

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 WJL7

LM
FILED
FEB 2 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA
10:43AM

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>Emanuele Cardaci</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>Emanuele Cardaci</u> Name <u>11374 Majestic Acres Ter</u> Number Street <u>Boynton Beach FL 33473</u> City State ZIP Code Contact phone <u>561-654-8923</u> Contact email <u>ecardaci43@gmail.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 ____ / ____ / ____		
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? \$ 429.97 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 sold but never received.

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)?

☒ 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

01/28/2016
MM/DD/YYYY

Signature

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

Name

Emanuele
First name

R
Middle name

Cardaci
Last name

Title

Company

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

Address

11374 Majestic Acres Ter
Number Street

Boynton Bch
City

FL 33473
State ZIP Code

Contact phone

561-654-8923

Email

ecardaci43@gmail.com

ACCOUNT ACTIVITY

(CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
12/31	PUBLIX #1221 BOYNTON BEACH FL	41.30
01/01	MOVIES AT WELLINGTON WELLINGTON FL	28.00
01/01	PBPDQ HOLDINGS WELLINGTON WELLINGTON FL	26.56
01/01	SHELL OIL 57542908009 BOYNTON BEACH FL	66.03
01/02	SUSHI YAMA BOYNTON BEACH FL	49.66
01/02	PUBLIX #1221 BOYNTON BEACH FL	28.88
01/02	WELLINGTON BP WELLINGTON FL	69.13
01/03	TARGET 00020677 BOYNTON BEACH FL	113.33
01/04	PARKING 01400076 ORLANDO FL	22.00
01/04	GAYLORD PALMS HTL FL F&B KISSIMMEE FL	92.72
01/03	GAYLORD PALMS TICKETING KISSIMME FL	81.28
01/05	PUBLIX #1221 BOYNTON BEACH FL	148.91
01/06	WHOLEFDS WLL 10195 WELLINGTON FL	29.53
01/06	GAYLORD PALMS HOTEL FLA KISSIMMEE FL	48.28
01/05	SHELL OIL 57543704001 SAINT CLOUD FL	60.90
01/07	PUBLIX #1221 BOYNTON BEACH FL	66.58
01/07	THAT'S DANCING LAKE WORTH FL	58.00
01/08	WELLINGTON BP WELLINGTON FL	64.38
01/07	TIJUANA FLATS #177 LAKE WORTH FL	22.75
01/11	SHELL OIL 57543704308 LAKE WORTH FL	67.84
01/23	PREMIER CRU 510-6449463 CA	429.97
01/23	SHELL OIL 57542908009 BOYNTON BEACH FL	66.16
01/25	HYATT HOTELS OUTLETS SAN ANTONIO TX	65.75

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2014 Totals Year-to-Date

Total fees charged in 2014	\$0.00
Total interest charged in 2014	\$0.00

Year-to-date totals reflect all charges minus any refunds applied to your account.

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	15.24% (v)	-0-	-0-
CASH ADVANCES			
Cash Advances	19.24% (v)	-0-	-0-
BALANCE TRANSFERS			
Balance Transfer	15.24% (v)	-0-	-0-

(v) = Variable Rate

31 Days in Billing Period

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.