

**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

(State)

Case number 16-40050

FILED

8

2016 FEB -2 PM 3:40

U.S. BANKRUPTCY COURT  
NORTHERN DIST. OF CA.  
OAKLAND, CA.**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>Blaine Black on behalf of International Food &amp; Wine Society of Phoenix</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)	<b>Where should notices to the creditor be sent?</b> <u>Gammage &amp; Burnham</u> <u>c/o Jackie Benton</u> Name <u>2 North Central Avenue, 15<sup>th</sup> Floor</u> Number Street <u>Phoenix</u> <u>AZ</u> <u>85004</u> City State ZIP Code  Contact phone <u>(602) 256-0566</u> Contact email <u>jbenton@gbllaw.com</u>  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____ _____	<b>Where should payments to the creditor be sent? (if different)</b> _____ 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**

<b>6.</b>	Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____	
<b>7.</b>	How much is the claim?	\$ <u>10,574.70</u>	<b>Does this amount include interest or other charge?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
<b>8.</b>	What is the basis of the claim?	<p>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.</p> <p><u>Amounts prepaid for wine purchases</u></p>	
<b>9.</b>	Is all or part of the claim secured?	<div><input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. The claim is secured by a lien on property. <b>Nature of property:</b> <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>. <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____</div> <div><b>Basis for perfection:</b> _____ 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.)</div> <div>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.)</div> <div>Amount necessary to cure any default as of the date of the petition: \$ _____</div> <div>Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div>	
<b>10.</b>	Is this claim based on a lease?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</div>	
<b>11.</b>	Is this claim subject to a right of setoff?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div>	

**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. § 407(a)(8).
- ☐ Contributions to an employee benefit plan. 11 U.S.C. § 407(a)(5).
- ☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

Amount entitled to priority

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 04/01/16 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

1/27/14  
  
Signature

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

Name	Thomas	J.	McDonald
	First name	Middle name	Last name
Title	Attorney		
Company	Gammage & Burnham		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	2 North Central Avenue, 15 <sup>th</sup> Floor		
	Number	Street	
	Phoenix	AZ	85004
	City	State	ZIP Code
Contact phone	(602) 256-0566		Email
			tmcdonald@gblaw.com

*In re Fox Ortega Enterprises, Inc.*  
*dba Premier Cru*

**U.S. Bankruptcy Court, Northern District of California (Oakland)**

**Case No. 16-40050**

**Claimant: International Food & Wine Society**

Claimant submits this supplemental statement to its proof of claim, which is subject to the conditions set forth herein and a reservation of rights to amend, alter, or supplement as investigation continues.

On various dates Claimant prepaid Debtor for wine purchases in the amount of \$10,574.70. Copies of the invoices referencing the purchases are attached hereto and incorporated herein by reference. To date, the items referenced on the invoices have not been received by Claimant.

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000469431  
Order Date: 2/8/2015

Salesperson: MR  
Customer: 45091  
Customer PO:

Sold To	Ship To
Blaine Black 2555 E Camelback Road Suite 300 Int'l Food & Wine Society Phoenix, AZ 85016 USA	Blaine Black 2555 E Camelback Road Suite 300 Int'l Food & Wine Society Phoenix, AZ 85016 USA

Contact: Blaine Black  
Phone: (602) 229-5962

Item	Ordered	Quantity Shipped	Unit Price	Amount
51723 2011 Cote Rotie La Landonne, Guigal	6.00	0.00	217.49	1,304.94
51724 2011 Cote Rotie La Mouline, Guigal	6.00	0.00	217.49	1,304.94
51726 2011 Cote Rotie La Turque, Guigal	6.00	0.00	217.49	1,304.94

Payments:	Net Order:	3,914.82
	Freight:	0.00
	Sales Tax:	0.00
	USD	3,914.82

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000467332

Order Date: 1/19/2015

Salesperson: MR

Customer: 45091

Customer PO:

### Sold To

Blaine Black  
2555 E Camelback Road  
Suite 300  
Int'l Food & Wine Society  
Phoenix, AZ 85016 USA

### Ship To

Blaine Black  
2555 E Camelback Road  
Suite 300  
Int'l Food & Wine Society  
Phoenix, AZ 85016 USA

Contact: Blaine Black  
Phone: (602) 229-5962

Payment pending

Item		Ordered	Quantity Shipped	Unit Price	Amount
12214	98 Lafite Rothschild	12.00	0.00	475.00	5,700.00

### Payments:

Net Order: 5,700.00

Freight: 0.00

Sales Tax: 0.00

USD 5,700.00

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000460154

Order Date: 11/3/2014

Salesperson: MR

Customer: 45091

Customer PO:

### Sold To

Blaine Black  
2555 E Camelback Road  
Suite 300  
Int'l Food & Wine Society  
Phoenix, AZ 85016 USA

### Ship To

Blaine Black  
2555 E Camelback Road  
Suite 300  
Int'l Food & Wine Society  
Phoenix, AZ 85016 USA

Contact: Blaine Black  
Phone: (602) 229-5962

Item		Ordered	Quantity Shipped	Unit Price	Amount
46866	09 Cote Rotie d'Ampuis, Guigal	12.00	0.00	79.99	959.88

### Payments:

Net Order: 959.88

Freight: 0.00

Sales Tax: 0.00

USD 959.88