

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

LM
2:42PM
FILED

FEB 18 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>Philip Russ</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)	Where should notices to the creditor be sent? <u>Philip Russ</u> Name <u>896 Beaverbrook Dr.</u> Number Street <u>Atlanta</u> <u>Ga</u> <u>30318</u> City State ZIP Code Contact phone <u>404-822-0675</u> Contact email <u>p.r.russ@gmail.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) _____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
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? \$ 2,621.00 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.
Purchased Goods Never Received via Credit Card

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 02/12/2016

MM / DD / YYYY

Signature

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

Name

Philip Ramage Russ

First name

Middle name

Last name

Title

Company

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

Address

896 Beaverbrook Dr.

Number Street

Atlanta

30318

City

State

ZIP Code

Contact phone

404-822-0675

Email p.r.russ@gmail.com



P.O. BOX 15123
WILMINGTON, DE
19850-5123

AUTOPAY IS ON
See Your Account
Messages below
for details.

Payment Due Date: 08/26/15
New Balance: \$5,570.25
Minimum Payment: \$55.00

Account number: [REDACTED]

\$ _____ Amount Enclosed
AUTOPAY IS ON

50194 BEX Z 21415 D

PHILIP RUSS
896 BEAVERBROOK NW DR
ATLANTA GA 30318-1603

CARDMEMBER SERVICE
PO BOX 15153
WILMINGTON DE 19886-5163

CHASE
SAPPHIRE®



Manage your account online:
www.chase.com



Customer Service:
1-800-493-3319



Mobile: Visit chase.com
on your mobile browser

ACCOUNT SUMMARY

Account Number: [REDACTED]

Previous Balance	\$5,808.39
Payment, Credits	-\$5,808.39
Purchases	+\$5,570.25
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$5,570.25

Opening/Closing Date	07/02/15 - 08/02/15
Credit Access Line	\$15,000
Available Credit	\$9,429
Cash Access Line	\$3,000
Available for Cash	\$3,000

Past Due Amount	\$0.00
Balance over the Credit Access Line	\$0.00

PAYMENT INFORMATION

New Balance	\$5,570.25
Payment Due Date	08/26/15
Minimum Payment Due	\$55.00

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$35.00.

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	18 years	\$9,295
\$178	3 years	\$6,403 (Savings=\$2,892)

If you would like information about credit counseling services, call 1-866-797-2885.

YOUR ACCOUNT MESSAGES

Your next AutoPayment for \$5,570.25 will be deducted from your account and credited on your due date (previous day if your due date falls on a Saturday or Holiday). If you make a payment prior to your due date, that amount will be deducted from the AutoPayment amount identified above.

ULTIMATE REWARDS® SUMMARY

Previous points balance	11,917	Start redeeming today. Visit Ultimate Rewards® at www.ultimaterewards.com
+ 1 Point per \$1 earned on all purchases	5,279	
+ 1 Point per \$1 earned on dining	909	
+ 1 Point per \$1 earned on travel	0	
+ 1 Point per \$1 on Ultimate Rewards travel	0	
+ Points moved from another account	7,242	
- Points redeemed this statement period	19,159	
= Total points available for redemption	6,188	

As a Chase Sapphire Preferred customer you earn 1 point per dollar on all purchases, and an additional point for each dollar you spend on travel and when dining at restaurants. Learn more about your card benefits at www.chase.com/ultimaterewards

ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
PAYMENTS AND OTHER CREDITS		
07/20	REDEMPTION CREDIT	-191.59
07/21	VINEYARD VINES STAMFORD CT	-291.54
07/26	AUTOMATIC PAYMENT - THANK YOU	-5,325.26

PURCHASES

07/01	STARBUCKS #00982 ATLANTA Atlanta GA	13.34
06/30	THE GOLF CLUB OF GEORGIA ALPHARETTA GA	820.20
06/30	PREMIER CRU - INTERNET 510-844-9463 CA	350.37

This Statement is a Facsimile - Not an original

ACCOUNT ACTIVITY

(CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
05/02	COWETA FAYETTE ELECTRIC M 770-5020226 GA	62.35
05/04	WELLSTREET URGENT ATLANTA GA	60.00
05/04	RITE AID STORE #11788 ATLANTA GA	54.54
05/04	RITE AID STORE #11788 ATLANTA GA	37.33
05/05	SCHLOTZSKY'S 1218-CUMBER ATLANTA GA	10.67
05/05	HARLIN DIAMONDS INC 404-6881942 GA	851.00
05/06	EL AZTECA MEX RESTR ATLANTA GA	35.35
05/05	LEGACY GOLF LINKS AT WIND SMYRNA GA	11.00
05/07	BLUE APRON ORDER 888-278-4349 NY	59.94
05/09	PIKE NURSERY 51 ATLANTA GA	170.52
05/08	TEXACO 00302554 ATLANTA GA	15.20
05/07	MASTI INDIAN STREET ATLANTA GA	14.80
05/09	ZOE S KITCHEN HOLD ATLANTA GA	20.91
05/09	YOI YOI ATLANTA GA	66.15
05/08	TUK TUK 1745 PTREE GA	65.10
05/10	EL AZTECA MEX RESTR ATLANTA GA	35.38
05/12	PUBLIX #719 ATLANTA GA	13.30
05/12	O CALLAGHAN HEATING 404-577-6885 GA	461.00
05/11	PREMIER CRU -INTERNET 510-644-9463 CA	262.77
05/13	AT&T*BILL PAYMENT 800-331-0500 TX	170.23
05/13	SCHLOTZSKY'S 1873-ALPHAR ALPHARETTA GA	20.37
05/14	PIEDMONT RD BP ATLANTA GA	45.05
05/16	STARBUCKS #00982 ATLANTA Atlanta GA	13.34
05/16	RITE AID STORE #11793 ATLANTA GA	25.20
05/14	HOUSTONS 404.351.2442 ATLANTA GA	61.16
05/15	JERSEY MIKES SUBS#5017 ATLANTA GA	11.81
05/16	PREMIER CRU -INTERNET 510-644-9463 CA	322.30
05/16	NEW BABY PRODUCTS ATLANTA GA	431.95
05/17	EL AZTECA MEX RESTR ATLANTA GA	35.35
05/17	MARATHON PETRO 115402 SALEM SC	3.18
05/16	BAR TACO ROSWELL ATLANTA GA	43.18
05/16	PIGTAILS & CREWCUTS ATLANTA GA	18.85
05/18	ATT*CONS PHONE PMT 800-288-2020 TX	208.26
05/19	VPI*PET INSURANCE 800-USAPETS CA	44.93
05/18	HENRI'S BAKERY ATLANTA GA	9.08
05/19	TUK TUK 1745 PTREE GA	59.16
05/22	PARKING-PIEDMONT HOSPITA ATLANTA GA	5.00
05/22	QT 745 07007453 ATLANTA GA	39.45
05/21	BLUE APRON ORDER 888-278-4349 NY	59.94
05/21	TREEHOUSE ATLANTA GA	43.61
05/22	DOC CHEYS NOODLE HOUSE ATLANTA GA	17.39
05/22	JUNKO HAIR STUDIO ATLANTA GA	45.00
05/23	JERSEY MIKES SUBS#5017 ATLANTA GA	12.71
05/24	MCDONALD'S F12331 ATLANTA GA	7.55
05/24	PUBLIX #1119 ATLANTA GA	105.36
05/25	PASTA VINO ATLANTA GA	43.89
05/26	SCHLOTZSKY'S 1218-CUMBER ATLANTA GA	10.67
05/22	PIEDMONT PEDIATRICS ATLANTA GA	35.00
05/25	BASKIN #360574 Q35 ATLANTA GA	9.62
05/26	MALAYA ATLANTA GA	23.18
05/27	CVS/PHARMACY #02082 ATLANTA GA	2.70
05/27	PIKE NURSERY 51 ATLANTA GA	125.11
05/28	THE CHILDRENS&PREP SHOP ATLANTA GA	157.25
05/30	PUBLIX #1119 ATLANTA GA	69.69
05/28	BLUE APRON ORDER 888-278-4349 NY	59.94
05/30	YOI YOI ATLANTA GA	50.91
05/31	PUBLIX #1119 ATLANTA GA	27.75
05/31	RITE AID STORE #11793 ATLANTA GA	41.37

2015 Totals Year-to-Date	
Total fees charged in 2015	\$95.00
Total interest charged in 2015	\$0.00

Year-to-date totals do not reflect any fee or interest refunds you may have received.

