

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: <div style="font-size: 1.2em; font-family: cursive;">Fox Ortega Enterprises, Inc. dba Premier Cru</div>	Case Number: <div style="font-size: 1.2em; font-family: cursive;">16-40050</div>	<div style="font-size: 0.8em;">2016 FEB -9 AM 10:52</div> <div style="font-size: 0.7em;">U.S. BANKRUPTCY COURT NORTHERN DIST. OF CAL. OAKLAND, CA.</div>
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		<div style="font-size: 0.8em;">COURT USE ONLY</div> <div> <input type="checkbox"/> Check this box if this claim amends a previously filed claim.           </div> <div> <b>Court Claim Number:</b> _____  <i>(If known)</i> </div> <div> <b>Filed on:</b> _____           </div> <div> <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.           </div>
Name of Creditor (the person or other entity to whom the debtor owes money or property): <div style="font-size: 1.2em; font-family: cursive;">Allan Tor Kenward "Tor Kenward"</div>		
Name and address where notices should be sent: <div style="font-size: 1.2em; font-family: cursive;">PO BOX 348 ← TOR Kenward St. Helena, CA 94574</div> <div>             Telephone number: <span style="font-size: 1.2em; font-family: cursive;">707.963.3100</span>             email: <span style="font-size: 1.2em; font-family: cursive;">tor@torwines.com</span> </div>		
Name and address where payment should be sent (if different from above): <div style="font-size: 1.2em; font-family: cursive;">SAME</div> <div>             Telephone number: _____             email: _____           </div>		
<b>1. Amount of Claim as of Date Case Filed:</b> \$ <u>2041.80</u>		
If all or part of the claim is secured, complete item 4.  If all or part of the claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
<b>2. Basis for Claim:</b> <u>Good sold to me / have not received goods. (wine)</u> <small>(See instruction #2)</small>		
<b>3. Last four digits of any number by which creditor identifies debtor:</b>	<b>3a. Debtor may have scheduled account as:</b> <div style="font-size: 1.2em; font-family: cursive;">tken</div> <small>(See instruction #3a)</small>	<b>3b. Uniform Claim Identifier (optional):</b> <small>(See instruction #3b)</small>
<b>4. Secured Claim</b> (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
<b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____		<b>Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:</b> \$ _____
<b>Value of Property:</b> \$ _____		<b>Basis for perfection:</b> _____
<b>Annual Interest Rate</b> _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable <small>(when case was filed)</small>		<b>Amount of Secured Claim:</b> \$ _____  <b>Amount Unsecured:</b> \$ _____
<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a).</b> If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input checked="" type="checkbox"/> 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).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
		<b>Amount entitled to priority:</b> \$ <u>2041.80</u>
<small>*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>		
<b>6. Credits.</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

**7. Documents:** Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

**8. Signature:** (See instruction #8)

Check the appropriate box.

- ☒ I am the creditor.    ☐ I am the creditor's authorized agent.    ☐ I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)    ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Allan Tor Kenward  
 Title: owner  
 Company: TOR Kenward Family Wines  
 Address and telephone number (if different from notice address above):  
PO Box 348  
St. Helena, CA 94574

(Signature)

(Date)

Telephone number: 707.943.3100 email: torfamilywines.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

**Items to be completed in Proof of Claim form**

**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

**4. Secured Claim:**

Check whether the claim is fully or partially secured. See instructions on the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).**

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Credits:**

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.

**7. Documents:**

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

**8. Date and Signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

## Tor Kenward

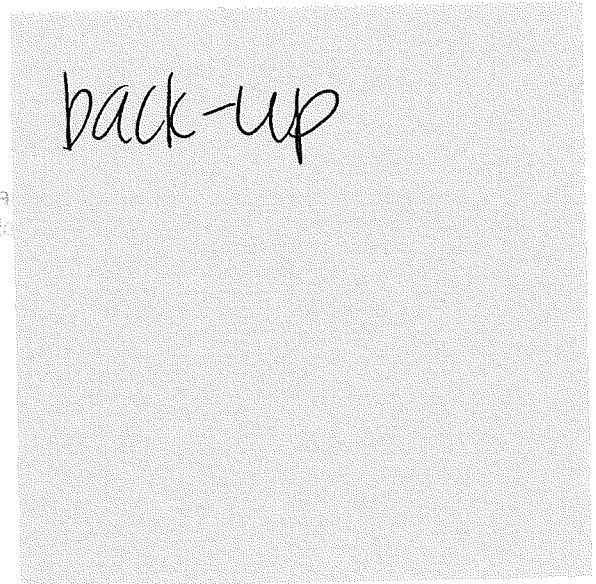
**From:** Tony Gray  
**Sent:** Tuesday, August 04, 2015 9:22 AM  
**To:** Tor Kenward  
**Subject:** RE: Your back order

Hello Tor,

Your refund from 9/23/13 was issued in the form of store credit which was for wine. However, I just noticed that you have \$261.57 in store credit available as of 9/23/13.

Regards,

Tony Gray  
Premier Cru - the world's finest wines  
1011 University Avenue  
Berkeley, CA 94710 ([directions](#))  
phone (510) 644-9463  
fax (510) 647-3833  
[Tony@premiercru.net](mailto:Tony@premiercru.net)



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**From:** Tor Kenward [<mailto:tor@torwines.com>]  
**Sent:** Monday, August 03, 2015 4:46 PM  
**To:** Tony Gray  
**Subject:** RE: Your back order

This is very helpful, thanks for updating all the orders/refunds, etc. Where the refunds applied to orders for new wines, or applied to a credit at the store?

Tor Kenward  
Kenward Family Wines  
Proprietor  
PO Box 348  
St. Helena, CA 94574  
O: 707.963.3100  
[tor@torwines.com](mailto:tor@torwines.com)

**From:** Tony Gray [<mailto:tony@premiercru.net>]  
**Sent:** Monday, August 03, 2015 3:45 PM  
**To:** Tor Kenward <[tor@torwines.com](mailto:tor@torwines.com)>  
**Subject:** RE: Your back order

Hello Tor,

I've left some notes for you on your previous email below and here is a cleaned up version of your open orders. Let me know if you have any further questions.

### Red Rhone Valley

11/06/2012	0000396278	45255	2010 Chateauneuf Clos des Papes, Avril	190-	\$95.00	2
03/25/2014	0000440431	49642	07 Chateauneuf du Pape 1/2, Charvin	210	\$35.00	6

11/02/2012	0000395939	45350	2010 Chateauneuf Combes de Fous, Clos St Jean	339.98	\$169.99	2
01/27/2014	0000435814	49399	2012 Chateauneuf du Pape, Clos St Jean	251.88	\$20.99	12
White Rhone Valley						
09/22/2011	0000363156	41131	09 Ermitage Blanc de l'Oree, Chapoutier	290	\$145.00	2
09/22/2011	0000363156	41129	09 Ermitage Meal Blanc, Chapoutier	299.98	\$149.99	2
01/14/2013	0000402542	47096	2011 Ermitage Blanc Le Meal, Chapoutier	—	\$109.99	1
12/31/2013	0000432725	47096	2011 Ermitage Blanc Le Meal, Chapoutier	—	\$129.99	1
01/16/2014	0000434265	49306	2012 Ermitage de l'Oree Blanc, Chapoutier	219.98	\$109.99	2

Pegau du

Tony Gray

Premier Cru - the world's finest wines

1011 University Avenue

Berkeley, CA 94710 (Berkeley)

phone (510) 644-9463

fax (510) 647-3833

Tony@premiercru.net

TOTAL 2,041.80

**From:** Tor Kenward [mailto:tor@torwines.com]

**Sent:** Monday, August 03, 2015 2:15 PM

**To:** Tony Gray

**Cc:** Tor Kenward

**Subject:** RE: Your back order

Checked the cellar and did find several of the January wines, and checked with my son who delivered 9 bottles. So that does check out.

What is still on order does not fit your excel sheet, which is disturbing-

Wines still on order according to my files -

421219 ( SO-0000421219 12 \$29.99 46856 09 Chateauneuf du Pape, Clos St Jean ) Shows up on a pick up manifest from 12/16/2013

418762 - You were issued a refund for this order on 9/23/13

402542 - 111 Chapoutier due by your's end

396278 - 111 C&F due this fall

395191 - Also issued a refund for this order on 9/23/13

363156 - incredible long wait - would test anyone's patience - We had issues with our original purchase order and had to re source these wines - Now due this fall

392706 - You delivered one - my order says two - my order says I paid \$148.98 - Your record says \$119.99 - We show \$119.10 for the bottle of Krug, and we also show \$148.98 for that sales order (before tax) and the difference is due to a bottle of '08 Pegau that you paid \$20.99 for.

Please clarify - and let me know when you expect these wines.

Tor Kenward

Kenward Family Wines

Proprietor

PO Box 348

St. Helena, CA 94574

O: 707.963.3100

tor@torwines.com

My Account

Hi Tor

Log Out

Shopping Cart

wine, region, varietal, producer

SEARCH

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-0000421219 (Open) <i>CSJ</i>	\$359.88	12	0	12	12	8/20/13
SO-0000418762 (Open) <i>04 BAROLO</i>	\$115.98	2	0	2	0	7/19/13
SO-0000413634 (Open) <i>Champagne</i>	\$196.46	7	0	7	7	5/21/13
SO-0000407456 (Open) <i>10 Brng</i>	\$179.99	1	0	1	1	3/13/13
<del>SO-0000405086 (Open) <i>10 Phones</i></del>	<del>\$209.97</del>	<del>3</del>	<del>0</del>	<del>3</del>	<del>0</del>	<del>2/14/13</del>
SO-0000402542 (Open) <i>WNRhone Chap.</i>	\$109.99	1	0	1	0	1/14/13
<del>SO-0000398239 (Open) <i>10 Jarnesse IV</i></del>	<del>\$299.98</del>	<del>2</del>	<del>0</del>	<del>2</del>	<del>0</del>	<del>12/1/12</del>
SO-0000396278 (Open) <i>10 AVRIL</i>	\$190.00	2	0	2	0	11/6/12
<del>SO-0000396087 (Open) <i>10 Santa Duo</i></del>	<del>\$110.00</del>	<del>2</del>	<del>0</del>	<del>2</del>	<del>0</del>	<del>11/3/12</del>
SO-0000395939 (Open) <i>10 CSI-Fons</i>	\$339.98	2	0	2	0	11/2/12
SO-0000395191 (Open) <i>10 Roussillon Chap</i>	\$107.96	4	0	4	0	10/23/12
<del>SO-0000394025 (Open) <i>86 King</i></del>	<del>\$289.99</del>	<del>1</del>	<del>0</del>	<del>1</del>	<del>0</del>	<del>10/18/12</del>
SO-0000393581 (Open) <i>White Br</i>	\$199.95	5	0	5	5	10/5/12
<i>* SO-0000392706 (Open) <i>King</i></i>	<i>\$148.98</i>	<i>2</i>	<i>119.99</i>	<i>1</i>	<i>0</i>	<i>9/24/12</i>
SO-0000390908 (Open) <i>White E</i>	\$159.98	2	0	2	2	9/4/12
SO-0000363156 (Open) <i>09/08 Chap.</i>	\$809.96	6	0	6	0	9/22/11
SO-0000333655 (Open) <i>06 "</i>	\$279.98	2	0	2	2	2/23/10

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We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

Store Hours



# Sales Order

## PREMIER CF

1011 University Avenue  
Berkeley, CA 94710

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

Page: 1  
Order Number: 0000363156  
Order Date: 9/22/2011

Salesperson: JG  
Customer: tken  
Customer PO:

Sold To	Ship To
Tor Kenward 1241 Adams St. #1041 Saint Helena, CA 94574 USA	Tor Kenward 1241 Adams St. #1041 Saint Helena, CA 94574 USA

Contact: Tor Kenward  
Phone: (707) 963-8595  
Fax: (707) 963-5521

This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
44545 08 Ermitage Blanc de l'Oree, Chapoutier	1.00	1.00	99.99	99.99
41131 09 Ermitage Blanc de l'Oree, Chapoutier	2.00	0.00	145.00	290.00
44546 08 Ermitage Meal Blanc, Chapoutier	1.00	1.00	119.99	119.99
41129 09 Ermitage Meal Blanc, Chapoutier	2.00	0.00	149.99	299.98

\* these are represented in email tally.

Payments: 880.83	Net Order: 809.96
	Freight: 0.00
	Sales Tax: 70.87
09/22/2011 VTYE7DEAEB2 *****3002 880.83	USD 880.83