

Fill in this information to identify the case:

Debtor 1

FOX ORTEGA ENTERPRISES INC

Debtor 2

(Spouse, if filing)

DBA PREMIER CRU

United States Bankruptcy Court for the:

NORTHERN District of CALIFORNIA

Case number

16-40050 WTL-7

FILED

2016 FEB 17 12:10:40

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CAL.
SAN JOSE, 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?

MARCEL LE ROY

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?

MARCEL LE ROY

Name

61-33 76th ST

Number Street

MIDDLE VILLAGE NY 11374

City State ZIP Code

Contact phone 7184572242

Contact email

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?

☒ No

☐ Yes. Claim number on court claims registry (if known)

Filed on

2 12 2016
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? \$ 138,335.05 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)?

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 2 12 2016
MM / DD / YYYY

Signature

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

Name

MARCEL LE ROY
First name Middle name Last name

Title

CREDITOR

Company

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

Address

61-33 76th ST
Number Street

MIDDLE VILLAGE NY 11379
City State ZIP Code

Contact phone

718.457.2242

Email

NONE

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000431504

Order Date: 12/20/2013

Salesperson: MR

Customer: mler

Customer PO:

Sold To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Ship To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457-2242

Item		Ordered	Quantity Shipped	Unit Price	Amount
44123	2010 Latour	12.00	0.00	1,200.00	14,400.00
45687	09 Laforge	12.00	0.00	59.99	719.88
48114	2011 Pommard Premiers, N. Rossignol	12.00	0.00	79.99	959.88

RECEIVED
12.17.15

Payments: 16,079.76

Net Order: 16,079.76

Freight: 0.00

Sales Tax: 0.00

12/20/2013 VUHEB4407748 *****0288 16,079.76

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000398596

Order Date: 12/4/2012

Salesperson: MR

Customer: mler

Customer PO:

Sold To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Ship To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457-2242

check to be sent att: Mederick Ravel for \$26269.67

PAID in FULL

Item		Ordered	Quantity Shipped	Unit Price	Amount
41531	09 Pontet Canet	12.00	0.00	199.99	2,399.88
44100	2010 Haut Brion 6 Liter	1.00	0.00	4,999.99	4,999.99
43931	2010 Montrose 6 Liter	1.00	0.00	1,199.99	1,199.99
41607	09 Brane Cantenac ~ <i>RECEIVED 12/7/15</i>	6.00	0.00	69.99	419.94
44123	2010 Latour	12.00	0.00	899.99	10,799.88
44089	2010 Lafite Rothschild 3 Liter	2.00	0.00	3,225.00	6,450.00
44130	2010 Cheval Blanc 6 Liter	1.00	0.00	4,999.99	4,999.99

Payments: 5,000.00

Net Order: 31,269.67

12/6/2012 VPFE7D3388EF *****8839 5,000.00

Freight: 0.00

Sales Tax: 0.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000413782

Order Date: 5/23/2013

Salesperson: MR

Customer: mler

Customer PO:

Sold To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Ship To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457-2242

This order has been paid by MasterCard - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
43889	2010 Leoville Poyferre 6 Liter	1.00	0.00	750.00	750.00
44107	2010 Mouton Rothschild Magnum	6.00	0.00	1,399.00	8,394.00

Payments: 9,144.00

Net Order: 9,144.00

5/23/2013 VTYEAA40876B *****8839 9,144.00

Freight: 0.00

Sales Tax: 0.00

DEFINITION

1011 University Avenue
Berkeley, CA 94710

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

Order Number: 0000327101
Order Date: 12/10/2012

Salesperson: MR
Customer: mler
Customer PO:

Sold To

Ship To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457-2242

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity	Unit Price	Amount
44113 2010 Leoville las Cases 3 Liter	3.00	0.00	699.99	2,099.97

PAID MR
IN FULL

Payments: 2,099.97

Net Order: 2,099.97

Freight: 0.00

Sales Tax: 0.00

12/10/2012 VSJEA154C996 *****8839 2,099.97

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000408570

Order Date: 3/27/2013

Salesperson: MR

Customer: mler

Customer PO:

Sold To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Ship To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457-2242

This order has been paid by MasterCard - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
44127	2010 Cheval Blanc	9.00	0.00	950.00	8,550.00
44109	2010 Mouton Rothschild 6 Liter	1.00	0.00	4,999.99	4,999.99
44042	2010 Margaux	6.00	0.00	799.99	4,799.94
44084	2010 La Fleur Petrus	6.00	0.00	279.99	1,679.94

Payments: 20,029.87

Net Order: 20,029.87

Freight: 0.00

Sales Tax: 0.00

03/27/2013 VREE8C4F4CC2 *****0288 20,029.87

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000405529
Order Date: 2/19/2013

Salesperson: MR
Customer: mler
Customer PO:

Sold To	Ship To	Change Order: 1
Marcel Leroy 6133 76th St Middle Village, NY 11379 USA	Marcel Leroy 6133 76th St Middle Village, NY 11379 USA	

Contact: Marcel Leroy
Phone: (718) 457-2242

Item	Ordered	Quantity Shipped	Unit Price	Amount
44046 2010 Margaux 6 Liter	1.00	0.00	4,999.99	4,999.99
43864 2010 Pontet Canet	12.00	0.00	159.95	1,919.40
44096 2010 Haut Brion	12.00	0.00	799.99	9,599.88

Payments:	16,519.27	Net Order:	16,519.27
		Freight:	0.00
		Sales Tax:	0.00
02/25/2013	405529		
	16,519.27		
		USD	16,519.27

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000406963
Order Date: 3/8/2013

Salesperson: MR
Customer: mler
Customer PO:

Sold To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Ship To

Marcel Leroy
6133 76th St
Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457-2242

This order has been paid by MasterCard - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
44106	2010 Mouton Rothschild	12.00	0.00	699.99	8,399.88
43968	2010 Pavie Macquin	12.00	0.00	123.99	1,487.88

Payments: 9,887.76

3/8/2013 VSYEA4FA50BC *****8839 9,887.76

Net Order: 9,887.76

Freight: 0.00

Sales Tax: 0.00

USD 9,887.76

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000412156

Order Date: 5/7/2013

Salesperson: MR

Customer: mler

Customer PO:

Sold To	Ship To
Marcel Leroy 6133 76th St Middle Village, NY 11379 USA	Marcel Leroy 6133 76th St Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457-2242

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
47427 2010 Fleur Cardinale	12.00	0.00	47.99	575.88
43800 2010 St Paul	12.00	0.00	14.99	179.88

Payments:	755.76	Net Order:	755.76
5/7/2013	VXJEA9A79826	*****0288	755.76
		Freight:	0.00
		Sales Tax:	0.00
		USD	755.76

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000403700

Order Date: 1/29/2013

Salesperson: MR

Customer: mler

Customer PO:

Sold To	Ship To
Marcel Leroy 6133 76th St Middle Village, NY 11379 USA	Marcel Leroy 6133 76th St Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone. (718) 457-2242

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
44973 2010 Chateauneuf Cuvee da Capo, Pegau	12.00	0.00	319.99	3,839.88
47089 2010 Hermitage La Chapelle, Jaboulet	12.00	0.00	179.99	2,159.88
44972 2010 Chateauneuf Cuvee Reservee, Pegau	12.00	0.00	74.99	899.88
46811 2010 Chateauneuf Cuvee Reservee Magnum, Pegau	6.00	0.00	149.99	899.94
46808 2010 Chateauneuf du Pape, Vieux Donjon	11.00	0.00	59.99	659.89
46455 2010 Cote Rotie La Landonne, Delas	6.00	0.00	179.99	1,079.94

Payments: 9,539.41

Net Order: 9,539.41

Freight: 0.00

Sales Tax: 0.00

2/14/2013 VSJEA411CB22 *****0288 9,539.41

USD 9,539.41

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000401375

Order Date: 12/31/2012

Salesperson: MR

Customer: mler

Customer PO:

Sold To	Ship To
Marcel Leroy 6133 76th St Middle Village, NY 11379 USA	Marcel Leroy 6133 76th St Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457-2242

This order has been paid by MasterCard Thank You!

PAID 12.24.12 IN FULL

Item	Ordered	Quantity Shipped	Unit Price	Amount
44127 2010 Cheval Blanc	3.00	0.00	399.99	1,199.97
44101 2010 La Mission Haut Brion	12.00	0.00	399.99	4,799.88
43937 2010 Clinet	3.00	0.00	89.99	269.97
44063 2010 Ducru Beaucaillou	12.00	0.00	149.99	1,799.88
44080 2010 La Conseillante	12.00	0.00	129.99	1,559.88
44048 2010 Cos d'Estournel	12.00	0.00	149.99	1,799.88

Payments: 11,429.46

Net Order: 11,429.46

Freight: 0.00

Sales Tax: 0.00

12/31/2012 VSYEA22B833B *****8839 11,429.46

USD 11,429.46

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000410361
Order Date: 4/16/2013
Salesperson: MR
Customer: mler
Customer PO:

Sold To	Ship To
Marcel Leroy 6133 76th St Middle Village, NY 11379 USA	Marcel Leroy 6133 76th St Middle Village, NY 11379 USA

Contact: Marcel Leroy
Phone: (718) 457 2242

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
44089 2010 Lafite Rothschild 3 Liter	4.00	0.00	3,225.00	12,900.00
47428 2010 Laforge <i>RECEIVED 12-14-15</i>	24.00	0.00	38.99	935.76
41690 09 Pavie 3 Liter <i>— — 12-17-15</i>	3.00	0.00	1,199.00	3,597.00

Payments: 17,432.76

0A165Z0033	410361		1,350.00
0A165Z0033	VRCE8D3C9DE6	*****8839	16,082.76

Net Order: 17,432.76

Freight: 0.00
Sales Tax: 0.00

USD 17,432.76