

**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 WJL7

LM 10:24 a.m.  
**FILED**  
FEB 17 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.

#### Part 1: Identify the Claim

1. Who is the current creditor?	<u>Michael J. Kahns</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? <u>Michael J. Kahns</u> Name <u>4000 Kirkham Street</u> Number Street <u>San Francisco CA 94122</u> City State ZIP Code Contact phone <u>415-203-4542</u> Contact email <u>mike.kahns@hotmail.com</u>	Where should payments to the creditor be sent? (if different) Name _____ 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?	<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? \$ 724.21 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:** \$ \_\_\_\_\_  
**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 02/03/2016

MM / DD / YYYY

Signature

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

Name

Michael

J.

Kahns

First name

Middle name

Last name

Title

Company

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

Address

4000 Kirkham Street

Number

Street

San Francisco

CA

94122

City

State

ZIP Code

Contact phone

415-203-4542

Email

mikekahns@hotmail.com

**Michael Kahns**  
**Premier Cru Open Orders Not Received**

Date	Order Number	Subtotal	Total with Tax
5/20/2011	356089	\$104.97	\$115.20
7/1/2010	340211	\$164.98	\$181.07
6/27/2010	339973	\$55.98	\$61.44
6/23/2010	339642	\$27.99	\$30.72
6/23/2010	339603	\$59.99	\$65.84
6/19/2010	339134	<u>\$254.96</u>	<u>\$269.94</u>
<b>TOTAL</b>		<b>\$668.87</b>	<b>\$724.21</b>

**CONTACT INFO**

email mikekahns@hotmail.com  
phone 415-203-4542  
address 4000 Kirkham Street  
San Francisco, CA  
94122

[Print](#)[Close](#)

## Premier Cru Order Acknowledgement

From: **Premier Cru** (shipping@premiercru.net)  
Sent: Fri 5/20/11 12:42 PM  
To: mikekahns@hotmail.com

Thank you for your order!

We have received your order request SO-0000356089-80418.

qty	item	Wine	price	ext	status
3	41997	2009 Graacher Himmelreich Auslese, JJ Prum (p	34.99	104.97	pre-arrival

-----  
Bottles : 3  
Subtotal: 104.97  
Shipping: 0.00  
Tax : 10.23  
Total : 115.20

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Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at 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

# PREMIER CRU

5890 CHRISTIE AVENUE  
EMERYVILLE, CA 94608  
(510)655-6691 FAX(510)547-5405

## Sales Order

Page: 1

Order Number: 0000340211  
Order Date: 7/1/2010  
Change Order: 0  
Confirm No: 70344  
Salesperson: JG  
Customer: 39646  
Customer PO:

### Sold To

Michael Kahns  
4000 Kirkham Street  
San Francisco, CA 94122 USA

### Ship To

Michael Kahns  
4000 Kirkham Street  
San Francisco, CA 94122 USA

Contact: Michael J Kahns  
Phone: (415) 753-8448

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
41216	09 Tour Maillet	1.00	0.00	29.99	29.99
41531	09 Pontet Canet	1.00	0.00	134.99	134.99

Payments: 181.07

Net Order: 164.98  
Discount: 0.00  
Freight: 0.00  
Sales Tax: 16.09

7/1/2010 VP5EE5C4F5915 \*\*\*\*\*5815 181.07

USD 181.07

# PREMIER CRU

5890 CHRISTIE AVENUE  
EMERYVILLE, CA 94608  
(510)655-6691 FAX(510)547-5405

## Sales Order

Page: 1

Order Number: 0000339973  
Order Date: 6/27/2010  
Change Order: 0  
Confirm No: 70211  
Salesperson: RY  
Customer: 39646  
Customer PO:

Sold To	Ship To
Michael Kahns 4000 Kirkham Street San Francisco, CA 94122 USA	Michael Kahns 4000 Kirkham Street San Francisco, CA 94122 USA

Contact: Michael J Kahns  
Phone: (415) 753-8448

Item	Ordered	Quantity Shipped	Unit Price	Amount
41483 09 Haut Bergey	2.00	0.00	27.99	55.98

Payments: 61.44

Net Order: 55.98  
Discount: 0.00  
Freight: 0.00  
Sales Tax: 5.46

6/28/2010	VLFE5DF4E85B	*****5815	61.44
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USD 61.44

# PREMIER CRU

## Sales Order

Page: 1

5890 CHRISTIE AVENUE  
EMERYVILLE, CA 94608  
(510)655-6691 FAX(510)547-5405

Order Number: 0000339642  
Order Date: 6/23/2010  
Change Order: 0  
Confirm No: 70012  
Salesperson: JG  
Customer: 39646  
Customer PO:

**Sold To**

Michael Kahns  
4000 Kirkham Street  
San Francisco, CA 94122 USA

**Ship To**

Michael Kahns  
4000 Kirkham Street  
San Francisco, CA 94122 USA

Contact: Michael J Kahns  
Phone: (415) 753-8448

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
41483	09 Haut Bergey	1.00	0.00	27.99	27.99

Payments: 30.72

Net Order: 27.99  
Discount: 0.00  
Freight: 0.00  
Sales Tax: 2.73

6/23/2010 VXJE5C8C5270 \*\*\*\*\*5815 30.72

USD 30.72



# PREMIER CRU

5890 CHRISTIE AVENUE  
EMERYVILLE, CA 94608  
(510)655-6691 FAX(510)547-5405

## Sales Order

Page: 1

Order Number: 0000339603  
Order Date: 6/23/2010  
Change Order: 0  
Confirm No: 69990  
Salesperson: PB  
Customer: 39646  
Customer PO:

### Sold To

Michael Kahns  
4000 Kirkham Street  
San Francisco, CA 94122 USA

### Ship To

Michael Kahns  
4000 Kirkham Street  
San Francisco, CA 94122 USA

Contact: Michael J Kahns  
Phone: (415) 753-8448

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
41552	09 Branaire Ducru	1.00	0.00	59.99	59.99

Payments: 65.84

Net Order: 59.99  
Discount: 0.00  
Freight: 0.00  
Sales Tax: 5.85

06/23/2010 VTGE5C3A1651 \*\*\*\*\*5815 65.84

USD 65.84

# PREMIER CRU

5890 CHRISTIE AVENUE  
EMERYVILLE, CA 94608  
(510)655-6691 FAX(510)547-5405

## Sales Order

Page: 1

Order Number: 0000339134  
Order Date: 6/18/2010  
Change Order: 0  
Confirm No: 69673  
Salesperson: JG  
Customer: 39646  
Customer PO:

### Sold To

Michael Kahns  
4000 Kirkham Street  
San Francisco, CA 94122 USA

### Ship To

Michael Kahns  
4000 Kirkham Street  
San Francisco, CA 94122 USA

Contact: Michael J Kahns  
Phone: (415) 753-8448

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
41565	09 Lynch Bages	1.00	0.00	99.99	99.99
41440	09 Barde Haut	1.00	0.00	31.99	31.99
41476	09 Gruaud Larose	2.00	0.00	56.99	113.98

Payments: 269.94

Net Order: 245.96  
Discount: 0.00  
Freight: 0.00  
Sales Tax: 23.98

6/18/2010 VPFE5BF3BC2C \*\*\*\*\*5815 269.94

USD 269.94