

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

LM 10:35 a.m.
FILED
FEB 9 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>Thomas H. Wendel and Katherine W Wendel</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>Katherine W and Thomas H. Wendel</u> Name <u>60480 Woodside Rd</u> Number Street <u>Bend</u> <u>OR</u> <u>97702</u> City State ZIP Code Contact phone <u>545-280-3287</u> Contact email <u>Ktwendel@bendcable.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) _____	
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? _____	

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? \$ 2323.60 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.
Wine 'Futures' (collectible wine) purchased in advance 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: wine
 Basis for perfection: ? Enclosing highlighted credit card and documents and correspondence w/ company
 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: \$ 2323.60
 Amount of the claim that is secured: \$ 0
 Amount of the claim that is unsecured: \$ 2323.60 (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: \$ 2323.60
 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 01/30/2016
MM / DD / YYYY

Signature

Katherine W. Wendel

Thomas H. Wendel

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

Name

Katherine

W

Wendel

First name

Last name

Title

Company

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

Address

60480 Woods: de Rd

Number

Street

Bend

OR

97702

City

State

ZIP Code

Contact phone

541-280-3287

Email

ktwendel@bendcable.com



4147 3410 2777 7089
September 3 - October 2, 2014
Page 3 of 8

Transactions continued

Transaction Date	Posting Date	Description	Reference Number	Account Number	Amount	Total
Purchases and Adjustments						
09/02	09/03	ESH TECHPROTECT PREM 855-309-8345 GA 20696709	8866	7089	9.98	
09/02	09/04	SHELL OIL 57445918402 BEND OR	2521	7089	26.49	
09/03	09/04	THE PATIENT ANGLER BEND OR	7606	7089	28.00	
09/04	09/05	AMAZON.COM AMZN.COM/BILLWA	3861	7089	19.31	
		UUFIAAFRV59L				
		SALES TAX AMT 0.01				
09/05	09/05	AMAZON.COM AMZN.COM/BILLWA	9242	7089	71.83	
		UUF9U6VCOQ				
		SALES TAX AMT 0.05				
09/04	09/06	WINDERLEA WINERY DUNDEE OR	1676	7089	38.40	
09/05	09/06	AMAZON.COM AMZN.COM/BILLWA	4181	7089	175.49	
		UUFQX2Q7L7U				
		SALES TAX AMT 0.14				
09/05	09/06	AMAZON.COM AMZN.COM/BILLWA	8336	7089	108.99	
		QVSXEBKW4CJ				
		SALES TAX AMT 0.09				
09/05	09/06	AMAZON.COM AMZN.COM/BILLWA	0186	7089	33.41	
		UUFDLX8957A				
		SALES TAX AMT 0.02				
09/05	09/08	NEWPORT AVE. MARKET BEND OR	8342	7089	19.07	
09/06	09/08	THE PATIENT ANGLER BEND OR	9092	7089	29.95	
09/06	09/08	THE PATIENT ANGLER BEND OR	9191	7089	39.95	
09/06	09/08	WHOLEFDS BND 10407 BEND OR	6242	7089	233.42	
09/06	09/08	RACK N ROLL BEND OR	5120	7089	40.00	
09/06	09/08	ACE HARDWARE & PAINT BEND OR	3080	7089	11.43	
09/08	09/09	SQ MATTHEW JAMESON BEND OR	9769	7089	152.00	
		0001152921506237498109				
09/08	09/09	AMAZON.COM AMZN.COM/BILLWA	5373	7089	110.07	
		UUF6EOGOJWP				
		SALES TAX AMT 0.09				
09/09	09/09	AMAZON MKTPLACE PMTS AMZN.COM/BILLWA	6435	7089	74.77	
		QUZIGHI6EEM				
09/09	09/10	SQ THREESIXNINE BEND OR	4230	7089	287.50	
		0001152921506241188023				
09/10	09/11	AMAZON.COM AMZN.COM/BILLWA	3485	7089	6.75	
		KX491RWGEDF				
		SALES TAX AMT 0.00				
09/11	09/13	JINSEI SPA BEND OR	5882	7089	48.00	
09/12	09/13	THE PATIENT ANGLER BEND OR	6650	7089	234.75	
09/12	09/13	LINER & ELSER 503-241-9463 OR	0153	7089	276.91	
		431500155032419463				
09/12	09/15	EL RODEO MEXI RESTAURA BEND OR	6034	7089	35.40	
09/13	09/15	SQ J WRIGLEY WINERY BEND OR	6996	7089	55.50	
		0002305843009653769209				
09/13	09/15	WHOLEFDS BND 10407 BEND OR	6026	7089	90.40	
09/15	09/16	SP BEST MADE COMPANY WWW.BESTMADECNY	4604	7089	58.50	
		2164606464725099				
09/15	09/16	TME SUNSET MAGAZINE 800-777-0117 NY	7923	7089	10.00	
		0071410796381082000000				
09/15	09/17	ART DESCHUTES PUBLIC L 541-610-7004 OR	5404	7089	20.00	
		43802754				
09/15	09/17	BUFFALO ARMS CO 208-2636953 ID	3435	7089	17.64	
		989315				

continued on next page...

Transaction Date	Posting Date	Description	Reference Number	Account Number	Amount	Total
09/16	09/17	Purchases and Adjustments				
		TME SUNSET MAGAZINE 800-777-0117 NY	3834	7089	18.00	
09/16	09/18	9003373700021081				
		PREMIER CRU -INTERNET 510-644-9463 CA	9943	7089	349.93	
		0000455480				
09/18	09/19	ALBERTSONS #588 BEND OR	8100	7089	3.00	
09/18	09/19	06213880588VVFY7025047361				
		BMC TOTAL CUSTOMER CAR 541-3822811 OR	3482	7089	351.83	
		P225276				
09/18	09/20	NEWPORT AVE. MARKET BEND OR	4825	7089	43.96	
09/19	09/20	WHOLEFDS BND 10407 BEND OR	2593	7089	30.28	
09/19	09/22	PINE TAVERN RESTAURANT BEND OR	0361	7089	36.65	
09/21	09/22	THEEASTVILLAGE BEND OR	0636	7089	29.43	
09/21	09/22	ODOT DMV INTERNET SVCS 503-9455400 OR	8253	7089	86.00	
		7523136				
09/22	09/23	CITY OF PORTLAND DEPT PORTLAND OR	2016	7089	1.95	
09/23	09/23	NEW YORK TIMES DIGITAL 800-698-4637 NY	4866	7089	10.00	
		76431b80c8aa7a241ff589				
09/22	09/24	THE PARISH PORTLAND OR	2310	7089	102.30	
09/22	09/24	MONTGOMERY ST PARKING PORTLAND OR	9956	7089	2.00	
09/23	09/24	LINER & ELSEN PORTLAND OR	0070	7089	151.14	
09/23	09/24	CITY OF PORTLAND DEPT PORTLAND OR	0343	7089	2.40	
09/23	09/25	MOTHERS BISTRO & BAR PORTLAND OR	1825	7089	32.90	
09/23	09/25	PETISCO PORTLAND OR	5433	7089	31.75	
09/24	09/25	SQ PREMIER PRINTING S BEND OR	9491	7089	323.23	
		0001152921506283126059				
09/24	09/25	WHOLEFDS BND 10407 BEND OR	8224	7089	169.80	
09/24	09/25	COSA INC 541-317-3941 OR	6886	7089	125.00	
		4GC222SZGFW3S5413173941				
09/25	09/27	BLUE MOON CAMERA & MAC 503-978-0333 OR	5633	7089	57.30	
		2				
09/26	09/29	SAFEWAY STORE00015040 BEND OR	0903	7089	14.47	
		584269811788152				
09/27	09/29	STARK STREET LAWN & GA BEND OR	4690	7089	40.00	
09/27	09/29	SQ TOWNSHEND'S TEA BE BEND OR	7773	7089	28.25	
		0001152921506292962807				
09/27	09/29	WHOLEFDS BND 10407 BEND OR	2574	7089	24.98	
09/29	09/30	WHOLEFDS BND 10407 BEND OR	1777	7089	90.96	
09/29	10/01	BEND PET EXPRESS #1 BEND OR	3202	7089	53.00	
10/01	10/02	CHARISMA GIFTS NEWPORT OR	0121	7089	15.00	
10/01	10/02	CAFE MUNDO NEWPORT OR	0373	7089	24.00	
10/01	10/02	JOVI NEWPORT OR	7970	7089	223.00	
						\$4,836.42
Interest Charged						
10/02	10/02	Interest Charged on Purchases			135.04	
10/02	10/02	Interest Charged on Balance Transfers			0.00	
10/02	10/02	Interest Charged on Dir Dep&Chk-CashAdv			0.00	
10/02	10/02	Interest Charged on Bank Cash Advances			0.00	
TOTAL INTEREST FOR THIS PERIOD						\$135.04

2014 Totals Year-to-Date	
Total fees charged in 2014	\$178.87
Total interest charged in 2014	\$1,176.13

08/27/2015	WALGREENS #15675 BEND OR	\$12.98	\$19,871.82
08/26/2015	LINER & ELSER PORTLAND OR	\$86.36	\$19,858.84
08/26/2015	LINER & ELSER PORTLAND OR	\$111.55	\$19,772.48
08/26/2015	SAINT HONORE LO LAKE OSWEGO OR	\$21.00	\$19,660.93
08/26/2015	THE DUNDEE BISTRO DUNDEE OR	\$25.00	\$19,639.93
08/26/2015	WINDERLEA WINERY DUNDEE OR	\$48.00	\$19,614.93
08/25/2015	ARGYLE WINERY DUNDEE OR	\$42.00	\$19,566.93
08/22/2015	<u>BEND PET EXPRESS #1 BEND OR</u>	\$22.80	\$19,524.93
08/21/2015	WHOLEFDS BND 10407 BEND OR	\$49.96	\$19,502.13
08/21/2015	JINSEI SPA BEND OR	\$48.00	\$19,452.17
08/20/2015	JACKSONS CORNER BEND OR	\$27.00	\$19,404.17
08/20/2015	NORTHWEST RIVER SUPPLIES 208-883-0811 ID	\$527.60	\$19,377.17
08/20/2015	WHOLEFDS BND 10407 BEND OR	\$97.25	\$18,849.57
08/20/2015	SP * BEST MADE COMPANY WWW.BESTMADECNY	\$138.00	\$18,752.32
08/19/2015	PREMIER CRU -INTERNET 510-644-9463 CA	\$1,343.76	\$18,614.32
08/19/2015	CIVIC TAPROOM & BOTTLE PORTLAND OR	\$166.95	\$17,270.56
08/19/2015	ANTON MAD ANTH32278558 SEATTLE WA	\$15.28	\$17,103.61
08/19/2015	NEWPORT AVE. MARKET BEND OR	\$12.47	\$17,088.33
08/19/2015	ALASKA AIR IN FLIGHT SEATTLE WA	\$7.00	\$17,075.86
08/18/2015	AYBLA GRILL PORTLAND OR	\$290.00	\$17,068.86
08/17/2015	CITY OF PORTLAND DEPT PORTLAND OR	\$1.60	\$16,778.86
08/17/2015	LIL PANTRY EXPRESS GRANTS PASS OR	\$65.94	\$16,777.26
08/17/2015	CAFE DEGAS NEW ORLEANS LA	\$39.00	\$16,711.32
08/17/2015	RIFFLE CAFE MERLIN OR	\$14.45	\$16,672.32
08/15/2015	IMPORT PERFORMANCE BEND OR	\$1,609.37	\$16,657.87
08/15/2015	PHILIPPES NEW ORLEANS LA	\$76.29	\$15,048.50
08/15/2015	WINE INSTITUTE NEW ORLEANNEW ORLEANS LA	\$20.01	\$14,972.21
08/15/2015	AMBASSADOR HOTEL - COMPERNEW ORLEANS LA	\$62.32	\$14,952.20
08/15/2015	AMBASSADOR HOTEL - COMPERNEW ORLEANS LA	\$38.15	\$14,889.88
08/15/2015	Amazon.com AMZN.COM/BILLWA	\$105.67	\$14,851.73
08/14/2015	NIMROD OUTDOOR COMPANY L 3604908027 WA	\$40.00	\$14,746.06
08/14/2015	EASTSIDE GARDENS INC BEND OR	\$41.95	\$14,706.06
08/13/2015	BOURBON PUB & PARADE NEW ORLEANS LA	\$24.25	\$14,664.11
08/13/2015	Johnny Sanchez New Orleans LA	\$53.08	\$14,639.86
08/13/2015	NEW ORLEANS TAXI NEW ORLEANS LA	\$33.00	\$14,586.78
08/13/2015	FIREWORKS-SEATAC SEATTLE WA	\$48.18	\$14,553.78
08/12/2015	BUSH ANIMAL CLINIC BEND OR	\$31.80	\$14,505.60
08/11/2015	BASIC RIGHTS EDUC FUND 503-222-6151 OR	\$10.00	\$14,473.80
08/10/2015	WHOLEFDS BND 10407 BEND OR	\$133.44	\$14,463.80
08/10/2015	ACE HARDWARE & PAINT BEND OR	\$48.45	\$14,330.36
08/10/2015	PREMIER CRU -INTERNET 510-644-9463 CA	\$629.91	\$14,281.91
08/10/2015	STATE FARM 800-956-6310 IL	\$325.98	\$13,652.00
08/10/2015	ACE HARDWARE & PAINT BEND OR	\$5.60	\$13,326.02
08/10/2015	POSTAL CONNECTION OF AMERBEND OR	\$18.20	\$13,320.42
08/10/2015	BAXTER AUTO PARTS #17 BEND OR	\$9.99	\$13,302.22
08/10/2015	JACKSON'S C-QUICK SERVE BEND OR	\$25.00	\$13,292.23
08/10/2015	WHOLEFDS BND 10407 BEND OR	\$84.00	\$13,208.23

1-800-875-8752
 1-800-875-8752

Deer steaks of Premier Grade.

I ordered several White Burgundies from you some time ago—mostly Chablis. The order was for futures, but I recall hearing that I would be getting them soon, and that was many months ago! I'm wondering now, about the orders (more than one). I would love to have them in time for summer. Thanks for looking into this,

Katie Wendel
Bend, Oregon

On Jun 15, 2015, at 1:27 PM, Premier Cru <premiercru@premiercru.com> wrote:

The Wines of Italy. If you don't want to receive this email, simply reply to it and put the word "Remove" in the subject, and we'll stop sending you these emails.

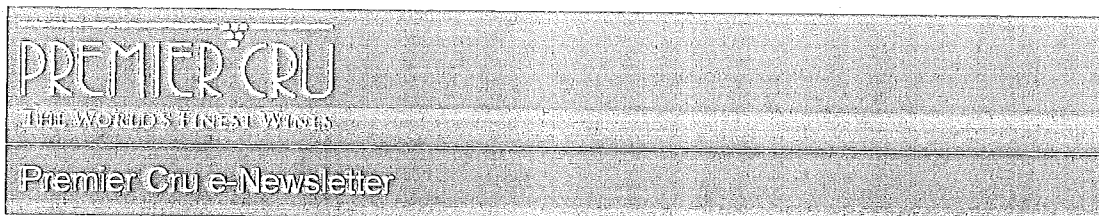
If you have another email address where you'd like to receive these emails, send an email from that address to lists@premiercru.net with the word "Subscribe" in the subject, and you'll be all set.

One more note - our entire inventory of over 2000 different wines is online at www.premiercru.net. Browse at your leisure, and order anytime, 24 hours a day. You'll still enjoy our full service, and we'll handle your special shipping requests just as we always do.

Thanks for your business, and welcome to the e-newsletter!

Click on the wine name below, visit www.premiercru.net, call us at 510-644-9463, or fax us at 510-647-3933 to order!

There will be a 15% restocking/cancellation fee enforced for any order that is cancelled by the customer, including pre-arrival orders. We will waive the cancellation fee if you choose a refund to store credit which can be used for present or future purchases. By law, we are unable to accept any returns unless the wine was purchased in error. After the wine has been in your possession for at least six months, we are unable to accept returns for any reason. We do not accept returns on opened bottles.



Pro_Arrival

Italy

Altesino

2010 Brunello di Montalcino Montosoli

49.99

97 points Suckling: "Beautiful aromas of dark fruits and minerals. Full-bodied, succulent and chewy. It's tight and stony. Lots of black olives and wet earth under the fruit. Bright and linear wine with beautiful layers. Better in 2018."

Argiano

2010 Brunello di Montalcino

39.99

98 points Suckling: "An unforgiving and powerfully structured wine with fabulous grilled meat and granite stone character with dried berry and flower notes. Full body, chewy and intense. Great structure and extremely long and intense. Saw autolytic. On the juicier side. Best ever from

2005 Giusto di Notri

69.99

92 points Parker's Vintages. Nice, fresh, enticing aromatics wait upwards as the 2005 Giusto di Notri opens in the glass, revealing a full-bodied, supple personality imbued with an attractive warmth in its expression of blueberries, spices, mocha, minerals and toasted oak. Though a smaller-scaled Giusto di Notri in relative terms, the supple texture and caressing, generous qualities are those of a first-class wine. Giusto di Notri is primarily Cabernet Sauvignon, with some Merlot and Cabernet Franc included. Anticipated maturity: 2010-2022."

Venica & Venica

2013 Pinot Grigio 'Jesera'


18.99

Vini Menhir

2011 IGT Salento 'Quota 31' Primitivo

11.99

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Premier Cru | 1011 University Avenue | Berkeley | CA | 94710