

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

FILED

2016 FEB -9 AM 10:26

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT 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>Scott Fitzwater</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>Scott Fitzwater</u> Name <u>3553 NE Hancock St</u> Number Street <u>Portland</u> <u>OR</u> <u>97212</u> City State ZIP Code Contact phone <u>503-702-4291</u> Contact email <u>scott.fitzh2o@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) _____ <div style="text-align: right;">Filed on _____ MM / DD / YYYY</div>	
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? \$ 1495.32 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 (fine wine futures presale) but 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).

☐ 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.

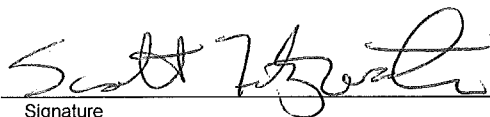
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 01/19/2016
MM / DD / YYYY


Signature

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

Name	Scott	Fitzwater
	First name	Middle name Last name
Title		
Company		
	Identify the corporate servicer as the company if the authorized agent is a servicer.	
Address	3553 NE Hancock St.	
	Number Street	OR 97212
	City	State ZIP Code
Contact phone	503-702-4291	Email scott.fitzh2o@gmail.com

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER HISTORY

All Time

Sort By Order No

GO

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO-0000471411 (Open)	\$877.38	18	0	18	0	2/24/15
SO-0000460564 (Open)	\$99.99	1	0	1	1	11/8/14
SO-0000458676 (Open)	\$90.00	2	0	2	0	10/20/14
SO-0000456057 (Open)	\$77.99	2	0	2	0	9/23/14
SO-0000452700 (Open)	\$179.98	2	0	2	0	8/16/14
SO-0000436558 (Open)	\$169.98	2	0	2	0	2/6/14

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wine, region, varietal, producer

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Order No.: SO-0000460564

Order Date: Nov 8, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Cornas Vieilles Fontaines, Voge, 750 ml	1	0	1	1	\$99.99	\$99.99

Subtotal: \$99.99

Tax: \$0.00

Total: \$99.99

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Cornas Vieilles Fontaines, Voge, 750 ml	1	0	1

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2014 Cornas Vieilles Fontaines, Voge, 750 ml

This wine is a blend of 100% Syrah, which is the main grape variety of the region.

It is a very powerful and complex wine, with a long and elegant finish.

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wine, region, varietal, producer

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Order No.: SO-0000456057

Order Date.: Sep 23, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2011 Cornas V.V., Voge, 750 ml	2	0	2	0	\$38.99	\$77.99
Subtotal:						\$77.99
Tax:						\$0.00
Total:						\$77.99

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2011 Cornas V.V., Voge, 750 ml	2	0	2

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https://www.premiercru.net/premier/order/CustOrderDetails.do?order.orderId=SO-0000456057

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ORDER DETAILS

Order No.: SO-0000452700

Order Date.: Aug 16, 2014

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	\$89.99	\$179.98

Subtotal: \$179.98

Tax: \$0.00

Total: \$179.98

SHIPPING DETAILS

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

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Order No.: SO-0000436558

Order Date: Feb 6, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Condrieu La Doriane, Guigal, 750 ml	2	0	2	0	\$84.99	\$169.98

Subtotal: \$169.98

Tax: \$0.00

Total: \$169.98

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Condrieu La Doriane, Guigal, 750 ml	2	0	2

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ORDER DETAILS

Order No.: SO-0000471411

Order Date.: Feb 24, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
Billecart Salmon Rose, 750 ml	18	0	18	0	\$48.74	\$877.38

Subtotal: \$877.38

Tax: \$0.00

Total: \$877.38

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
Billecart Salmon Rose, 750 ml	18	0	18

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PREMIER CF

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Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000471411

Order Date: 2/24/2015

Web Order No: 170376

Salesperson: YW

Customer: 5664

Customer PO:

Sold To	Ship To
Scott Fitzwater 3553 NE Hancock Cell: 503-702-4291 Portland, OR 97212 USA	Scott Fitzwater 3553 NE Hancock Cell: 503-702-4291 Portland, OR 97212 USA

Contact: Scott Fitzwater
Phone: (503) 287-7089

35% Discount Applied!
This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
AEF31 Billecart Salmon Rose	18.00	0.00	48.74	877.38

Payments: 877.38

Net Order: 877.38

Freight: 0.00

Sales Tax: 0.00

2/25/2015	VLCABE50107C	*****5169	877.38
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USD 877.38

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000460564

Order Date: 11/8/2014

Web Order No: 162033

Salesperson: PB

Customer: 5664

Customer PO:

Sold To	Ship To
Scott Fitzwater 3553 NE Hancock Cell: 503-702-4291 Portland, OR 97212 USA	Scott Fitzwater 3553 NE Hancock Cell: 503-702-4291 Portland, OR 97212 USA

Contact: Scott Fitzwater
Phone: (503) 287-7089

Item	Ordered	Quantity Shipped	Unit Price	Amount
45381 09 Cornas Vieilles Fontaines, Voge	1.00	0.00	99.99	99.99

Payments: 99.99

Net Order: 99.99

Freight: 0.00

Sales Tax: 0.00

11/9/2014	VTJAC78B280F	*****5169	99.99
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USD 99.99



1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000458676

Order Date: 10/20/2014

Web Order No: 160546

Salesperson: MR

Customer: 5664

Customer PO:

Sold To

Scott Fitzwater
3553 NE Hancock
Cell: 503-702-4291
Portland, OR 97212 USA

Ship To

Scott Fitzwater
3553 NE Hancock
Cell: 503-702-4291
Portland, OR 97212 USA

Contact: Scott Fitzwater
Phone: (503) 287-7089

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
50999 2012 Cornas les Chailles, Voge	2.00	0.00	45.00	90.00

Payments: 90.00

10/20/2014 VRCAB50417CD *****5169 90.00

Net Order: 90.00

Freight: 0.00

Sales Tax: 0.00

USD 90.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000456057

Order Date: 9/23/2014

Web Order No: 158595

Salesperson: PB

Customer: 5664

Customer PO:

Sold To	Ship To
Scott Fitzwater 3553 NE Hancock Cell: 503-702-4291 Portland, OR 97212 USA	Scott Fitzwater 3553 NE Hancock Cell: 503-702-4291 Portland, OR 97212 USA

Contact: Scott Fitzwater
Phone: (503) 287-7089

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
48516 2011 Cornas V.V., Voge	2.00	0.00	38.99	77.99

Payments: 77.99

Net Order: 77.99

Freight: 0.00

Sales Tax: 0.00

9/24/2014	VRCAB38EEABE	*****5169	77.99
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USD 77.99



1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000452700

Order Date: 8/16/2014

Web Order No: 156184

Salesperson: JG

Customer: 5664

Customer PO:

Sold To

Scott Fitzwater
3553 NE Hancock
Cell: 503-702-4291
Portland, OR 97212 USA

Ship To

Scott Fitzwater
3553 NE Hancock
Cell: 503-702-4291
Portland, OR 97212 USA

Contact: Scott Fitzwater
Phone: (503) 287-7089

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
47050 04 Bollinger Grand Annee Rose	2.00	0.00	89.99	179.98

Payments: 179.98

Net Order: 179.98

8/16/2014 VPCAB0EE38A6 *****5169 179.98

Freight: 0.00

Sales Tax: 0.00

USD 179.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000436558

Order Date: 2/6/2014

Web Order No: 143985

Salesperson: JG

Customer: 5664

Customer PO:

Sold To	Ship To
Scott Fitzwater 3553 NE Hancock Cell: 503-702-4291 Portland, OR 97212 USA	Scott Fitzwater 3553 NE Hancock Cell: 503-702-4291 Portland, OR 97212 USA

Contact: Scott Fitzwater
Phone: (503) 287-7089

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
49269 2012 Condrieu La Doriane, Guigal	2.00	0.00	84.99	169.98

Payments: 169.98

Net Order: 169.98

Freight: 0.00

Sales Tax: 0.00

2/6/2014	VREEA63AB88A	*****5169	169.98
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USD 169.98