

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

LM 11:55 AM
FILED
FEB 2 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>Bernard Briskin</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>Bernard Briskin</u> Name <u>1010 Woodland Drive</u> Number Street <u>Beverly Hills</u> <u>CA</u> <u>90210</u> City State ZIP Code Contact phone <u>310 275 1144</u> Contact email <u>judybriskin@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: _____

7. How much is the claim? \$ 8,501.87. 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 (wine) sold and 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).

☐ 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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 01/20/2016
MM / DD / YYYY

Bernard Briskin
Signature

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

Name Bernard Briskin
First name Middle name Last name

Title _____

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

Address 1010 woodland Drive
Number Street
Beverly Hills CA 90210
City State ZIP Code

Contact phone 310 275 1144 Email judybriskin@yahoo.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000467357

Order Date: 1/19/2015

Salesperson: SA

Customer: 47396

Customer PO:

Sold To	Ship To
Bernard Briskin 1010 Woodland Dr Beverly Hills, CA 90210 USA	Bernard Briskin 1010 Woodland Dr Beverly Hills, CA 90210 USA

Contact: Bernard Briskin
Phone: (310) 275-1144

will waive reprocessing fee if not here by 9/15
This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
21194 2000 Cheval Blanc	12.00	0.00	649.99	7,799.88

* January 2016
Never Received
See attached
paperwork

Payments: 8,501.87

Net Order: 7,799.88

Freight: 0.00

Sales Tax: 701.99

1/19/2015 VLEABC40C418 *****7507 8,501.87

From: **Judy Briskin** judybriskin@yahoo.com
Subject: Fwd: Follow-up regarding Bernard Briskin Cheval Blanc order
Date: December 1, 2015 at 1:34 PM
To: Judith & Bernard Briskin bernardbriskin@gmail.com

BB

I spoke with the sales manager at Premier Cru again today.

It seems that we may have a delivery date for the 2000 Cheval Blanc that you ordered and paid for last January!

He is pretty certain that this will be arriving as stated but he will not give us a 100% guarantee until it is in their warehouse. He sounded fairly positive - and all fingers crossed that this will come in!

I have told him that he needs to await instructions for delivery to us here - pending weather.

Suzy P

Begin forwarded message:

From: "Mederick Ravel" <mederick@premiercru.net>
Subject: Follow-up regarding Bernard Briskin Cheval Blanc order
Date: December 1, 2015 at 1:08:15 PM PST
To: <judybriskin@yahoo.com>

Greetings,

Thank you for your phone call. We are expecting the Cheval Blanc to be here the week over Christmas. Once available the inventory will be updated and we will be able to schedule a shipment.

Please do not hesitate to contact me if you have any further questions.

Best regards,

Mederick Ravel

Premier Cru

1011 University Ave
Berkeley, CA 94710

mederick@premiercru.net

Phone: (510) 644-9463 ext. 19

Fax: (510) 647-3833

From: **Sunita Aggarwal** sunita@premiercru.net
Subject: 2000 Cheval
Date: September 30, 2015 at 11:04 AM
To: bernardbriskin@gmail.com

Hello,

I sincerely apologize for not getting back to you earlier. We are expecting the 2000 Cheval Blanc to arrive this winter.
Best 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

2000 Cheval
Blanc