

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

Case number 16-40050 WJL 7

CP FILED

2016 FEB -9 AM 10:21

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CAL.
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>Taylor Davis</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>Taylor Davis</u> Name <u>500 Handley Way</u> Number Street <u>Afton</u> <u>VA</u> <u>22920</u> City State ZIP Code Contact phone <u>540-470-8753</u> Contact email <u>tdavis54@hotmail.com</u>	Where should payments to the creditor be sent? (if different) <u>Taylor Davis</u> Name <u>500 Handley Way</u> Number Street <u>Afton</u> <u>VA</u> <u>22920</u> City State ZIP Code Contact phone <u>540-470-8753</u> Contact email <u>tdavis54@hotmail.com</u>
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? \$ 219.99. 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 - credit card charged - goods never received - SEE ATTACHED

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: \$ 219.99 (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: \$ 219.99

Annual Interest Rate (when case was filed) 0.00 %
☐ 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 02/03/2016
MM / DD / YYYY


Signature

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

Name Taylor Davis
First name Middle name Last name

Title _____

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

Address 500 Handley Way
Number Street

Afton VA 22920
City State ZIP Code

Contact phone 540-470-8753 Email tdavis54@hotmail.com

Outlook Mail (Preview)

premier cru



New | v

Reply | v

Delete

Archive

Junk | v

Sweep

Move to v

...



Search results

In folders

✓ All folders

Inbox

Sent Items

online purchases

From

UPS My Choice
mcinfo@ups.comTaylor Davis
tdavis54@hotmail.comMileagePlus Statement
mymileageplus@news.unPremier Cru
sales@premiercru.netMileagePlus Partner
mileageplus_partner@ne

Options

With attachments

Date

Older than a week

Older than a month

Older than a year

Sales Order From Premier Cru at Premier Cru



Premier Cru

To: Taylor Davis <tdavis54@hotmail.com>; v

Mon 1

Documents

PDFBlaster_SalesOrder_...
47 KB

Download Save to OneDrive - Personal

THIS DOCUMENT WAS SENT WITH:



adobe documents printing from acrobat

SALES ORDER

From:

Premier Cru
Premier Cru

To: Taylor Davis

Date: 11/25/2013

To view the attached Sales Order, you need the free Adobe Acrobat Reader, which is available from www.adobe.com.

-Regards,

Premier Cru
Premier Cru

To view certain attachments to this email, you need Adobe's Acrobat Reader software, which can be downloaded for free by clicking the following link:

[[Download Acrobat Reader Now](#)]

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000428815

Order Date: 11/25/2013

Web Order No: 137931

Salesperson: JG

Customer: 45507

Customer PO:

Sold To

Taylor Davis
16 Pambrook Dr.
Fishersville, VA 22939 USA

Ship To

Taylor Davis
16 Pambrook Dr.
Fishersville, VA 22939 USA

Contact: Taylor Davis
Phone: (540) 470-8753

This order has been paid by MasterCard - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
44063	2010 Ducru Beaucaillou	1.00	0.00	219.99	219.99

Payments: 219.99

Net Order: 219.99

Freight: 0.00

Sales Tax: 0.00

11/25/2013 VRFEA21C23B1 *****1282 219.99

USD 219.99

Outlook Mail (Preview)

premier cru



New | v

Reply | v

Delete

Archive

Junk | v

Sweep

Move to v

...



Search results

In folders

✓ All folders

Inbox

Sent Items

online purchases

From

UPS My Choice
mcinfo@ups.comTaylor Davis
tdavis54@hotmail.comMileagePlus Statement
mymileageplus@news.unPremier Cru
sales@premiercru.netMileagePlus Partner
mileageplus_partner@ne

Options

With attachments

Date

Older than a week

Older than a month

Older than a year

RE: Your Premier Cru Order 428815



James Gillerman

To: 'Taylor Davis' <tdavis54@hotmail.com>; v

Tue 12

online purchases

Hello Taylor,

As indicated in the e-mail below, and on the website, these are PRE-ARRIVAL bottles. These are part of a huge parcel of wines purchased over in Europe. We now await their delivery to us in Europe, consolidation with about 13,000 other bottles, and import large refrigerated containers. Sometimes (as noted on the website) pre-arrivals can mean delivery here in a few weeks, sometimes in the case of this wine, neither of these extremes will be the case. However it will certainly be a matter of many months before bottle gets here for you, not just a week or 2. Thanks for your patience. Our prices on these wines are really good, and the wine very, very young. It will get here presently for you, and will be well worth the wait. Thanks for your business, and Happy Holiday well. Again remember you can always see your order and its arrival status back on the website at www.premiercru.net. We will tell you once your bottle gets here.

Regards,

James Gillerman

=====

James Gillerman

PREMIER CRU

1011 University Avenue

Berkeley, CA 94710 USA

Ph: 510-644-WINE (510-644-9463)

Fax: 510-647-3833

Email: james@premiercru.net

Web: www.premiercru.net

From: Taylor Davis [mailto:tdavis54@hotmail.com]**Sent:** Monday, December 16, 2013 5:02 PM**To:** james@premiercru.net**Subject:** RE: Your Premier Cru Order 428815

James,

Inquiring as to status of this order and whether it can be shipped to me. Please advise. Thanks and Happy Holidays!

TD

Subject: Your Premier Cru Order 428815

Date: Mon, 25 Nov 2013 13:18:43 -0800

From: james@premiercru.net

To: tdavis54@hotmail.com

Hello Taylor,

Thank you for your order, e-mailed to you under separate cover. As you know from the website, these are pre-arrival bottles. You will be notified as this bottle arrives for you and can make appropriate shipping arrangements at that time. You can also always check the status of your orders on our website under your account. **We never automatically ship** upon arrival here! You have been billed for the wine for any shipping costs, and will not be charged for shipping until this actually ships out. Thanks for your business!

Regards,

James Gillerman