

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 10:32 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>Marshall Banker</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?	Where should notices to the creditor be sent?  <u>Marshall Banker</u> Name <u>204 Gibson Point</u> Number Street <u>Solana Beach</u> <u>Ca</u> <u>92075</u> City State ZIP Code Contact phone <u>6195075586</u> Contact email <u>bankermd@aol.com</u>	Where should payments to the creditor be sent? (if different)  Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)		
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? \$\_\_\_\_\_ 641.92. 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 purchased, paid for and not 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 01/29/2016

MM / DD / YYYY

Signature

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

Name	Marshall	David	Banker
	First name	Middle name	Last name

Title \_\_\_\_\_

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

Address	204 Gibson Point		
	Number	Street	
	Solana Beach	Ca	92075
	City	State	ZIP Code

Contact phone	6195075586	Email	bankermd@aol.com
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## ORDER HISTORY

All Time

Sort By Order No

Item	Unit Price	Qty	Shipped	Remain	Avail	Order Number (Status)	Date
	\$95.99	1	0	1	0	(Open)	9/27/15
	\$77.99	2	0	2	0	(Open)	2/15/15
	\$45.49	2	0	2	0	(Open)	8/1/14
	\$25.00	3	0	3	0	(Open)	6/6/12
	\$56.99	3	0	3	0	(Open)	6/18/10

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588.92  
+ 9% sales tax paid to  
debtor  

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641.92

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## ORDER DETAILS

Order No.: SO-0000491166

Order Date.: Sep 27, 2015

Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Ornellaia, Tenuta dell'Ornellaia, 750 ml	1	0	1	0	\$95.99	\$95.99

**Subtotal:** \$95.99

**Tax:** \$9.12

**Total:** \$105.11

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Ornellaia, Tenuta dell'Ornellaia, 750 ml	1	0	1

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Saturday: 10am-5pm

Sunday: Closed

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## ORDER DETAILS

Order No.: SO-0000470238

Order Date.: Feb 15, 2015

Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2004 Bollinger Grand Annee Rose, 750 ml	2	0	2	0	\$77.99	\$155.99

Subtotal: \$155.99

Tax: \$14.04

Total: \$170.03

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2004 Bollinger Grand Annee Rose, 750 ml	2	0	2

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Item	Unit Price	Qty	Shipped	Remain	Avail	Order Number (Status)	Date
	\$95.99	1	0	1	0	(Open)	9/27/15
	\$77.99	2	0	2	0	(Open)	2/15/15
	\$45.49	2	0	2	0	(Open)	8/1/14
	\$25.00	3	0	3	0	(Open)	6/6/12
	\$56.99	3	0	3	0	(Open)	6/18/10

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## ORDER DETAILS

Order No.: SO-0000451307  
 Order Date.: Aug 1, 2014  
 Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Beaucastel, 750 ml	2	0	2	0	\$45.49	\$90.99

**Subtotal:** \$90.99

**Tax:** \$8.19

**Total:** \$99.18

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Beaucastel, 750 ml	2	0	2

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## ORDER DETAILS

Order No.: SO-0000383187  
 Order Date.: Jun 6, 2012  
 Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Phelan Segur, 750 ml	3	0	3	0	\$25.00	\$75.00

**Subtotal:** \$75.00

**Tax:** \$0.00

**Total:** \$75.00

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Phelan Segur, 750 ml	3	0	3

- |                                     |  |                                 |
|-------------------------------------|--|---------------------------------|
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## ORDER DETAILS

Order No.: SO-0000339131  
 Order Date.: Jun 18, 2010  
 Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Cantenac Brown, 750 ml	0	0	0	0	\$49.99	\$149.97
2009 Gruaud Larose, 750 ml	3	0	3	0	\$56.99	\$170.97
2009 Branaire Ducru, 750 ml	3	3	0	0	\$59.99	\$179.97
2009 Lynch Bages, 750 ml	2	2	0	0	\$99.99	\$199.98

**Subtotal:** \$700.89

**Tax:** \$0.00

**Total:** \$700.89

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Cantenac Brown, 750 ml	0	0	0
2009 Gruaud Larose, 750 ml	3	0	3
2009 Branaire Ducru, 750 ml	3	3	0
2009 Lynch Bages, 750 ml	2	2	0

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