

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  
 11:44 AM  
**FILED**  
 FEB 22 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? HERBERT SELIPSKY  
 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?  
☒ No  
☐ Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent?  
 Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

<p>Where should notices to the creditor be sent?</p> <p>Name <u>Herbert Selipsky</u></p> <p>Number <u>3828</u> Street <u>N.E. 151<sup>st</sup></u></p> <p>City <u>Seattle</u> State <u>WA</u> ZIP Code <u>98155</u></p> <p>Contact phone <u>206-365-8486</u></p> <p>Contact email <u>selipsky@earthlink.net</u></p> <p>Uniform claim identifier for electronic payments in chapter 13 (if you use one):        _____</p>	<p>Where should payments to the creditor be sent? (if different)</p> <p>Name <u>SAME</u></p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Contact phone _____</p> <p>Contact email _____</p>
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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? \$ 43,829.00 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.

Goods sold (wine paid for and never 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 02/12/2016  
MM / DD / YYYY

Signature

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

Name

HERBERT  
First name

Middle name

SELIPSKY  
Last name

Title

Company

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

Address

3828 N.E. 151<sup>st</sup> Street  
Number Street

Seattle  
City

WA 98155  
State ZIP Code

Contact phone

206-365-8486

Email

selipsky@earthlink.net

# LIST SENT TO ME BY PREMIER CRU

271

IN DECEMBER, 2015.

*Religioso*

12 In Transit:

0 On Order:

Available:

Open

French Champagne

11/27/2013	0000429031	49087	06 Roederer Cristal	\$129.99	4
11/22/2015	0000495233	52037	07 Roederer Cristal	\$101.99	4
09/26/2015	0000490932	51681	06 Taittinger Comtes de Champagne Blanc de Blancs	\$77.99	12

French Red Burgundy

04/13/2012	0000379465	45884	2010 Clos des Lambrays	\$135.00	1
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Italy

02/27/2015	0000471681	51265	2010 Brunello di Montalcino Tenuta Nuova, di Neri	\$95.00	4
03/19/2014	0000439866	48367	2010 Flaccianello, Fontodi	\$79.99	2
03/19/2014	0000439866	48353	2010 Terra di Lavoro, Galardi	\$59.99	2
08/10/2015	0000486848	51667	2012 Saffredi, Le Pupille	\$59.95	6
03/19/2014	0000439866	49667	2010 Etna Rosso Vigna Barbagalli, Pietragalli	\$105.00	3
06/10/2014	0000447008	50175	2010 Percarlo, San Giusto a Rentennano	\$71.99	4
02/05/2014	0000436515	49401	2010 Barolo le Vigne, Sandrone	\$169.99	2
02/27/2015	0000471681	51552	2010 Brunello di Montalcino, Sassetti	\$74.99	2
10/10/2014	0000457642	49575	2010 Barolo Bric del Fiasc, Scavino	\$84.99	1
08/10/2015	0000486848	51790	2012 Sassicaia, Tenuta San Guido	\$104.99	2
02/27/2015	0000471681	51553	2010 Brunello di Montalcino, Valdicava	\$118.99	2
05/11/2015	0000478566	51553	2010 Brunello di Montalcino, Valdicava	\$79.99	6
02/05/2014	0000436515	49394	2010 Barolo Rocche, Vietti	\$179.99	2

Red Bordeaux

<del>02/15/2012</del>	<del>0000374589</del>	<del>41712</del>	<del>09 Angelus</del>	<del>\$297.99</del>	<del>2</del>
06/08/2012	0000383409	46155	2011 Ausone	\$599.99	1
10/19/2010	0000344357	41746	09 Branon 1/2	\$43.00	3
06/23/2010	0000339647	41628	09 Clinet 1/2	\$75.00	2
11/11/2011	0000366692	41707	09 Cos d'Estournel	\$267.00	2
02/15/2012	0000374589	41707	09 Cos d'Estournel	\$297.99	2
06/15/2010	0000338714	41476	09 Gruaud Larose	\$56.99	3
06/16/2006	0000229822	34966	05 Haut Brion	\$525.00	3
06/28/2008	0000298853	38858	07 Haut Brion	\$409.95	1
02/27/2010	0000333815	39961	08 Haut Brion	\$229.99	1
10/20/2010	0000344383	41706	09 Haut Brion	\$725.00	1
08/17/2011	0000361300	44096	2010 Haut Brion	\$899.99	1
09/27/2012	0000392872	44096	2010 Haut Brion	\$450.00	2
06/29/2011	0000358604	44084	2010 La Fleur Petrus	\$279.99	3
01/22/2013	0000403390	44101	2010 La Mission Haut Brion	\$375.00	3
04/17/2009	0000316242	39926	08 Lafite Rothschild	\$209.99	2
10/20/2010	0000344383	41766	09 Lafite Rothschild	\$900.50	2
06/26/2006	0000230907	35076	05 Latour	\$745.00	3
06/28/2007	0000269896	37370	06 Latour	\$495.00	1
04/17/2009	0000316242	39912	08 Latour	\$209.99	1
10/20/2010	0000344383	41831	09 Latour	\$1,099.00	1
06/15/2011	0000357931	41831	09 Latour	\$1,099.00	1
08/17/2011	0000361300	44123	2010 Latour	\$1,199.00	1
09/27/2012	0000392872	44123	2010 Latour	\$799.99	1
06/08/2012	0000383409	46089	2011 Latour	\$575.00	1
06/13/2006	0000229027	34896	05 l'Eglise Clinet	\$225.00	2
06/13/2006	0000229027	34897	05 l'Eglise Clinet 1/2	\$113.50	1
05/08/2008	<del>0000295118</del>	<del>37232</del>	<del>06 l'Eglise Clinet</del>	<del>\$229.99</del>	<del>2</del>
11/11/2011	0000366692	41717	09 Leoville las Cases	\$275.00	2
06/23/2010	0000339579	41633	09 Leoville Poyferre	\$129.99	6
06/21/2006	<del>0000230369</del>	<del>34784</del>	<del>05 Malescot St. Exupery</del>	<del>\$69.95</del>	<del>2</del>
06/26/2006	0000230907	35071	05 Margaux	\$725.00	3
10/20/2010	0000344383	41772	09 Margaux	\$725.00	1
02/01/2011	0000349807	41631	09 Montrose	\$199.99	2

Available:

Open

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06/08/2012	0000383409	46155	2011 Ausone	\$599.99	1
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09/27/2012	0000392872	44123	2010 Latour	\$799.99	1
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02/01/2011	0000349807	41631	09 Montrose	\$199.99	2

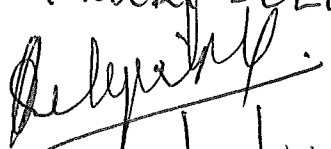


08/09/2007	0000273790	37402	06 Mouton	\$599.99	1
05/08/2008	0000295118	37402	06 Mouton	\$675.00	1
01/09/2009	0000310466	37402	06 Mouton	\$499.99	1
04/16/2010	0000335931	39925	08 Mouton Rothschild	\$249.99	1
10/20/2010	0000344383	41762	09 Mouton Rothschild	\$650.00	1
05/09/2008	0000295156	34937	05 Pavie	\$419.99	1
07/24/2009	0000321381	40033	08 Pavie	\$144.95	2
09/04/2009	0000323729	40033	08 Pavie	\$125.00	2
03/10/2012	0000376607	41676	09 Pichon Baron	\$149.99	3
06/17/2010	0000339065	41531	09 Pontet Canet	\$124.99	6
03/06/2013	0000406845	43864	2010 Pontet Canet	\$185.00	3
07/24/2009	0000321381	40000	08 Troplong Mondot	\$79.99	2
07/24/2009	0000321381	39990	08 Trotanoy	\$159.99	2
Red Rhone Valley					
01/16/2009	0000310902	39265	07 Chateauneuf Clos des Papes, Avril	\$119.99	2
11/14/2009	0000328244	39265	07 Chateauneuf Clos des Papes, Avril	\$169.99	2
11/08/2012	0000396450	45255	2010 Chateauneuf Clos des Papes, Avril	\$95.00	4
03/28/2013	0000408646	45255	2010 Chateauneuf Clos des Papes, Avril	\$115.00	2
12/14/2007	0000283997	36166	05 Chateauneuf Boisrenard, Beurenard	\$64.99	4
11/12/2008	0000307143	39291	07 Chateauneuf Deus Ex Machina, Clos St Jean	\$169.99	2
08/21/2012	0000389922	45351	2010 Chateauneuf Deus ex Machina, Clos St Jean	\$179.99	2
<del>11/06/2013</del>	<del>0000427282</del>	<del>47524</del>	<del>2011 Chateauneuf Combes des Fous, Clos St Jean</del>	<del>\$89.99</del>	<del>1</del>
02/01/2013	0000403916	47219	09 Cote Rotie La Landonne, Guigal	\$369.99	1
02/01/2013	0000403916	47220	09 Cote Rotie La Mouline, Guigal	\$369.99	1
02/01/2013	0000403916	47221	09 Cote Rotie La Turquie, Guigal	\$369.99	1
05/03/2010	0000336530	39266	07 Chateauneuf Cuvee Chaupin, Janasse	\$79.99	6
02/03/2009	0000311967	39259	07 Chateauneuf V.V., Janasse	\$109.99	6
04/04/2012	0000378407	45364	2010 Chateauneuf Cuvee Chaupin, Janasse	\$89.99	3
11/08/2012	0000396450	45365	2010 Chateauneuf Cuvee V.V., Janasse	\$149.99	2
11/16/2010	0000345546	39691	07 Chateauneuf Cuvee da Capo, Pegau	\$325.00	1
01/17/2009	0000310901	39281	07 Chateauneuf Charles Giraud, St Prefert	\$59.99	4
Sauternes					
06/17/2010	0000339065	41580	09 Climens	\$99.99	2
White Bordeaux					
03/23/2012	0000377688	45679	09 Pape Clement Blanc	\$159.99	2
White Rhone Valley					
08/09/2007	0000273790	35148	05 Vins de Paille 1/2, Chapoutier	\$95.00	2
10/26/2011	0000365285	41131	09 Ermitage Blanc de l'Oree, Chapoutier	\$145.00	3
10/26/2011	0000365285	41129	09 Ermitage Meal Blanc, Chapoutier	\$149.99	3
05/15/2012	0000381857	43476	2010 Ermitage Blanc de l'Oree, Chapoutier	\$125.00	2
07/23/2012	0000387257	43475	2010 Ermitage Meal Blanc, Chapoutier	\$125.00	4
01/10/2013	0000402371	47096	2011 Ermitage Blanc Le Meal, Chapoutier	\$89.99	5
06/10/2014	0000447008	49510	2010 Hermitage Ex Voto Blanc, Guigal	\$223.99	2

Received

TOTAL OWED = 212 bottles

CASH OUTLAY COST = \$43,829

HERBERT SELIPSKY  
  
2/12/16