

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc. 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 17 AM 10:09

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CAL.
SAN FRANCISCO

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?

David B Sikes

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor David Sikes

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?

David Sikes c/o Jones Day

Name

1755 Embarcadero Road

Number Street

Palo Alto

CA

94303

City

State

ZIP Code

Contact phone 9175667040

Contact email davesikes@gmail.com

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

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? \$ 8,924.00. 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 ordered and paid for, but not received.

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: \$ 8,924.00 (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 02/09/2016
MM / DD / YYYY

Signature

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

Name David Benjamin Sikes
First name Middle name Last name

Title _____

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

Address 1239 Alma Street
Number Street
Palo Alto CA 94301
City State ZIP Code

Contact phone 917-566-7040 Email davesikes@gmail.com

My Account

Hi David

Log Out

Shopping Cart

wine, region, varietal, producer

SEARCH

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER HISTORY

All Time

Sort By Order No

GO

| Item | Unit Price | Qty | Shipped | Remain | Avail | Order Number (Status) | Date |
|------------------------------------|------------|-----|---------|--------|-------|-----------------------|----------|
| 2014 South Haut Lafitte, 750 ml | \$52.99 | 6 | 0 | 6 | 0 | SO-0000494249 (Open) | 11/11/15 |
| 2014 Leoville Barton, 750 ml | \$59.99 | 6 | 0 | 6 | 0 | SO-0000494249 (Open) | 11/11/15 |
| 2014 Suduiraut, 750 ml | \$35.99 | 6 | 0 | 6 | 0 | SO-0000493332 (Open) | 10/30/15 |
| 2014 Rieussec, 750 ml | \$35.99 | 6 | 0 | 6 | 0 | SO-0000493332 (Open) | 10/30/15 |
| 2014 Leoville Barton, 750 ml | \$33.79 | 6 | 0 | 6 | 0 | SO-0000486189 (Open) | 8/4/15 |
| 2014 Montrose, 750 ml | \$77.99 | 3 | 0 | 3 | 0 | SO-0000486152 (Open) | 8/4/15 |
| 2014 Cos d'Estournel Magnum, 1.5 L | \$136.49 | 2 | 0 | 2 | 0 | SO-0000486152 (Open) | 8/4/15 |
| 2005 Lascombes, 750 ml | \$89.99 | 2 | 0 | 2 | 0 | SO-0000484706 (Open) | 7/20/15 |
| 2005 Montrose, 750 ml | \$149.99 | 1 | 0 | 1 | 0 | SO-0000484706 (Open) | 7/20/15 |
| 2000 Pontet Canet, 750 ml | \$119.99 | 2 | 0 | 2 | 0 | SO-0000484706 (Open) | 7/20/15 |
| 2013 Cos d'Estournel Magnum, 1.5 L | \$189.99 | 3 | 0 | 3 | 0 | SO-0000483563 (Open) | 7/10/15 |
| 2014 Guiraud, 750 ml | \$26.99 | 12 | 0 | 12 | 0 | SO-0000480879 (Open) | 6/9/15 |
| 2014 Cos d'Estournel, 750 ml | \$99.99 | 3 | 0 | 3 | 0 | SO-0000479835 (Open) | 5/29/15 |
| 2014 Pontet Canet, 750 ml | \$79.99 | 3 | 0 | 3 | 0 | SO-0000479835 (Open) | 5/29/15 |
| 2014 Mouton Rothschild, 750 ml | \$279.99 | 1 | 0 | 1 | 0 | SO-0000479835 (Open) | 5/29/15 |
| 2014 Margaux, 750 ml | \$279.99 | 1 | 0 | 1 | 0 | SO-0000479835 (Open) | 5/29/15 |
| 2007 Doy, 750 ml | \$129.99 | 2 | 0 | 2 | 0 | SO-0000467546 (Open) | 1/23/15 |
| 2003 Cos d'Estournel, 750 ml | \$189.99 | 2 | 0 | 2 | 0 | SO-0000467546 (Open) | 1/23/15 |
| 2005 Pontet Canet, 750 ml | \$109.99 | 3 | 0 | 3 | 0 | SO-0000466560 (Open) | 1/9/15 |
| 2003 Pontet Canet, 750 ml | \$99.99 | 3 | 0 | 3 | 0 | SO-0000465100 (Open) | 12/26/14 |
| 2007 Doy, 750 ml | \$129.99 | 3 | 0 | 3 | 0 | SO-0000464502 (Open) | 12/15/14 |
| 2003 Taylor, 750 ml | \$79.99 | 3 | 0 | 3 | 0 | SO-0000464502 (Open) | 12/15/14 |
| 2012 Pontet Canet, 750 ml | \$84.99 | 4 | 0 | 4 | 0 | SO-0000458149 (Open) | 10/17/14 |
| 2012 Cos d'Estournel, 750 ml | \$77.99 | 3 | 0 | 3 | 0 | SO-0000453712 (Open) | 8/27/14 |
| 2010 Cos d'Estournel, 750 ml | \$114.99 | 2 | 0 | 2 | 0 | SO-0000451102 (Open) | 7/30/14 |
| 2003 Lascombes, 750 ml | \$89.99 | 2 | 0 | 2 | 0 | SO-0000449643 (Open) | 2/4/14 |
| 2012 Pontet Canet, 750 ml | \$77.99 | 2 | 0 | 2 | 0 | SO-0000441187 (Open) | 12/23/13 |

| Item | Unit Price | Qty | Shipped | Remain | Avail | Order Number (Status) | Date |
|------------------------------|------------|-----|---------|--------|-------|-----------------------|----------|
| 2011 Pontet Canet, 750 ml | \$89.99 | 2 | 0 | 2 | 0 | SO-0000431987 (Open) | 12/23/13 |
| 2012 Cos d'Estoumet, 750 ml | \$79.99 | 4 | 0 | 4 | 0 | SO-0000431987 (Open) | 12/23/13 |
| 2011 Croft L2, 175 ml | \$31.99 | 1 | 0 | 1 | 0 | SO-0000431987 (Open) | 12/23/13 |
| 2007 Dow, 750 ml | \$109.99 | 1 | 0 | 1 | 0 | SO-0000419178 (Open) | 7/23/13 |
| 2010 Pontet Canet, 750 ml | \$189.99 | 4 | 0 | 4 | 0 | SO-0000409878 (Open) | 4/11/13 |
| 2010 Troplong Mondot, 750 ml | \$145.00 | 2 | 0 | 2 | 0 | SO-0000409877 (Open) | 4/11/13 |
| 2009 Troplong Mondot, 750 ml | \$169.99 | 1 | 0 | 1 | 0 | SO-0000409877 (Open) | 4/11/13 |

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Premier Cru

1011 University Ave
Berkeley, CA 94710
Click here for directions

Store Hours

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

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1011 University Ave
Berkeley, CA 94710

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Please contact us at least 72 hours before arrival to allow us to gather your wines.

Retail Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-5pm

Sunday, Monday: Closed

Closed: Thursday, November 26th through Monday, November 30th.

Phone Hours

Monday-Friday: 9am-5pm

Saturday: 10am-5pm

Sunday: Closed

Closed: Thursday, November 26th through Sunday, November 29th.

Information

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510.644-9463 (WINE) x0

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510.644-9463 (WINE) x11

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Asterisks () indicate required fields.

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