

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc.  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: Northern District of California  
Case number 16-40050

FILED

2016 FEB 16 AM 11:11

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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?

Douglas Sheline

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?

Douglas Sheline

Name

33 Bradenham Pl

Number

Street

Buffalo

City

NY

State

14226

ZIP Code

Contact phone

716.225.7348

Contact email

dmsheline@mac.com

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

Name

← same

Number

Street

City

State

ZIP Code

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? \$ 3,617.52. 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 (see attachments)

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

2/7/2016  
MM / DD / YYYY

Signature

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

Name

Douglas  
First name

Andrew  
Middle name

Sheline  
Last name

Title

Company

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

Address

33 Bradenham Pl  
Number Street

Buffalo  
City

NY  
State

14226  
ZIP Code

Contact phone

716-225-7348

Email

dmsheline@mac.com

**February 7, 2016**

# U.S. BANKRUPTCY COURT

1300 CLAY STREET #300 (94612)  
P.O. BOX 2070  
OAKLAND, CA 94604-2070

UNITED STATES BANKRUPTCY COURT  
NORTHER DISTRICT OF CALIFORNIA  
CASE NUMBER – 16-40050  
DEBTOR – FOX ORTEGA ENTERPRISES, INC.

In relation to the case number above, I purchased goods from the debtor, dba Premier Cru, via their website that were never delivered. I have attached the "Premier Cru Order Acknowledgement(s)" for two of the orders, but do not have the acknowledgement for the last order. I'm providing an estimate of the final payments I made, since the payment amounts are not contained in the order acknowledgements. This information was all available on the Premier Cru website, but the website is no longer available. Exact figures could be determined by examining Premier Cru's records.

**Order SO-0000477078-174844 dated 4/25/2015**

6, 750 ml, bottles of La Gerla Brunello di Montalcino – \$37.99 per bottle

6, 750 ml, bottles of Lisini Brunello di Montalcino - \$44.99 per bottle

Order Value \$497.88

**Order SO-0000470760-169839 dated 2/20/2015**

6, 750 ml, bottles of Fuligni Brunello di Montalcino – \$59.99 per bottle

6, 750 ml, bottles of Mastrojanni Brunello di Montalcino - \$69.99 per bottle

6, 750 ml, bottles of Altesino Brunello di Montalcino - \$49.99 per bottle

6, 750 ml, bottles of Biondi Santi Brunello di Montalcino - \$99.99 per bottle

Order Value \$1,679.76

**Order UNKNOWN dated March, 2013**

12, 750 ml, bottles of Salvioni Brunello di Montalcino – \$119.99 per bottle

Order Value \$1,439.88

Total Claim estimated to be **\$3,617.52**. I am uncertain if shipping and handling charges were prepaid, I have left those potential charges out of this estimate. Again, the exact figures could be determined by examining Premier Cru's records.

SINCERELY,

A handwritten signature in black ink, appearing to read 'D. Sheline', with a long horizontal flourish extending to the right.

DOUGLAS SHELINE  
33 BRADENHAM PL  
BUFFALO, NEW YORK  
14226  
(716) 225-7348

From: **Premier Cru** shipping@premiercru.net  
Subject: **Premier Cru Order Acknowledgement**  
Date: April 25, 2015 at 8:43 AM  
To: dmsheline@mac.com

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Thank you for your order.  
Premier Cru has received your web order request.  
Your web order number is SO-0000477078-174844.

Sales are processed in the order they are received. Once we have determined that the wines you requested are available, we will confirm and process your order.  
Our online inventory is updated every minute. However since many wines are in high demand and limited supply, we cannot guarantee that the wines you requested were still available at the time your order was submitted. Once we determine this, process your order and bill you, your order is confirmed and we will e-mail you a confirmed copy.

If you have any questions, please email us at [info@premiercru.net](mailto:info@premiercru.net) or call us at 510-644-9463.

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Premier Cru  
1011 University Avenue  
Berkeley, CA 94710  
(510) 644-9463

From: **Premier Cru** shipping@premiercru.net  
Subject: **Premier Cru Order Acknowledgement**  
Date: **February 20, 2015 at 5:52 PM**  
To: **dinsheline@mac.com**



Thank you for your order.

Premier Cru has received your web order request.

Your web order number is SO-0000470760-169839.

Sales are processed in the order they are received. Once we have determined that the wines you requested are available, we will confirm and process your order.

Our online inventory is updated every minute. However since many wines are in high demand and limited supply, we cannot guarantee that the wines you requested were still available at the time your order was submitted. Once we determine this, process your order and bill you, your order is confirmed and we will e-mail you a confirmed copy.

If you have any questions, please email us at [info@premiercru.net](mailto:info@premiercru.net) or call us at 510-644-9463.

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Premier Cru  
1011 University Avenue  
Berkeley, CA 94710  
(510) 644-9463