

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc  
Debtor 2 Premier Cru  
(Spouse, if filing)  
United States Bankruptcy Court for the: NCA District of Oakland  
Case number 16-40050 WJL 7

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?	<u>Fox Ortega Enterprises, Inc</u> Name of the current creditor (the person or entity to be paid for this claim) <u>CLAYTON C. DALEY, JR.</u> Other names the creditor used with the debtor <u>Premier Cru</u>	
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?  Name <u>Clayton C. Daley Jr.</u> Number <u>565</u> Street <u>Sanctuary Dr.</u> Apt. <u>B305</u> City <u>Longboat Key</u> State <u>FL</u> ZIP Code <u>34228</u> Contact phone <u>513-910-8263</u> Contact email <u>clayton.daley.jr@gmail.com</u>	Where should payments to the creditor be sent? (if different) <u>Same</u> Name <u>Clayton C. Daley Jr.</u> Number <u>565</u> Street <u>Sanctuary Dr.</u> Apt. <u>B305</u> City <u>Longboat Key</u> State <u>FL</u> ZIP Code <u>34228</u> Contact phone <u>513-910-8263</u> Contact email <u>clayton.daley.jr@gmail.com</u>  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? \$ 40,421.53 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 purchased was not delivered - see 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: \$ \_\_\_\_\_

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)?**

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).

Amount entitled to priority

\$ \_\_\_\_\_

☐ 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 02/16/2016  
MM/DD/YYYY

Signature

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

Name

Clayton Carl Daley, Jr.  
First name Middle name Last name

Title

Company

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

Address

565 Sanctuary Dr. Apt. B305  
Number Street  
Longboat Key FL 34228  
City State ZIP Code

Contact phone

513-910-8263 Email clayton.daley.jr@gmail.com

Wine Purchased from Premier Cru

Purchase Date	Original Invoice	Wine Delivered	Not Delivered
10/3/2013	\$36,208.98	\$3,029.94	\$33,179.04
10/11/2013	\$7,434.88	\$5,399.94	\$2,034.94
10/23/2014	\$5,207.55	--	\$5,207.55
Total	\$48,851.41	\$8,429.88	\$40,421.53

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000424522  
Order Date: 10/3/2013

Salesperson: JG  
Customer: 45171  
Customer PO:

Sold To	Ship To
Clayton Daley 5980 Crabtree Lane Cincinnati, OH 45243 USA	Clayton Daley 5980 Crabtree Lane Cincinnati, OH 45243 USA

Contact: Clayton C Daley Jr  
Phone: (513) 910-8263

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
44110 2010 Leoville las Cases - <i>delivered Nov. 2015</i>	6.00	0.00	279.99	1,679.94
43885 2010 Leoville Poyferre	12.00	0.00	134.99	1,619.88
44074 2010 Palmer	12.00	0.00	289.99	3,479.88
44042 2010 Margaux	6.00	0.00	799.99	4,799.94
44106 2010 Mouton Rothschild	6.00	0.00	699.99	4,199.94
44096 2010 Haut Brion	6.00	0.00	799.99	4,799.94
44047 2010 l'Evangile	6.00	0.00	269.99	1,619.94
44063 2010 Ducru Beaucaillou	12.00	0.00	219.99	2,639.88
43962 2010 Pichon Lalande	12.00	0.00	189.99	2,279.88
41693 09 Pichon Lalande	12.00	0.00	169.99	2,039.88
44115 2010 Angelus	12.00	0.00	279.99	3,359.88
43927 2010 Montrose	12.00	0.00	195.00	2,340.00
42905 09 Clos de Beze, Raphet - <i>delivered Nov. 2015</i>	6.00	0.00	225.00	1,350.00

Payments:	36,208.98	Net Order:	36,208.98
		Freight:	0.00
		Sales Tax:	0.00

10/3/2013 VXYEB0D3219A \*\*\*\*\*1007 36,208.98

USD 36,208.98

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000425005  
Order Date: 10/11/2013

Salesperson: JG  
Customer: 45171  
Customer PO:

Sold To	Ship To
Clayton Daley 5980 Crabtree Lane WANTS OWC! Cincinnati, OH 45243 USA	Clayton Daley 5980 Crabtree Lane WANTS OWC! Cincinnati, OH 45243 USA

Contact: Clayton C Daley Jr  
Phone: (513) 910-8263

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
41706 09 Haut Brion - <i>delivered Nov. 2015</i>	6.00	0.00	899.99	5,399.94
43932 2010 Pichon Baron	7.00	0.00	205.00	1,435.00
41498 09 Pavie Macquin	6.00	0.00	99.99	599.94

Payments: 7,434.88

Net Order: 7,434.88

Freight: 0.00

Sales Tax: 0.00

10/11/2013	VS YEAF229BB0	*****1007	7,434.88
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USD 7,434.88

*Wine Delivered*  
*- 5399.94*  
*2,034.94*

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000458815  
Order Date: 10/23/2014

Salesperson: JG  
Customer: 45171  
Customer PO:

Sold To	Ship To
Clayton Daley 5980 Crabtree Lane WANTS OWC! Cincinnati, OH 45243 USA	Clayton Daley 5980 Crabtree Lane WANTS OWC! Cincinnati, OH 45243 USA

Contact: Clayton C Daley Jr  
Phone: (513) 910-8263

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
46073 2011 Troplong Mondot	9.00	0.00	79.99	719.91
47890 2012 Troplong Mondot	12.00	0.00	78.99	947.88
49043 2012 Beaucastel	12.00	0.00	69.99	839.88
49923 2012 Chateauneuf Cuvee V.V., Janasse	6.00	0.00	59.99	359.94
49864 2012 Clos de Tart	6.00	0.00	389.99	2,339.94

Payments: 5,207.55

Net Order: 5,207.55

10/23/2014 VSYAC489AFBB \*\*\*\*\*1007 5,207.55

Freight: 0.00  
Sales Tax: 0.00

USD 5,207.55