCOUNT

EDIT PROFILE

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**ORDER DETAILS**

Order No.: SO-0000410844

Order Date.: Apr 23, 2013

Status: Open

**PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Leoville Barton, 750 ml	6	0	6	0	\$114.99	\$689.94
2010 Montrose, 750 ml	6	6	0	0	\$205.00	\$1,230.00
2010 Lynch Bages, 750 ml	12	12	0	0	\$155.00	\$1,860.00
2010 Lynch Bages Magnum, 1.5 L	1	0	1	0	\$313.00	\$313.00
2010 Larcis Ducasse, 750 ml	6	0	6	0	\$114.99	\$689.94
2010 Ducru Beaucaillou, 750 ml	6	0	6	0	\$219.99	\$1,319.94
2010 Pavillon Rouge du Chateau Margaux, 750 ml	3	3	0	0	\$169.99	\$509.97
2010 Forts de Latour, 750 ml	6	0	6	0	\$249.99	\$1,499.94
2010 Pape Clement, 750 ml	6	6	0	0	\$179.99	\$1,079.94
<b>Subtotal:</b>						<b>\$9,192.67</b>
<b>Tax:</b>						<b>\$0.00</b>
<b>Total:</b>						<b>\$9,192.67</b>

**SHIPPING DETAILS**

Wine	Ordered	Shipped	Remain
2010 Leoville Barton, 750 ml	6	0	6
2010 Montrose, 750 ml	6	6	0
2010 Lynch Bages, 750 ml	12	12	0
2010 Lynch Bages Magnum, 1.5 L	1	0	1
2010 Larcis Ducasse, 750 ml	6	0	6
2010 Ducru Beaucaillou, 750 ml	6	0	6
2010 Pavillon Rouge du Chateau Margaux, 750 ml	3	3	0
2010 Forts de Latour, 750 ml	6	0	6
2010 Pape Clement, 750 ml	6	6	0



JAMES J PAPPAS  
616 Moaniala Street  
Honolulu, HI 96821

Phone 808 373 9191  
Email [jpappas115@aol.com](mailto:jpappas115@aol.com)

January 28, 2016

U. S. Bankruptcy Court  
1300 Clay Street #300 (94612)  
Post Office Box 2070  
Oakland CA 9460402070

REF: Case No. 16-40050 WJL 7

I have enclosed the following documents as a Creditor in the above referenced case:

1. Executed Official Form 410 – Proof of Claim
2. 4 pages of order status of undelivered and paid for wine purchases. I have highlighted in yellow those purchased not delivered to me totaling \$8,442.40, the amount of my claim. These were copied directly from Premier Cru's on-line customer's status reports on December 1, 2015.

Sincerely,

A handwritten signature in cursive script, appearing to read "James J Pappas".

James J Pappas