

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

FILED
FEB 1 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA
10:18 AM

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>ALAN ANTHONY BLUNDELL</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>ALAN ANTHONY BLUNDELL</u> Name <u>1056 CONTINENTALS WAY APT 23</u> Number Street <u>BELMONT</u> <u>CA</u> <u>94002</u> City State ZIP Code Contact phone <u>650.631.4288</u> Contact email <u>ABLUNDELL@YAHOO.COM</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) _____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
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: 0 3 4 1

7. How much is the claim? \$ 653.99 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.
I Paid for 1 bottle of Wine on 3/21/2014 - Item was 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)?

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 01/22/2016
MM / DD / YYYY


Signature

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

Name Alan Anthony Blundell
First name Middle name Last name

Title _____

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

Address 1056 Continentals Way APT 23
Number Street
Belmont CA 94002
City State ZIP Code

Contact phone 650.631.4288 Email ablundell@yahoo.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000440014
Order Date: 3/21/2014
Web Order No: 146614
Salesperson: JG
Customer: 46191
Customer PO:

Sold To	Ship To
Alan Blundell 1056 CONTINENTALS WAY APT 23 Belmont, CA 94002 USA	Alan Blundell 1056 CONTINENTALS WAY APT 23 Belmont, CA 94002 USA

Contact: Alan A Blundell
Phone: (650) 631-4288

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
47583 08 Grange, Penfolds	1.00	0.00	599.99	599.99

Net Order: 599.99

Payments: 653.99

Freight: 0.00
Sales Tax: 54.00

3/21/2014	VSHEB86986DB	*****3659	653.99
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USD 653.99

Subject: Premier Cru Order Acknowledgement
From: Premier Cru (shipping@premiercru.net)
To: ablundell@yahoo.com;
Date: Friday, March 21, 2014 12:06 PM

Thank you for your order.
Premier Cru has received your web order request.
Your web order number is SO-0000440014-146614.

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 or call us at 510-644-9463.

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

Subject: Your Premier Cru Order 440014
From: james@premiercru.net (james@premiercru.net)
To: ablundell@yahoo.com;
Date: Friday, March 21, 2014 12:18 PM

Hello Alan,

Thank you for your order, e-mailed to you under separate cover. As you know from the website, these are pre-arrival bottles. You will be notified as this bottle arrives for you and can make appropriate shipping or pickup arrangements at that time. You can also always check arrival status of your orders on our website under your account. **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 this actually ship out. If you choose to pick up at the store in Berkeley in future, there will be no shipping costs. Thanks for your business!

Regards,

James Gillerman

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James Gillerman
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: james@premiercru.net
Web: www.premiercru.net

Case# 16-40050 WJL 7

Date: 2016, January 22nd

Please Find attached two (2) emails I sent on 1/4/2016 and 1/5/2016 Requesting that my order be cancelled and all monies refunded to me Immediately. I also called Premier Cru on these dates.

I did not receive any reply to my emails, nor did anyone answer the phone. My money was not refunded to me. As this contact and request for refund was done in writing (electronically) and was done prior to any bankruptcy filing I believe that I am entitled to have the full sum that is owed to me returned.

Sincerely

A handwritten signature in black ink, appearing to read 'A. Blundell', with a stylized flourish at the end.

Alan Blundell

Blundell, Alan

From: Blundell, Alan
Sent: Monday, January 4, 2016 2:45 PM
To: 'sales@PremierCru.net'
Cc: 'ablundell@yahoo.com'; Blundell, Alan
Subject: I wish to cancel Order Number 0000440014 and be refunded immediately

Importance: High

ORDER DETAILS:

Order#: 0000440014
Order Date: 3/21/2014
Web Order#: 146614
Salesperson: JG
Customer#: 46191
Item: 47583 ; 08 Grange Penfolds ; Quantity: 1 ; Price: \$599.99 ; Tax: \$54.00
Bought by: Alan A Blundell via Mastercard, Phone (650) 631.4288

Hello,

I placed Order Number 0000440014 on March 21st 2014. For 1 bottle of Penfolds Grange 2008. I have not received this wine and every time I have called in the past 2 years I have been told that it is on its way, when it obviously was not as I have never received it.

As it has been two years almost, and I have still not received the wine, I am requesting that the order be cancelled and the total amount paid by me of \$653.99 (Including tax) be refunded immediately. I tried calling your phone number today but got no response.

If you need to contact me you can reach me by phone or email, contact is given here:

Email: ablundell@yahoo.com (or alan.blundell@schwab.com)

Cell#: 650.703.6258

Home#: 650.631.4288

Regards

Alan Blundell

Blundell, Alan

From: Blundell, Alan
Sent: Tuesday, January 5, 2016 1:39 PM
To: 'sales@PremierCru.net'
Cc: 'ablundell@yahoo.com'
Subject: I wish to cancel Order Number 0000440014 and be refunded immediately (2nd Notice : 1/5/2016)

Follow Up Flag: Follow up
Flag Status: Flagged

2nd Notice : 1/5/2016

ORDER DETAILS:

Order#: 0000440014
Order Date: 3/21/2014
Web Order#: 146614
Salesperson: JG
Customer#: 46191
Item: 47583 ; 08 Grange Penfolds ; Quantity: 1 ; Price: \$599.99 ; Tax: \$54.00
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Email: ablundell@yahoo.com (or alan.blundell@schwab.com)

Cell#: 650.703.6258

Home#: 650.631.4288

Regards
Alan Blundell