

Fill in this information to identify the case:

Debtor 1 FOX ORTEGA ENTERPRISES DBA PREMIER
CRU

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN District of CALIFORNIA

Case number 16-40050 WJL 7

FILED

2016 FEB 16 AM 11:13

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

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>BRIAN ROTHBART</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?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)	
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<u>BRIAN ROTHBART</u> Name	_____ Name	
	<u>353 THIRD ST</u> Number Street	_____ Number Street	
	<u>JERSEY CITY NJ 07302</u> City State ZIP Code	_____ City State ZIP Code	
	Contact phone <u>415 407 7511</u>	Contact phone _____	
	Contact email <u>BRIAN@THIRDDANDNINE.COM</u>	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? _____		

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? \$ 931.85 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 PAID FOR ON A PRE-ARRIVAL BASIS AND NEVER RECIEVED

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


Signature

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

Name

BRIAN
First name

MINEUR
Middle name

ROTHBART
Last name

Title

Company

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

Address

353 THIRD ST
Number Street

JERSEY CITY
City

NJ
State

07302
ZIP Code

Contact phone

415 407 7511

Email BRIAN@THIRDANDVINE.COM

[My Account](#)[Hi Brian](#)[Log Out](#)[Shopping Cart](#)[wine, region, varietal, producer](#)[SEARCH](#)[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)

ORDER DETAILS

Order No.: SO-0000403394

Order Date.: Jan 25, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
Sekt 'Dr. L' (sparkling), Loosen, 750 ml	5	5	0	0	\$12.99	\$64.95
2011 Chablis Valmur, Fevre, 750 ml	6	0	6	0	\$59.99	\$359.94
2011 Chablis Vaudesir, Fevre, 750 ml	6	6	0	0	\$59.99	\$359.94

Subtotal: \$784.83

Tax: \$0.00

Total: \$784.83

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
Sekt 'Dr. L' (sparkling), Loosen, 750 ml	5	5	0
2011 Chablis Valmur, Fevre, 750 ml	6	0	6
2011 Chablis Vaudesir, Fevre, 750 ml	6	6	0

Browse Wines

Featured Wines

[What's New](#)[Newsletters](#)

Learn About Wine

[Regions](#)[Producers](#)[Feature Articles](#)[Wine Expert Reviews](#)

Customer Service

[Pre-Arrival vs. In-Stock](#)[Shipping Info](#)[Terms and Conditions](#)[RSS Center](#)[My Account](#)[Contact Customer Service](#)

About Us

[Company History](#)[Our Staff](#)[We Buy Wine](#)[Retail Store](#)[Contact Us](#)[RSS Center](#)

FIND A WINE

GET OUR NEWSLETTER

About Us

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

1011 University Ave.
Berkeley, CA 94710

Store Hours

Tuesday-Friday: 10am-6pm
Saturday: 10am-5pm

[My Account](#)[Hi Brian](#)[Log Out](#)[Shopping Cart](#)[wine, region, varietal, producer](#)[SEARCH](#)[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)

ORDER DETAILS

Order No.: SO-0000414142

Order Date.: May 25, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
1997 Riesling Clos Hauserer, Zind Humbrecht, 750 ml	2	2	0	0	\$45.00	\$90.00
2009 Chateauneuf Reservee, Pegau, 750 ml	2	2	0	0	\$69.99	\$139.98
1998 Philipponat Clos des Goisses, 750 ml	1	0	1	0	\$159.99	\$159.99
2011 Chablis Montee de Tonnerre, Fevre, 750 ml	6	0	6	0	\$41.99	\$251.94
2010 Chateauneuf Cuvee Centenaire, Brunel, 750 ml	2	0	2	0	\$79.99	\$159.98

Subtotal: \$801.89

Tax: \$0.00

Total: \$801.89

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
1997 Riesling Clos Hauserer, Zind Humbrecht, 750 ml	2	2	0
2009 Chateauneuf Reservee, Pegau, 750 ml	2	2	0
1998 Philipponat Clos des Goisses, 750 ml	1	0	1
2011 Chablis Montee de Tonnerre, Fevre, 750 ml	6	0	6
2010 Chateauneuf Cuvee Centenaire, Brunel, 750 ml	2	0	2

[Browse Wines](#)[Customer Service](#)[About Us](#)[Featured Wines](#)[Pre-Arrival vs. In-Stock](#)[Company History](#)[What's New](#)[Shipping Info](#)[Our Staff](#)[Newsletters](#)[Terms and Conditions](#)[We Buy Wine](#)[Learn About Wine](#)[RSS Center](#)[Retail Store](#)[Regions](#)[My Account](#)[Contact Us](#)[Producers](#)[Contact Customer Service](#)[RSS Center](#)[FIND A WINE](#)[SEARCH](#)[GET OUR NEWSLETTER](#)[SUBSCRIBE](#)[About Us](#)

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors.