

Fill in this information to identify the case:Debtor 1 Fox Ortega Enterprises, Inc. d/b/a Premier CruDebtor 2
(Spouse, if filing) _____

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

FILED
FEB 11 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

10:39am

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>Gregory C. Yadley</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>Gregory C. Yadley</u> Name <u>101 East Kennedy Boulevard, Suite 2800</u> Number Street <u>Tampa FL 33602</u> City State ZIP Code Contact phone <u>813-227-2238</u> Contact email <u>gyadley@slk-law.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) _____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
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? _____	

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? \$ 11,446.15. 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

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: \$ 11,446.15
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ 11,446.15 (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: \$ 11,446.15
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 02/08/2016
MM / DD / YYYY

Signature

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

Name Gregory C. Yadley
First name Middle name Last name

Title _____

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

Address 101 East Kennedy Boulevard, Suite 2800
Number Street
Tampa FL 33602
City State ZIP Code

Contact phone 813-227-2238 Email gyadley@slk-law.com

**ATTACHMENT TO PROOF OF CLAIM
OF
GREGORY C. YADLEY
Customer 43056**

**Fox Ortega Enterprises, Inc. d/b/a Premier Cru
Case No. 16-40050 WJL 7**

Order Date		Item	Description	Price	Bottles
French Red Burgundy					
04/20/2014	0000443011	49501	2012 Clos Vougeot, Chateau de La Tour	\$97.49	3
02/24/2013	0000406012	45215	2010 Nuits Roncierres, Cheillon	\$69.99	3
10/20/2013	0000425928	47204	2011 Nuits Vaucrains, Cheillon	\$89.99	2
06/09/2014	0000446937	49742	2012 Nuits St Georges Perrieres, Cheillon	\$55.99	4
02/17/2013	0000405419	47313	2011 Chapelle Chambertin Magnum, Jadot	\$199.99	2
02/17/2013	0000405419	47309	2011 Clos de la Roche Magnum, Jadot	\$179.99	2
02/17/2013	0000405419	47303	2011 Clos Vougeot Magnum, Jadot	\$245.00	2
02/17/2013	0000405419	47290	2011 Corton Pougets Magnum, Jadot	\$149.99	2
02/17/2013	0000405419	47299	2011 Echezeaux 'Domaine Gagey' Magnum, Jadot	\$179.99	2
04/15/2014	0000442330	48417	2012 Chambolle Musigny les Baudes Magnum, Jadot	\$219.99	2
07/20/2014	0000450321	48389	2012 Charmes Chambertin, Jadot	\$47.99	3
04/15/2014	0000442330	48405	2012 Gevrey Clos St Jacques Magnum, Jadot	\$315.00	2
07/20/2014	0000450320	48391	2012 Mazis Chambertin, Jadot	\$99.99	3
07/20/2014	0000450321	48391	2012 Mazis Chambertin, Jadot	\$99.99	3
04/15/2014	0000442330	48421	2012 Vosne Romanee Suchots Magnum, Jadot	\$255.00	2
10/20/2013	0000425928	45874	2010 Clos Vougeot V.V., Ponsot	\$225.00	2
04/10/2013	0000409841	47596	2011 Chambolle Musigny Charmes, Ponsot	\$109.99	6
04/10/2013	0000409841	47597	2011 Morey St Denis Alouettes, Ponsot	\$109.99	6
06/25/2013	0000416695	47485	2011 Chambolle Musigny 1er Cru, Vogue	\$189.99	3
French White Burgundy					
07/20/2014	0000450320	50388	2012 Chablis Sechet, Dauvissat	\$59.99	3
03/16/2014	0000439626	49278	2012 Chablis Preuses, Fevre	\$79.99	3
08/01/2014	0000451257	49278	2012 Chablis Preuses, Fevre	\$51.99	3
04/20/2014	0000443011	49280	2012 Chablis Vaudesir, Fevre	\$59.99	3
03/16/2014	0000439626	45715	2010 Chevalier Montrachet les Demoiselles Magnum, Jadot	\$599.00	1
06/25/2013	0000416707	46779	2011 Chevalier Montrachet Demoiselles, Jadot	\$179.99	3
04/20/2014	0000443011	46777	2011 Corton Charlemagne, Jadot	\$82.49	3
06/25/2013	0000416707	47323	2011 Puligny Clos de la Garenne Duc de Magenta, Jadot	\$69.99	3
08/01/2014	0000451257	48431	2012 Batard Montrachet, Jadot	\$84.49	2
08/01/2014	0000451257	50036	2012 Chassagne Morgeot 'Abbaye de Morgeot' Magnum,	\$97.49	2
03/16/2014	0000439626	48280	2011 Saint Romain Cuvee des Mesanges, Ponsot	\$44.99	6
07/20/2014	0000450320	48280	2011 Saint Romain Cuvee des Mesanges, Ponsot	\$59.99	3
11/20/2015		52288	2013 Chevalier Montrachet La Cabotte, Bouchard	\$134.72	3
Red Rhone Valley					
04/15/2014	0000442330	49045	2012 Beaucastel Magnum	\$155.00	1
04/20/2014	0000443011	49515	2012 Hermitage La Chapelle, Jaboulet	\$119.99	2

Total amount of Claim

\$11,446.15