

FILED

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2016 FEB -9 AM 10:46

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CA
OAKLAND, CA.

Fill in this information to identify the case:

Debtor 1 FOX ORTEGA ENTERPRISES, INC
d/b/a PREMIER CMA
 Debtor 2 _____
 (Spouse, if filing)
 United States Bankruptcy Court for the Northern District of California
 Case number 16-40050 WJL 7

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?

Richard Shalkewitz
 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?

☒ No

☐ 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?

Richard Shalkewitz
 Name
50 Butterfly Ln
 Number Street
MONTECITO, CA 93108
 City State ZIP Code

Where should payments to the creditor be sent? (if different)

Name _____
 Number Street _____
 City State ZIP Code _____

Contact phone 805-565-2300

Contact email richard@patricia.breen.com

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?

☒ No

☐ 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?

☒ No

☐ 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? \$ 3385.62 Does this amount include interest or other charges?
Mine includes state sales tax, as well as the cost of goods.
☐ 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).

On various dates I purchased wine from Debtor. I paid price, plus tax. Many bottles are still owed. There was a record of what is owed that was on line. It is no longer on line. I assume you have it. It showed prices, but not taxes.

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:

The Debtors on line document showed that one bottle was in warehouse waiting for pickup. I think it was 2009 Ch. Payor. I telephoned warehouse, but no one answered.

Basis for perfection:

I don't know if you consider it secured or not.
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:

\$ 3385.62

Amount of the claim that is secured:

\$ 216.00

Amount of the claim that is unsecured:

\$ 3169.62

(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:

Don't understand. The value of each bottle of wine that was not delivered is probably 50% greater than original cost.

Annual Interest Rate (when case was filed) _____ %

☐ Fixed
☐ Variable

Have no idea.

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 04 2016
MM / DD / YYYY

Richard Shalkewitz
Signature

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

Name Richard Shalkewitz
First name Middle name Last name

Title creditor

Company _____

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

Address 50 Butterfly Ln
Number Street

MONTECITO CA 93108
City State ZIP Code

Contact phone 805-565-2300 richard@patricia.breen.com
Email

I am attaching my reconstructed list of what I think is owed. Debtors on line list would be more accurate. I have copies of a number of the purchaser orders. AM enclosing one from 7/20/15. Have more if you want them.

Official Form 410
Case 16-40050 Claim 822 Filed 02/09/16 Desc Main Document Page 3 of 6

2014	3 1/2	Ch	Suduirout Sauternes	7-15	(928.28)	60.04
2004	1	Pol Roger	Blanc de Blanc	10-14	↓	43.20
2006	1	Pol Roger	Blanc de Rose	Champ 10-14		43.20
2005	1	Bollinger	Grand Annee	3-15		70.19
				Champ		added Tax
2012	1	Ch.	La Conseillante	5/15		74.45
2012	3	Ch.	Papir Clement	5/15		226.80
2010	2	Ch	Maojallia	5/13		129.60
2010	2	Ch	d'Issen	5/13		108 -
2010	2	Ch	La Fon Rochet			54 -
2010	2	Ch	Croix de Lubrie			118.80
2009	1	Ch	Moutrose	↓ 1890.34	216	200-
2009	1	Ch	Cos d'Estournel			216 -
2009	1	Ch	Leoville Poyferre			165
2009	1	Ch	Pontet Canet			165
2009	1	Ch	Clos Eglise			165
2009	1	Ch	Clos Foutot			156.60
2009	1	Ch	Pavie			216 -
2009	1	Mauroult	Chevilleries	6-12		32.40
2013	1	Clos	Vougeot - Judot	10-14		75.60
2011	2	Maison	Judot-Volney	3-13		75.60
2011	2	Buigal	La Landonne	7-15		407.14
2011	1	Mag.	La Camb.		↓	567 -
2012	2	Olivier	Hillade	6-14		64.80.
2012	1	Jannet	CDP Cuver VV	6-14		64.80
2012	1	Jannet	CDP Cuver Choupin	6-14		42.30
2010	2	Brunello	di Montalcino	7-15		64.80
2010	2	"	"	Argiano	7-15	86.40
2010	1	Azelia	Barolo	6-14		64.80
2010	1	"	"	Marghera	6-14	64.80
2009	1	Tignone	Illo	6-12		48.60
2005	2	Buigal	La Landonne	7-15		64.80

From: Premier Cru sunita@premiercru.net
Subject: Sales Order From Premier Cru at Premier Cru
Date: July 20, 2015 at 9:40 AM
To: Richard Shaikewitz richard@patriciabreen.com

2011 Solutant 1/2
Sachley 97-98

THIS DOCUMENT WAS SENT WITH:

PDFMASTER

SALES ORDER

From:
Premier Cru
Premier Cru

2011
La Landonne
Jeb Draneck
98-100
new -
2040

To: Richard Shaikewitz
Date: 7/20/2015

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

-Regards,

Matt Cormier
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:

[]

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Price: 1
Order Number: 0000484662
Order Date: 7/20/2015

Salesperson: SA
Customer: 3255
Customer PO:

Sold To	Ship To
Richard Shaikewitz 50 Butterfly Lane Montecito, CA 93108 USA	Richard Shaikewitz 50 Butterfly Lane Montecito, CA 93108 USA

Contact: Richard Shaikewitz
Phone: (805) 565-2300

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
52112 2014 Solutant 1/2	3.00	0.00	18.53	55.59
51723 2011 Cote Rotie La Landonne, Gorgol	1.00	0.00	188.49	188.49

Payments: 267.27

Net Order: 244.98

Freight: 0.00

Sales Tax: 22.19

7/20/2015	6S1AD4152936	*****1113	267.27
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USD 267.27