

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 WJL 7

FILED

2016 FEB 22 AM 11:10

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CAL.
OAKLAND, 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?	<u>Brian Hayle</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>Brian Hayle</u> Name <u>1145 Divisadero Street #3</u> Number Street <u>San Francisco CA 94115</u> City State ZIP Code Contact phone <u>510-271-2937</u> Contact email <u>brianhayle@gmail.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? \$ 491.54. 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 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)?

☒ 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 01/31/2016
MM / DD / YYYY


Signature

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

Name Brian William Hayle
First name Middle name Last name

Title _____

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

Address 1145 Divisadero Street #3
Number Street

San Francisco CA 94115
City State ZIP Code

Contact phone 510-271-2937 Email brianhayle@gmail.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000447175

Order Date: 6/13/2014

Web Order No: 152038

Salesperson: JG

Customer: 46506

Customer PO:

Sold To

Brian Hayle
1145 Divisadero St.
#3
San Francisco, CA 94115 USA

Ship To

Brian Hayle
1145 Divisadero St.
#3
San Francisco, CA 94115 USA

Contact: Brian Hayle
Phone: (415) 346-5534

This order has been paid by American Express - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
49563	2011 Chateauneuf Chante le Merle VV Magnum, Bosquet des Papes	1.00	0.00	95.00	95.00
49562	2011 Chateauneuf Chante Merle VV, Bosquet des Papes	1.00	0.00	45.00	45.00
49565	2012 Chateauneuf Chante le Merle Magnum, Bosquet des Papes	1.00	0.00	105.00	105.00
49512	2012 Chateauneuf Tradition, Bosquet des Papes	2.00	0.00	29.99	59.98
49513	2012 Chateauneuf A la Gloire de Mon Grand Pere, Bosquet des Papes	2.00	0.00	47.99	95.98
49514	2012 Chateauneuf Chante le Merle V.V., Bosquet des Papes	1.00	0.00	49.99	49.99

Payments: 491.54

Net Order: 450.95

Freight: 0.00

Sales Tax: 40.59

6/13/2014	VLCAAF94D277	*****1006	491.54
-----------	--------------	-----------	--------

USD 491.54



Brian Hayle <brianhayle@gmail.com>

Your Premier Cru Order 447175

6 messages

Premier Cru <sales@premiercru.net>
To: brianhayle@gmail.com

Fri, Jun 13, 2014 at 2:26 PM

Hello Brian,

Thank you for your order, e-mailed to you under separate cover. As you know from the website and the reflection of your order below, these are all pre-arrival bottles. You will be notified as these arrive and can make appropriate shipping or pickup arrangements at that time. You can also always check arrival status of your orders on our website under your account. We never automatically ship upon arrival here! You have been billed for the wine but not yet for any shipping costs, and will not be charged for shipping until these actually ship out. Of course if you pick up at the store in future, as indicated on the order, there will be no shipping costs. Thanks for your business!

Regards,

James Gilleran

=====

James Gilleran
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: james@premiercru.net
Web: www.premiercru.net

—Original Message—

From: Premier Cru
Sent: Friday, June 13, 2014 2:21 PM
To: Premier Cru
Subject: Web Order # 152038 from Brian Hayle

Order Number: 152038
Placed: Jun 13 2014 2:20PM
Cust Name: Brian Hayle
Email Address: brianhayle@gmail.com
Cust Id: 46506
Order No: SO-0000447175
Order Status: OK

Billing Address:

Brian Hayle
1145 Divisadero St.
#3
San Francisco, CA 94115

Eve Phone:

Cel Phone:

Shipping Address:

Day Phone: 0

Eve Phone: 0

Cel Phone: 0

Ship On or After: ASAP

Ship Via: HOLD

Payment: 1006

Name on Card: Brian Hayle

qty	item	Wine	price
ext		status	
1	49563	2011 Chateauneuf Chante le Merle VV Magnum, B	95.00
95.00		pre-arrival	
1	49562	2011 Chateauneuf Chante Merle VV, Bosquet des	45.00
45.00		pre-arrival	
1	49565	2012 Chateauneuf Chante le Merle Magnum, Bosq	105.00
105.00		pre-arrival	
2	49512	2012 Chateauneuf Tradition, Bosquet des Papes	29.99
59.98		pre-arrival	
2	49513	2012 Chateauneuf A la Gloire de Mon Grand Per	47.99
95.98		pre-arrival	
1	49514	2012 Chateauneuf Chante le Merle V.V., Bosque	49.99
49.99		pre-arrival	

Bottles : 8

Subtotal: 450.95

Shipping (estimate): 0.00

Tax : 40.59

Total : 491.54

Hold for Pick-Up at Store

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

Brian Hayle <brianhayle@gmail.com>
To: Premier Cru <sales@premiercru.net>

Fri, Mar 27, 2015 at 3:26 PM

Hi - since putting in this order in June, I have not heard anything from you guys. I assume that it's still pre-arrival. Do you have any sense for when these wines will arrive for pick-up?

Thanks
Brian
[Quoted text hidden]

james@premiercru.net <james@premiercru.net>
To: brianhayle@gmail.com

Wed, Jul 29, 2015 at 11:24 AM

James has retired from Premier Cru sales. In future:

For SALES issues, please e-mail sales@premiercru.net.

For SHIPPING issues, please e-mail shipping@premiercru.net.

Thank you.

=====
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710
510.644.9463
www.premiercru.net

Brian Hayle <brianhayle@gmail.com>
To: Premier Cru <sales@premiercru.net>

Wed, Jul 29, 2015 at 11:29 AM

Still wondering about the status of this order....When will these wines arrive?

Please respond.
[Quoted text hidden]

Premier Cru <sales@premiercru.net>
To: Brian Hayle <brianhayle@gmail.com>

Wed, Jul 29, 2015 at 2:54 PM

Hello Brian,

I inquired about your wines and almost all of these look like they are from the same supplier and will be coming in this fall. You will receive an email notification as your wines come in. Thanks and cheers.

Yeshe Wingerd
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
fax (510) 647-3833
yeshe@premiercru.net

From: Brian Hayle [mailto:brianhayle@gmail.com]

Sent: Wednesday, July 29, 2015 11:31 AM

To: Premier Cru Case 16-40050 Claim 1023 Filed 02/22/16 Desc Main Document Page 7 of 8

Subject: Fwd: Your Premier Cru Order 447175

Still wondering about the status of this order....When will these wines arrive?

Please respond.

----- Forwarded message -----

From: **Brian Hayle** <brianhayle@gmail.com>

Date: Fri, Mar 27, 2015 at 3:26 PM

Subject: Re: Your Premier Cru Order 447175

To: Premier Cru <sales@premiercru.net>

[Quoted text hidden]

Brian Hayle <brianhayle@gmail.com>
To: Premier Cru <sales@premiercru.net>

Wed, Jan 20, 2016 at 6:23 PM

Hi Yeshe - can you please provide an update as to when I will receive my wines? Thanks in advance.

Brian

[Quoted text hidden]