

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

LM 11:26 a.m.
FILED
FEB 10 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.

Identify the Claim

| | | |
|--|--|--|
| 1. Who is the current creditor? | <u>Tom Pirko</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>Tom Pirko</u> Name <u>799 West Highway 246</u> Number Street <u>Buellton CA 93427</u> City State ZIP Code Contact phone <u>805-693-0154</u> Contact email <u>tompirko@bevmarkconsulting.com</u> | Where should payments to the creditor be sent? (if different) <u>Tom Pirko</u> Name <u>799 West Highway 246</u> Number Street <u>Buellton CA 93427</u> City State ZIP Code Contact phone <u>805-693-0154</u> Contact email <u>tompirko@bevmarkconsulting.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? _____ | |

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? \$ 3,776.47. 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 purchased 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: Wine
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: \$ 3,776.47
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ 3,776.47 (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: \$ 3,776.47

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:

☐ 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

\$ _____

\$ 2,775.00

\$ _____

\$ _____

\$ _____

\$ _____

* 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.

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 Tom Pirko
First name Middle name Last name

Title _____

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

Address 799 West Highway 246
Number Street
Buellton CA 93427
City State ZIP Code

Contact phone 805-693-0154 Email tompirko@bevmarkconsulting.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000475693

Order Date: 4/10/2015

Web Order No: 173763

Salesperson: JJ

Customer: tpir

Customer PO:

Sold To

Tom Pirko
799 West Highway 246
Buellton, CA 93427 USA

Ship To

Tom Pirko
799 WEST HIGHWAY 246
BEVMARK LLC
805-693-0154
Buellton, CA 93427 USA

Contact: Tom Pirko, Bevmark LLC
Phone: (805) 693-0154

This order has been paid by Visa - Thank You!

| Item | Ordered | Quantity Shipped | Unit Price | Amount |
|------------------------------|---------|---------------------|------------|--------|
| 50729 06 Pol Roger Brut Rose | 16.00 | 0.00 | 49.99 | 799.84 |

Payments: 871.83

4/10/2015 AR0ABF587233 *****7210 871.83

Net Order: 799.84

Freight: 0.00

Sales Tax: 71.99

USD 871.83

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000482989
Order Date: 7/3/2015
Web Order No: 179469
Salesperson:
Customer: tpir
Customer PO:

Sold To

Tom Pirko
799 West Highway 246
Buellton, CA 93427 USA

Ship To

Tom Pirko
799 WEST HIGHWAY 246
BEVMARK LLC
805-693-0154
Buellton, CA 93427 USA

Contact: Tom Pirko, Bevmark LLC
Phone: (805) 693-0154

| Item | | Ordered | Quantity Shipped | Unit Price | Amount |
|-------|---------------------------------|---------|---------------------|------------|--------|
| 52220 | 2014 Pichon Lalande | 2.00 | 0.00 | 76.99 | 153.98 |
| 52204 | 2014 La Conseillante | 2.00 | 0.00 | 79.99 | 159.98 |
| 52205 | 2014 Cos d'Estournel | 2.00 | 0.00 | 99.99 | 199.98 |
| 52224 | 2014 Vieux Chateau Certan | 3.00 | 0.00 | 124.99 | 374.97 |
| 52223 | 2014 Trotanoy | 2.00 | 0.00 | 124.99 | 249.98 |
| 52208 | 2014 l'Evangile | 3.00 | 0.00 | 99.99 | 299.97 |
| 52222 | 2014 Pontet Canet | 2.00 | 0.00 | 79.99 | 159.98 |
| 52209 | 2014 Grand Puy Lacoste | 2.00 | 0.00 | 47.99 | 95.98 |
| 52221 | 2014 Pichon Baron | 2.00 | 0.00 | 76.99 | 153.98 |
| 52218 | 2014 Pape Clement | 2.00 | 0.00 | 59.99 | 119.98 |
| 52202 | 2014 Domaine de Chevalier Rouge | 2.00 | 0.00 | 41.99 | 83.98 |

Payments: 2,247.77

Net Order: 2,052.76

Freight: 0.00

Sales Tax: 195.01

7/3/2015 AP0AC23D7B68 *****7210 2,247.77

USD 2,247.77

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000479756
Order Date: 5/26/2015
Web Order No: 176998
Salesperson: TG
Customer: tpir
Customer PO:

| Sold To | Ship To |
|---|--|
| Tom Pirko 799 West Highway 246 Buellton, CA 93427 USA | Tom Pirko 799 WEST HIGHWAY 246 BEVMARK LLC 805-693-0154 Buellton, CA 93427 USA |

Contact: Tom Pirko, Bevmark LLC
Phone: (805) 693-0154

This order has been paid by Visa - Thank You!

| Item | Ordered | Quantity Shipped | Unit Price | Amount |
|---|---------|------------------|------------|--------|
| 42923 Egly-Ouriet Les Vignes de Vignys Brut 1er Cru | 12.00 | 0.00 | 49.99 | 599.88 |

Net Order: 599.88

Payments: 656.87

Freight: 0.00
Sales Tax: 56.99

| | | | |
|-----------|--------------|-----------|--------|
| 5/27/2015 | AU0AD2B36F25 | *****7210 | 656.87 |
|-----------|--------------|-----------|--------|

USD 656.87

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000479756

Order Date: 5/26/2015

Web Order No: 176998

Salesperson: TG

Customer: tpir

Customer PO:

Sold To

Tom Pirko
799 West Highway 246
Buellton, CA 93427 USA

Ship To

Tom Pirko
799 WEST HIGHWAY 246
BEVMARK LLC
805-693-0154
Buellton, CA 93427 USA

Contact: Tom Pirko, Bevmark LLC
Phone: (805) 693-0154

This order has been paid by Visa - Thank You!

| Item | Ordered | Quantity Shipped | Unit Price | Amount |
|---|---------|------------------|------------|--------|
| 42923 Egly-Ouriet Les Vignes de Vrigny Brut 1er Cru | 12.00 | 0.00 | 49.99 | 599.88 |

Net Order: 599.88

Payments: 656.87

Freight: 0.00

Sales Tax: 56.99

| | | | |
|-----------|--------------|-----------|--------|
| 5/27/2015 | AU0AD2B36F25 | *****7210 | 656.87 |
|-----------|--------------|-----------|--------|

USD 656.87

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

Sales Order

Page: 1

Order Number: 0000482989

Order Date: 7/3/2015

Web Order No: 179469

Salesperson:

Customer: tpir

Customer PO:

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

| Sold To | Ship To |
|---|--|
| Tom Pirko 799 West Highway 246 Buellton, CA 93427 USA | Tom Pirko 799 WEST HIGHWAY 246 BEVMARK LLC 805-693-0154 Buellton, CA 93427 USA |

Contact: Tom Pirko, Bevmark LLC
Phone: (805) 693-0154

| Item | Ordered | Quantity Shipped | Unit Price | Amount |
|---------------------------------------|---------|------------------|------------|--------|
| 52220 2014 Pichon Lalande | 2.00 | 0.00 | 76.99 | 153.98 |
| 52204 2014 La Conseillante | 2.00 | 0.00 | 79.99 | 159.98 |
| 52205 2014 Cos d'Estournel | 2.00 | 0.00 | 99.99 | 199.98 |
| 52224 2014 Vieux Chateau Certan | 3.00 | 0.00 | 124.99 | 374.97 |
| 52223 2014 T'rotanoy | 2.00 | 0.00 | 124.99 | 249.98 |
| 52208 2014 l'Evangile | 3.00 | 0.00 | 99.99 | 299.97 |
| 52222 2014 Pontet Canet | 2.00 | 0.00 | 79.99 | 159.98 |
| 52209 2014 Grand Puy Lacoste | 2.00 | 0.00 | 47.99 | 95.98 |
| 52221 2014 Pichon Baron | 2.00 | 0.00 | 76.99 | 153.98 |
| 52218 2014 Pape Clement | 2.00 | 0.00 | 59.99 | 119.98 |
| 52202 2014 Domaine de Chevalier Rouge | 2.00 | 0.00 | 41.99 | 83.98 |

| | | | |
|-----------|----------|------------|----------|
| Payments: | 2,247.77 | Net Order: | 2,052.76 |
| | | Freight: | 0.00 |
| | | Sales Tax: | 195.01 |

| | | | |
|----------|--------------|-----------|----------|
| 7/3/2015 | AP0AC23D7B68 | *****7210 | 2,247.77 |
|----------|--------------|-----------|----------|

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000475693
Order Date: 4/10/2015
Web Order No: 173763
Salesperson: JJ
Customer: tpir
Customer PO:

Sold To

Tom Pirko
799 West Highway 246
Buellton, CA 93427 USA

Ship To

Tom Pirko
799 WEST HIGHWAY 246
BEVMARK LLC
805-693-0154
Buellton, CA 93427 USA

Contact: Tom Pirko, Bevmark LLC
Phone: (805) 693-0154

This order has been paid by Visa - Thank You!

| Item | | Ordered | Quantity Shipped | Unit Price | Amount |
|-------|------------------------|---------|---------------------|------------|--------|
| 50729 | 06 Pol Roger Brut Rose | 16.00 | 0.00 | 49.99 | 799.84 |

Payments: 871.83

Net Order: 799.84

Freight: 0.00

Sales Tax: 71.99

4/10/2015 AR0ABF587233 *****7210 871.83

USD 871.83