

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: _____ District of _____

Case number 16-40050 WJL 7

2M 10:02 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?	David C. Martin Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor <u>April D. Martin</u>	
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? David C. Martin Name <u>3651 Meadow Lane</u> Number Street <u>Sacramento</u> <u>CA</u> <u>95864</u> City State ZIP Code Contact phone <u>916 832-2422</u> Contact email <u>davidcmartin25@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? \$ 5,135.54. 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 were sold but never provided, as per attached docs.

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: not to my knowledge

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 01/27/2016

MM / DD / YYYY

Signature

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

Name David Condie Martin
First name Middle name Last name

Title _____

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

Address 3651 Meadow Lane
Number Street

Sacramento CA 95864
City State ZIP Code

Contact phone 916 832-2422 Email davidcmartin25@gmail.com

My Account

Hi David

Log Out

Shopping Cart (2)

wine, region, varietal, producer

SEARCH

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000424769

Order Date.: Oct 5, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2006 Barolo Bric del Fiasc, Scavino, 750 ml	1	0	1	0	\$89.99	\$89.99
2007 Barolo Ciabot Mentin Ginestra, Clerico, 750 ml	1	0	1	1	\$99.99	\$99.99
2007 Hermitage Rouge Ex Voto, Guigal, 750 ml	1	0	1	0	\$189.99	\$189.99
2007 Barolo San Rocco, Azelia, 750 ml	1	0	1	1	\$79.99	\$79.99
2010 Le Gay, 750 ml	1	0	1	0	\$189.99	\$189.99
2010 Chateauneuf Cuvee Imperiale, R. Usseglio, 750 ml	1	0	1	1	\$99.99	\$99.99
2010 Cote Rotie La Landonne, Delas, 750 ml	1	0	1	0	\$179.99	\$179.99
2011 Ermitage Meal, Chapoutier, 750 ml	1	0	1	0	\$139.99	\$139.99
2011 Cornas Granit 60, Vincent Paris, 750 ml	1	0	1	1	\$49.99	\$49.99
2011 Taylor, 750 ml	1	0	1	1	\$74.99	\$74.99
2011 Cockburn, 750 ml	2	0	2	2	\$59.99	\$119.98
2011 Chablis Les Preuses, Fevre, 750 ml	1	0	1	1	\$71.99	\$71.99
2011 Chabis Fourchaume, Fevre, 750 ml	2	0	2	2	\$36.99	\$73.98
2010 Barbaresco Rabaja, Bruno Rocca, 750 ml	1	0	1	0	\$69.99	\$69.99
2009 Cote Rotie Brune et Blonde, Guigal, 750 ml	1	0	1	1	\$59.99	\$59.99

Subtotal: \$1,590.83

Tax: \$143.17

Total: \$1,734.00

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2006 Barolo Bric del Fiasc, Scavino, 750 ml	1	0	1
2007 Barolo Ciabot Mentin Ginestra, Clerico, 750 ml	1	0	1
2007 Hermitage Rouge Ex Voto, Guigal, 750 ml	1	0	1

2007 Barolo San Rocco, Azelia, 750 ml	1	0	1
2010 Le Gay, 750 ml	1	0	1
2010 Chateaufeuf Cuvee Imperiale, R. Usseglio, 750 ml	1	0	1
2010 Cote Rotie La Landonne, Delas, 750 ml	1	0	1
2011 Ermitage Meal, Chapoutier, 750 ml	1	0	1
2011 Cornas Granit 60, Vincent Paris, 750 ml	1	0	1
2011 Taylor, 750 ml	1	0	1
2011 Cockburn, 750 ml	2	0	2
2011 Chablis Les Preuses, Fevre, 750 ml	1	0	1
2011 Chablis Fourchaume, Fevre, 750 ml	2	0	2
2010 Barbaresco Rabaja, Bruno Rocca, 750 ml	1	0	1
2009 Cote Rotie Brune et Blonde, Guigal, 750 ml	1	0	1

Browse Wines

Featured Wines

What's New

Newsletters

Learn About Wine

Regions

Producers

Feature Articles

Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock

Shipping Info

Terms and Conditions

RSS Center

My Account

Contact Customer Service

About Us

Company History

Our Staff

We Buy Wine

Retail Store

Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, enophiles, and everyday wine lovers.

Become a fan!

Premier Cru

101 University Ave

Berkeley, CA 94704

Click here for directions

Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-5pm

Sundays: Closed

© Copyright 2013 Premier Cru. All Rights Reserved. Privacy Policy.

2 of 6

[My Account](#)[Hi David](#)[Log Out](#)[Shopping Cart \(2\)](#)[wine, region, varietal, producer](#)[SEARCH](#)[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)

ORDER DETAILS

Order No.: SO-0000434018

Order Date.: Jan 13, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Ojai Sauvignon Blanc 'McGinley Vineyard', 750 ml	1	0	1	1	\$19.99	\$19.99
2011 Cornas Granit 60, Vincent Paris, 750 ml	1	0	1	1	\$49.99	\$49.99
2009 San Roman, Bodegas Y Vinedos Maurodos, 750 ml	3	0	3	0	\$31.99	\$95.97
2011 Cornas V.V., Voge, 750 ml	1	0	1	1	\$59.99	\$59.99
2008 Barolo Bricco Cerretta, Schiavenza, 750 ml	1	0	1	1	\$51.99	\$51.99
2012 Condrieu La Doriane, Guigal, 750 ml	1	0	1	0	\$84.99	\$84.99
2012 Chablis Bougros, Fevre, 750 ml	1	0	1	1	\$59.99	\$59.99

Subtotal: \$422.91

Tax: \$38.06

Total: \$460.97

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Ojai Sauvignon Blanc 'McGinley Vineyard', 750 ml	1	0	1
2011 Cornas Granit 60, Vincent Paris, 750 ml	1	0	1
2009 San Roman, Bodegas Y Vinedos Maurodos, 750 ml	3	0	3
2011 Cornas V.V., Voge, 750 ml	1	0	1
2008 Barolo Bricco Cerretta, Schiavenza, 750 ml	1	0	1
2012 Condrieu La Doriane, Guigal, 750 ml	1	0	1
2012 Chablis Bougros, Fevre, 750 ml	1	0	1

[Browse Wines](#)[Customer Service](#)[About Us](#)

3076

[FIND A WINE](#)[GET OUR NEWSLETTER](#)

[My Account](#)[Hi David](#)[Log Out](#)[Shopping Cart \(2\)](#)[wine, region, varietal, producer](#)[SEARCH](#)[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)

ORDER DETAILS

Order No.: SO-0000440701

Order Date.: Mar 28, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Barolo Monvigliero, G.B. Burlotto, 750 ml	1	0	1	1	\$56.99	\$56.99
2010 Barolo Casa Mate, Grasso, 750 ml	3	0	3	0	\$84.99	\$254.97
2010 Barolo Cerequio, Voerzio, 750 ml	1	0	1	0	\$219.99	\$219.99
2010 Barolo Cannubi Boschis, Sandrone, 750 ml	1	0	1	0	\$149.99	\$149.99
2010 Barolo San Rocco, Azelia, 750 ml	2	0	2	0	\$79.99	\$159.98
2010 Barolo Bricco Fiasco, Azelia, 750 ml	1	0	1	0	\$79.99	\$79.99

Subtotal: \$921.91

Tax: \$82.97

Total: \$1,004.88

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Barolo Monvigliero, G.B. Burlotto, 750 ml	1	0	1
2010 Barolo Casa Mate, Grasso, 750 ml	3	0	3
2010 Barolo Cerequio, Voerzio, 750 ml	1	0	1
2010 Barolo Cannubi Boschis, Sandrone, 750 ml	1	0	1
2010 Barolo San Rocco, Azelia, 750 ml	2	0	2
2010 Barolo Bricco Fiasco, Azelia, 750 ml	1	0	1

[Browse Wines](#)[Customer Service](#)[About Us](#)[FIND A WINE](#)[GET OUR NEWSLETTER](#)[Featured Wines](#)[Pre-Arrival vs. In-Stock](#)[Company History](#)[What's New](#)[Shipping Info](#)[Our Staff](#)[SEARCH](#)[SUBSCRIBE](#)[Terms and Conditions](#)[We Buy Wine](#)

[My Account](#)[Hi David](#)[Log Out](#)[Shopping Cart \(2\)](#)[wine, region, varietal, producer](#)[SEARCH](#)[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)

ORDER DETAILS

Order No.: SO-0000465761

Order Date.: Dec 28, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2000 Taylor, 750 ml	1	0	1	0	\$79.99	\$79.99
2003 Taylor, 750 ml	1	0	1	0	\$79.99	\$79.99
2010 Larcis Ducasse, 750 ml	1	0	1	0	\$114.99	\$114.99
2009 Cornas, Clape, 750 ml	1	0	1	0	\$149.99	\$149.99
2011 Galatrona, Petrolo, 750 ml	1	0	1	0	\$85.99	\$85.99
2012 Chablis Preuses, Fevre, 750 ml	1	0	1	0	\$79.99	\$79.99
2010 Barolo Vigna Chiniera, Grasso, 750 ml	1	0	1	0	\$84.99	\$84.99
2012 Cornas 'Granit 60', Vincent Paris, 750 ml	1	0	1	1	\$48.99	\$48.99
2012 Cote Rotie Cote Blonde, Rostaing, 750 ml	1	0	1	0	\$125.00	\$125.00

Subtotal: \$849.92

Tax: \$76.49

Total: \$926.41

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2000 Taylor, 750 ml	1	0	1
2003 Taylor, 750 ml	1	0	1
2010 Larcis Ducasse, 750 ml	1	0	1
2009 Cornas, Clape, 750 ml	1	0	1
2011 Galatrona, Petrolo, 750 ml	1	0	1
2012 Chablis Preuses, Fevre, 750 ml	1	0	1
2010 Barolo Vigna Chiniera, Grasso, 750 ml	1	0	1
2012 Cornas 'Granit 60', Vincent Paris, 750 ml	1	0	1
2012 Cote Rotie Cote Blonde, Rostaing, 750 ml	1	0	1

[My Account](#)[Hi David](#)[Log Out](#)[Shopping Cart \(2\)](#)[wine, region, varietal, producer](#)[SEARCH](#)[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)

ORDER DETAILS

Order No.: SO-0000467481

Order Date.: Jan 21, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Cote Rotie La Landonne, Guigal, 750 ml	1	0	1	0	\$449.99	\$449.99
2010 Cote Rotie La Mouline, Guigal, 750 ml	1	0	1	0	\$449.99	\$449.99
2010 Cote Rotie La Turquie, Guigal, 750 ml	1	0	1	0	\$449.99	\$449.99

Subtotal: \$1,349.97

Tax: \$121.50

Total: \$1,471.47

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Cote Rotie La Landonne, Guigal, 750 ml	1	0	1
2010 Cote Rotie La Mouline, Guigal, 750 ml	1	0	1
2010 Cote Rotie La Turquie, Guigal, 750 ml	1	0	1

[Browse Wines](#)[Customer Service](#)[About Us](#)[Featured Wines](#)[Pre-Arrival vs. In-Stock](#)[Company History](#)[What's New](#)[Shipping Info](#)[Our Staff](#)[Newletters](#)[Terms and Conditions](#)[We Buy Wine](#)[Learn About Wine](#)[RSS Center](#)[Retail Store](#)[Regions](#)[My Account](#)[Contact Us](#)[Producers](#)[Contact Customer Service](#)[RSS Center](#)[Feature Articles](#)[Wine Expert Reviews](#)[FIND A WINE](#)[GET OUR NEWSLETTER](#)[SEARCH](#)[SUBSCRIBE](#)

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

[Become a fan!](#)

Premier Cru
1011 University Ave

Store Hours
Tuesday-Friday: 10am-6pm

6976

DAVID C. MARTIN

3651 Meadow Lane
Sacramento, CA 95864

(916) 832-2422
davidcmartin25@gmail.com

US Bankruptcy Court
1300 Clay Street #300 (94612)
P.O. Box 2070
Oakland, CA 94604-2070

RE: Case No. 16-40050 WJL 7

January 19, 2016

Gentlepersons:

We are in receipt of a "NOTICE OF POSSIBLE DIVIDEND" pertaining to the bankruptcy of Premier Cru. I am enclosing duplicate copies of this memo, along with other items you have requested in an attempt to recoup some of our losses.

As proof of claim, we are enclosing copies of our open/ undelivered orders with Premier Cru which total \$5135.54 in charges and \$462.19 in sales tax.

Thank you for your assistance.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature is a stylized, cursive 'DC' followed by a horizontal line, representing David C. Martin. The second signature is a more formal cursive script that reads 'April D. Martin'.

David C. Martin
April D. Martin