

Debtor 1 FOX ORTEGA ENTERPRISE, INC.

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN District of CALIFORNIA

Case number 16-40050

2016 FEB -1 AM 11:07
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE, CA
FILED

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>PETER LO</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?		Where should payments to the creditor be sent? (if different)
	<u>PETER LO</u> Name <u>11480 N 99th STREET</u> Number Street <u>SCOTTSDALE AZ 85260</u> City State ZIP Code Contact phone <u>989-859-0234</u> Contact email <u>LOWINE@yahoo.com</u>		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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	\$ <u>14,516.95</u> Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> 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. <u>MONEY PAID FOR BOTTLES OF WINE</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> 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) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

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

☒ 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).

Amount entitled to priority

\$ _____

☐ 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 1/20/2016
MM / DD / YYYY

Peter L. Lowing
Signature

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

Name PETER Lo
First name Middle name Last name

Title _____

Company _____

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

Address 11480 N 99th Street
Number Street

SCOTTSDALE AZ 85260
City State ZIP Code

Contact phone 989-859-0234 Email LOWING@yahoo.com

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ORDER DETAILS

Order No.: SO-0000248817

Order Date.: Dec 30, 2006

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2005 Charmes Chambertin V.V., Roty, 750 ml	2	2	0	0	\$289.95	\$579.90
2005 Vosne Romanee Suchots, F. Magnien, 750 ml	4	0	4	0	\$49.95	\$199.80
2005 Charmes Chambertin, Raphet, 750 ml	4	4	0	0	\$79.95	\$319.80
2005 Clos de Beze, Raphet, 750 ml	1	1	0	0	\$229.95	\$229.95

Subtotal: \$1,329.45

Tax: \$0.00

Total: \$1,329.45

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2005 Charmes Chambertin V.V., Roty, 750 ml	2	2	0
2005 Vosne Romanee Suchots, F. Magnien, 750 ml	4	0	4
2005 Charmes Chambertin, Raphet, 750 ml	4	4	0
2005 Clos de Beze, Raphet, 750 ml	1	1	0

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ORDER DETAILS

Order No.: SO-0000227456

Order Date.: Jun 1, 2006

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2005 Sociando Mallet Magnum, 1.5 L	1	1	0	0	\$82.95	\$82.95
2005 Le Gay Magnum, 1.5 L	1	0	1	0	\$197.00	\$197.00
2005 Joanin Becot Magnum, 1.5 L	2	2	0	0	\$52.50	\$105.00
2005 La Lagune Magnum, 1.5 L	1	1	0	0	\$82.99	\$82.99

Subtotal: \$467.94

Tax: \$0.00

Total: \$467.94

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2005 Sociando Mallet Magnum, 1.5 L	1	1	0
2005 Le Gay Magnum, 1.5 L	1	0	1
2005 Joanin Becot Magnum, 1.5 L	2	2	0
2005 La Lagune Magnum, 1.5 L	1	1	0

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ORDER DETAILS

Order No.: SO-0000249266

Order Date.: Jan 5, 2007

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2005 Pipeau, 750 ml	5	0	5	0	\$23.99	\$119.95
2005 Larcis Ducasse, 750 ml	4	4	0	0	\$119.95	\$479.80

Subtotal: \$599.75

Tax: \$0.00

Total: \$599.75

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2005 Pipeau, 750 ml	5	0	5
2005 Larcis Ducasse, 750 ml	4	4	0

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ORDER DETAILS

Order No.: SO-0000251668

Order Date.: Jan 26, 2007

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2005 Pavie, 750 ml	3	3	0	0	\$297.99	\$893.97
2005 Haut Brion, 750 ml	2	0	2	0	\$595.00	\$1,190.00
2005 Latour, 750 ml	2	0	2	0	\$745.00	\$1,490.00

Subtotal: \$3,573.97

Tax: \$0.00

Total: \$3,573.97

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2005 Pavie, 750 ml	3	3	0
2005 Haut Brion, 750 ml	2	0	2
2005 Latour, 750 ml	2	0	2

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ORDER DETAILS

Order No.: SO-0000264850

Order Date.: May 9, 2007

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2005 l'Evangile, 750 ml	6	0	6	0	\$195.00	\$1,170.00

Subtotal: \$1,170.00

Tax: \$0.00

Total: \$1,170.00

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2005 l'Evangile, 750 ml	6	0	6

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ORDER DETAILS

Order No.: SO-0000268849

Order Date.: Jun 16, 2007

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2006 La Croix St Georges, 750 ml	6	6	0	0	\$59.99	\$359.94
2006 La Croix St Georges 3 Liter, 3 L	1	0	1	0	\$259.95	\$259.95

Subtotal: \$619.89

Tax: \$0.00

Total: \$619.89

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2006 La Croix St Georges, 750 ml	6	6	0
2006 La Croix St Georges 3 Liter, 3 L	1	0	1

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ORDER DETAILS

Order No.: SO-0000275068

Order Date.: Aug 25, 2007

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2006 Mouton, 750 ml	2	0	2	2	\$599.99	\$1,199.98
2006 Mouton 3 Liter, 3 L	1	0	1	0	\$2,420.00	\$2,420.00

Subtotal: \$3,619.98

Tax: \$0.00

Total: \$3,619.98

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2006 Mouton, 750 ml	2	0	2
2006 Mouton 3 Liter, 3 L	1	0	1

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ORDER DETAILS

Order No.: SO-0000316949

Order Date.: May 2, 2009

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2008 Haut Brion, 750 ml	2	0	2	0	\$229.99	\$459.98
2008 Le Gay, 750 ml	3	3	0	0	\$89.99	\$269.97
2008 La Violette, 750 ml	3	3	0	0	\$189.99	\$569.97

Subtotal: \$1,299.92

Tax: \$0.00

Total: \$1,299.92

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2008 Haut Brion, 750 ml	2	0	2
2008 Le Gay, 750 ml	3	3	0
2008 La Violette, 750 ml	3	3	0

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ORDER DETAILS

Order No.: SO-0000317210

Order Date.: May 6, 2009

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2008 Lafite Rothschild, 750 ml	2	0	2	0	\$359.99	\$719.98
2008 Palmer, 750 ml	2	2	0	0	\$145.00	\$290.00
2008 Clinet, 750 ml	4	4	0	0	\$53.95	\$215.80
2008 Trotanoy, 750 ml	3	0	3	0	\$145.00	\$435.00
2008 La Providence, 750 ml	3	3	0	0	\$84.99	\$254.97

Subtotal: \$1,915.75

Tax: \$0.00

Total: \$1,915.75

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2008 Lafite Rothschild, 750 ml	2	0	2
2008 Palmer, 750 ml	2	2	0
2008 Clinet, 750 ml	4	4	0
2008 Trotanoy, 750 ml	3	0	3
2008 La Providence, 750 ml	3	3	0

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ORDER DETAILS

Order No.: SO-0000322990

Order Date.: Aug 24, 2009

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2008 Latour, 750 ml	1	0	1	0	\$250.00	\$250.00
2008 Mouton Rothschild, 750 ml	1	0	1	0	\$200.00	\$200.00
2008 Lafite Rothschild, 750 ml	1	0	1	0	\$300.00	\$300.00
2008 Margaux, 750 ml	1	0	1	0	\$250.00	\$250.00
2008 Haut Brion, 750 ml	1	0	1	0	\$199.00	\$199.00
2008 Clos St Martin, 750 ml	2	2	0	0	\$46.99	\$93.98
2008 Pontet Canet 1/2, 375 ml	6	6	0	0	\$39.99	\$239.94
2008 Larcis Ducasse, 750 ml	4	0	4	0	\$58.99	\$235.96
2008 First Growth Bordeaux Special Set, 750 ml	0	0	0	0	\$0.00	\$0.00

Subtotal: \$1,768.88

Tax: \$0.00

Total: \$1,768.88

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2008 Latour, 750 ml	1	0	1
2008 Mouton Rothschild, 750 ml	1	0	1
2008 Lafite Rothschild, 750 ml	1	0	1
2008 Margaux, 750 ml	1	0	1
2008 Haut Brion, 750 ml	1	0	1
2008 Clos St Martin, 750 ml	2	2	0
2008 Pontet Canet 1/2, 375 ml	6	6	0
2008 Larcis Ducasse, 750 ml	4	0	4
2008 First Growth Bordeaux Special Set, 750 ml	0	0	0

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ORDER DETAILS

Order No.: SO-0000331418

Order Date.: Jan 9, 2010

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2008 Mouton Rothschild, 750 ml	3	0	3	0	\$249.99	\$749.97

Subtotal: \$749.97

Tax: \$0.00

Total: \$749.97

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2008 Mouton Rothschild, 750 ml	3	0	3

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ORDER DETAILS

Order No.: SO-0000339963

Order Date.: Jun 27, 2010

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Pontet Canet 1/2, 375 ml	6	6	0	0	\$67.99	\$407.94
2009 La Mission Haut Brion 1/2, 375 ml	3	0	3	0	\$399.99	\$1,199.97
2009 Montrose 1/2, 375 ml	3	0	3	0	\$89.99	\$269.97
2009 Pavie 1/2, 375 ml	3	0	3	0	\$131.99	\$395.97
2009 Angelus 1/2, 375 ml	3	3	0	0	\$149.99	\$449.97
2009 Leoville las Cases 1/2, 375 ml	3	0	3	3	\$153.50	\$460.50
2009 Branon 1/2, 375 ml	3	0	3	0	\$47.99	\$143.97

Subtotal: \$3,328.29

Tax: \$0.00

Total: \$3,328.29

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Pontet Canet 1/2, 375 ml	6	6	0
2009 La Mission Haut Brion 1/2, 375 ml	3	0	3
2009 Montrose 1/2, 375 ml	3	0	3
2009 Pavie 1/2, 375 ml	3	0	3
2009 Angelus 1/2, 375 ml	3	3	0
2009 Leoville las Cases 1/2, 375 ml	3	0	3
2009 Branon 1/2, 375 ml	3	0	3

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