

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

LM 11:00 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>DAVID L. BARNES</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)	<table border="1"><thead><tr><th colspan="2">Where should notices to the creditor be sent?</th><th colspan="2">Where should payments to the creditor be sent? (if different)</th></tr></thead><tbody><tr><td colspan="2"><u>DAVID L. BARNES</u> Name</td><td colspan="2">_____ Name</td></tr><tr><td colspan="2"><u>5678 GLENBERVIE CT.</u> Number Street</td><td colspan="2">_____ Number Street</td></tr><tr><td colspan="2"><u>DUBLIN OH 43017</u> City State ZIP Code</td><td colspan="2">_____ City State ZIP Code</td></tr><tr><td colspan="2">Contact phone <u>(614) 764-0695</u></td><td colspan="2">Contact phone _____</td></tr><tr><td colspan="2">Contact email <u>dbarnes1@columbus.rr.com</u></td><td colspan="2">Contact email _____</td></tr><tr><td colspan="4">Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</td></tr></tbody></table>	Where should notices to the creditor be sent?		Where should payments to the creditor be sent? (if different)		<u>DAVID L. BARNES</u> Name		_____ Name		<u>5678 GLENBERVIE CT.</u> Number Street		_____ Number Street		<u>DUBLIN OH 43017</u> City State ZIP Code		_____ City State ZIP Code		Contact phone <u>(614) 764-0695</u>		Contact phone _____		Contact email <u>dbarnes1@columbus.rr.com</u>		Contact email _____		Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____			
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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?

\$ 8,591.48

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 PURCHASED, BUT NOT DELIVERED

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 02/11/2016
MM / DD / YYYY

David L. Barnes

Signature

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

Name

DAVID
First name

LEE
Middle name

BARNES
Last name

Title

Company

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

Address

5678 GLENBERVIE CT.
Number Street

DUBLIN
City

OH
State

43017
ZIP Code

Contact phone

(614) 764-0695

Email

dbarnes1@columbus.rr.com

February 11, 2016

Creditor:

David L. Barnes

5678 Glenbervie Ct.

Dublin, OH 43017

Wine purchased from Premier Cru, but not delivered

Sales Order #311061, 1/20/2009 - \$4,079.76

Less 2,639.88 (received 11/20/2010)

\$1,439.88

Sales Order #381642, 5/11/2012 - \$1,451.82

Less 899.94 (received 4/6/2013)

\$551.88

Sales Order #411611, 5/1/2013 - \$6,959.72

Less 2639.88 (received 5/11/2015)

4,319.84

Sales Order #413150, 5/16/2013 - \$6,839.64

Less 2,159.88 (received 5/11/2015)

Less 2,399.88 (received 11/13/2015)

2,279.88

Total paid, but not received = \$8,591.48

PREMIER CRU

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

Sales Order

Page: 1

Order Number: 0000311061
Order Date: 1/20/2009
Change Order: 0
Confirm No:
Salesperson: MC
Customer: 6147640695
Customer PO: 53370

Sold To	Ship To
David Barnes 5678 Glenbervie Ct. Dublin, OH 43017 USA	David Barnes 6100 Memorial Dr c/o Dublin Materials Corp. Dublin, OH 43017 USA

Contact: David Barnes
Phone: (614) 764-0695
Fax: (614) 717-9329

Item	Ordered	Quantity Shipped	Unit Price	Amount
39265 07 Chateaufeuf Clos des Papes, Avril	12.00	0.00	119.99	1,439.88
39398 07 Chateaufeuf Secret de Sabon, Sabon - Rec'd 11-2-10	12.00	0.00	219.99	2,639.88

4-3-13
P.C. says no problem.
I'll receive this wine

Payments: 4,079.76

Net Order: 4,079.76
Discount: 0.00
Freight: 0.00
Sales Tax: 0.00

1/21/2009 VLFE3CC7B97F *****1001 4,079.76

USD 4,079.76

dbarnes

From: "Premier Cru" <shipping@premiercru.net>
To: <dbarnes1@columbus.rr.com>
Sent: Friday, May 11, 2012 5:43 PM
Subject: Premier Cru Order Acknowledgement
 Thank you for your order!

We have received your order request SO-0000381642-96421.

qty	item	Wine	price	ext	status
12	45962	2010 Chablis les Clos 1/2, Fevre (pre-arrival	45.99	551.88	pre-arrival
6	45966	2010 Chablis Preuses Magnum, Fevre (pre-arriv	149.99	899.94	pre-arrival ← Rec'd 4-6-13

 Bottles : 18
 Subtotal: 1451.82
 Shipping: 0.00
 Tax : 0.00
 Total : 1451.82

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.

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

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000411611

Order Date: 5/1/2013

Salesperson: MR

Customer: 6147640695

Customer PO:

Sold To	Ship To
David Barnes 5678 Glenbervie Ct. Dublin, OH 43017 USA	David Barnes 6100 Memorial Dr c/o Dublin Materials Corp. Dublin, OH 43017 USA

Contact: David L Barnes
Phone: (614) 764-0695
Fax: (614) 717-9329

awaiting store credit

Item	Ordered	Quantity Shipped	Unit Price	Amount
44654 09 Hermitage Bessards, Delas - Rec'd 5/10/15	12.00	0.00	219.99	2,639.88
46454 2010 Hermitage Bessards, Delas	12.00	0.00	199.99	2,399.88
47180 2010 Hermitage Bessards Magnum, Delas	4.00	0.00	479.99	1,919.96

Payments:	Net Order:	6,959.72
	Freight:	0.00
	Sales Tax:	0.00
	USD	6,959.72

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000413150

Order Date: 5/16/2013

Salesperson: MR

Customer: 6147640695

Customer PO:

Sold To

David Barnes
5678 Glenbervie Ct.
Dublin, OH 43017 USA

Ship To

David Barnes
6100 Memorial Dr
c/o Dublin Materials Corp.
Dublin, OH 43017 USA

Contact: David L Barnes
Phone: (614) 764-0695
Fax: (614) 717-9329

awaiting for store credit

Item		Ordered	Quantity Shipped	Unit Price	Amount
43864	2010 Pontet Canet	12.00	0.00	189.99	2,279.88
43899	2010 Le Dome <i>Rec'd, 11-13-15</i>	12.00	0.00	199.99	2,399.88
47420	2010 Pape Clement - <i>Rec'd 5/11/15</i>	12.00	0.00	179.99	2,159.88

Payments:

Net Order: 6,839.64

Freight: 0.00

Sales Tax: 0.00

USD 6,839.64