

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc.
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court Northern District of California
Case number: 16-40050

FILED
U.S. Bankruptcy Court
Northern District of California
3/1/2016
Edward J. Emmons, Clerk

**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>Daniel Schmoldt</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>Daniel Schmoldt</u> Name <u>611 Deerfield Ave.</u> <u>Silver Spring, MD 20910</u> Contact phone <u>301-233-2398</u> Contact email <u>dls299@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 _____ 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	<div style="display: flex; justify-content: space-between;"><div>\$ <u>659.88</u></div><div>Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).</div></div>
8. What is the basis of the claim?	<p>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 healthcare information.</p> <p><u>12 bottles of Bordeaux ordered and paid for, as indicated on the invoice.</u></p>
9. Is all or part of the claim secured?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</div> <div>Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>. <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____</div> <div>Basis for perfection: _____</div> <div>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.)</div> <div><div>Value of property:</div><div>\$ _____</div></div> <div><div>Amount of the claim that is secured:</div><div>\$ _____</div></div> <div><div>Amount of the claim that is unsecured:</div><div>\$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div> <div><div>Amount necessary to cure any default as of the date of the petition:</div><div>\$ _____</div></div> <div><div>Annual Interest Rate (when case was filed)</div><div>_____ %</div></div> <div><input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div>
10. Is this claim based on a lease?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</div>
11. Is this claim subject to a right of setoff?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div>

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply.</i>	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.	<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> 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). <input type="checkbox"/> 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). <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
* Amounts are subject to adjustment on 4/1/16 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 3/1/2016
MM / DD / YYYY

/s/ Daniel Schmoldt

Signature

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

Name Daniel Schmoldt
First name Middle name Last name


Title _____

Company _____

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

611 Deerfield Ave.
Number Street
Silver Spring, MD 20910

City State ZIP Code
Contact phone 301-233-2398 Email dls299@gmail.com

From: Mederick Ravel mederick@premiercru.net 
Subject: Follow-up to your Premier Cru order
Date: November 15, 2014 at 2:36 PM
To: dls299@gmail.com

MR

Greetings,

Thank you for your order emailed to you separately. As you know the wines ordered are pre-arrivals. Orders are fulfilled chronologically and once your allocation is available to you, you will be contacted via email in order to make the necessary arrangement for pick up or shipment. Note we will not ship upon receipt and will keep your wines in our temperature controlled warehouse until you contact us.

Thanks again for your order.

Best regards,

Mederick Ravel

Premier Cru

1011 University Ave
Berkeley, CA 94710

mederick@premiercru.net

Phone: (510) 644-9463 ext. 19

Fax: (510) 647-3833

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000461219
Order Date: 11/15/2014
Web Order No: 162571
Salesperson: MR
Customer: 47051
Customer PO:


Sold To	Ship To
Daniel Schmoldt 611 Deerfield Ave. Silver Spring, MD 20910 USA	Daniel Schmoldt 611 Deerfield Ave. Silver Spring, MD 20910 USA

Contact: Daniel Schmoldt
Phone: (301) 233-2398

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
47893	2012 Clos Fourtet	6.00	0.00	49.99	299.94
47896	2012 Pontet Canet	6.00	0.00	59.99	359.94

Payments:	659.88	Net Order:	659.88
11/15/2014 VLFAB811277 ***** [REDACTED] 659.88		Freight:	0.00
		Sales Tax:	0.00
		USD	659.88

From: Mederick Ravel mederick@premiercru.net 
Subject: RE: Follow-up to your Premier Cru order
Date: November 23, 2015 at 6:02 PM
To: Daniel L Schmoldt dls299@gmail.com

MR

Hello Daniel,

Your 12 Bordeaux will be here in Spring. We will email you when they are available to ship.

Please let me know if you have any further questions.

Best regards,

Mederick Ravel

Premier Cru

1011 University Ave
Berkeley, CA 94710

mederick@premiercru.net

Phone: (510) 644-9463 ext. 19

Fax: (510) 647-3833

From: Daniel L Schmoldt [mailto:dls299@gmail.com]
Sent: Monday, November 23, 2015 5:45 AM
To: Mederick Ravel
Subject: Re: Follow-up to your Premier Cru order

Mederick,

My other 2012's, purchased elsewhere, have been delivered some time ago. Please update me on the status of this order.

Thanks,
Dan