

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

CP FILED

7016 FEB 22 PM 3:35

U.S. BANKRUPTCY COURT
 NORTHERN DISTRICT OF CALIFORNIA
 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>RICHARD BENNUM</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?		Where should payments to the creditor be sent? (if different)
	<u>RICHARD BENNUM</u> Name _____ <u>393 LOWER MOULTON LN.</u> Number Street <u>STOWIE VT 05672</u> City State ZIP Code Contact phone <u>802-253-2287</u> Contact email <u>rrbvrad@myfairpoint.net</u>		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? \$ 1015.60 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 SOLD + NOT DELIVERED
(INVOICES ATTACHED)

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: \$ 1015.60

Amount of the claim that is secured: \$ 0

Amount of the claim that is unsecured: \$ 1015.60 (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: \$ 1015.60

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).

\$ 1015.60

☐ 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 2/14/2016
MM / DD / YYYY

Signature

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

Name RICHARDS R BENAVUM
First name Middle name Last name

Title

Company

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

Address 393 LOWER MOULTON LN
Number Street

STONE VT 05672
City State ZIP Code

Contact phone 802-253-2287 Email rnbvrad@

myfairpoint.net

From: "Premier Cru" <shipping@premiercru.net>
Subject: **Premier Cru Order Acknowledgement**
Date: June 16, 2013 2:26:10 PM EDT
To: <rrbvrads@myfairpoint.net>

Thank you for your order!

We have received your order request SO-0000415844-128267.

qty	item	Wine	price	ext	status
12	47548-	2011 Cotes du Rhone Villages-Bio, Xavier Vins	9.99	119.88	pre-arrival
4	47719	2010 Almirez, Teso la Monja	16.99	67.96	pre-arrival
4	47722	2010 Vendimia Seleccionada, Calvo Casajus	18.99	75.96	pre-arrival
4	47721	2009 Antiguos Vinedos, Calvo Casajus	24.99	99.96	pre-arrival

Bottles : 24
Subtotal: 363.76
Shipping: 0.00
Tax : 0.00
Total : 363.76

NOT
RECEIVED

\$ 67.96

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

Sales Order

Page: 1

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

Order Number: 0000338452
Order Date: 6/10/2010
Change Order: 0
Confirm No: .
Salesperson: PB
Customer: 382
Customer PO:

Sold To

RICHARD BENNUM
393 LOWER MOULTON LANE
STOWE, VT 05672 USA

Ship To

RICHARD BENNUM
393 LOWER MOULTON LANE
STOWE, VT 05672 USA

Contact: RICHARD BENNUM
Phone: (802) 253-2287

Item	Ordered	Quantity Shipped	Unit Price	Amount
41419 07 Lirac Cuvee Reine des Bois, Domaine de la Mordoree	12.00	0.00	24.99	299.88
41021 07 Costieres de Nimes Terre d'Argence, Mourgues du Gres	6.00	0.00	15.99	95.94
39716 07 Costieres de Nimes Galets Rouge, Mourgues du Gres	6.00	0.00	14.99	89.94
40664 07 Gigondas Tradition, Santa Duc	12.00	0.00	27.99	335.88
41427 09 Cantemerle	12.00	0.00	29.99	359.88
41430 09 Cap de Faugeres	12.00	0.00	16.99	203.88
41379 09 du Tertre	12.00	0.00	31.99	383.88

NOT RECEIVED
\$ 359.88
203.88
383.88

Payments:

1,769.28

EXPENSES FALL 2012

6/10/2010 VPCE5BB7E20A *****3790 1,769.28

Net Order: 1,769.28
Discount: 0.00
Freight: 0.00
Sales Tax: 0.00

USD 1,769.28