

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
3/3/2016
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>Vincent Freeman</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>Vincent Freeman</u> Name <u>407 N. Maple Ave</u> <u>Oak Park, IL 60302</u> Contact phone <u>(708) 613-5539</u> Contact email <u>freem595@aol.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>1604.89</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>Wine purchased but never delivered</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>Amount of the claim that is secured:</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>Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div></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)(<u> </u>) 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

<p>The person completing this proof of claim must sign and date it. FRBP 9011(b).</p> <p style="font-size: small;">If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</p> <p>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.</p>	<p>Check the appropriate box:</p> <p><input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's attorney or authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004. <input type="checkbox"/> I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.</p> <p>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.</p> <p>I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on date <u>3/3/2016</u> MM / DD / YYYY</p> <p><u>/s/ Vincent Freeman</u> _____ Signature</p> <p>Print the name of the person who is completing and signing this claim:</p> <p>Name <u>Vincent Freeman</u> _____ First name Middle name Last name</p> <p>Title _____</p> <p>Company _____</p> <p>Address <u>407 N. Maple Ave</u> _____ Number Street <u>Oak Park, IL 60302-1809</u> _____ City State ZIP Code</p> <p>Contact phone <u>(708) 613-5539</u> Email <u>freem595@aol.com</u></p>
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VINCENT FREEMAN
407 N. Maple Avenue
Oak Park, IL 60302

PREMIER CRU (FOX ORTEGA ENTERPRISES) - WINE ORDERS NOT FILLED/NOT DELIVERED - SUMMARY

Order Date: 9/22/2011

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Le Fleur Petrus, 750 ml	4	0	4	0	\$279.99	\$1119.96
Total Purchase						\$1119.96
NOT DELIVERED						\$1119.96

Order Date: 5/15/2013

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Chateauneuf Reservee, Pegau, 750 ml	2	2	0	0	\$69.99	\$139.98
2010 Chateauneuf Clos des Papes, Avril, 750 ml	3	0	3	0	\$115.00	\$345.00
2010 St Joseph Francois de Tournon, Delas, 750 ml	2	2	0	0	\$38.99	\$77.98
Total Purchase						\$562.96
NOT DELIVERED						\$345.00

Order Date: 1/31/2014

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
1927 Pedro Ximenez Solera, Alvear, 750 ml	2	0	2	0	\$28.99	\$57.98
2010 Cold Heaven Viognier Le Bon Climat, 750 ml	2	2	0	0	\$19.99	\$39.98
2010 Ojai Chardonnay Santa Barbara, 750 ml	1	1	0	0	\$21.99	\$21.99
2008 Besllum, Celler Besllum, 750 ml	3	0	3	0	\$13.99	\$41.97
2011 Domaine Tournon Mathilda, Chapoutier, 750 ml	2	0	2	0	\$19.99	\$39.98
2011 Bourgogne Blanc 'Perrieres', Bize, 750 ml	2	2	0	0	\$29.99	\$59.98
Total Purchase						\$261.88
NOT DELIVERED						\$139.93

TOTAL PURCHASES	\$1,944.80
Delivered	\$339.91
TOTAL NOT DELIVERED	\$1,604.89

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000363176
Order Date: 9/22/2011
Web Order No: 84550
Salesperson: PB
Customer: 40563
Customer PO:

Sold To	Ship To
Vincent Freeman 5555 S. Everett Ave. Unit 8B Chicago, IL 60637 USA	Vincent Freeman 5555 S. Everett Ave. Unit 8B Chicago, IL 60637 USA

Contact: Vincent Freeman
Phone: (773) 288-5332

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
44084 2010 La Fleur Petrus	4.00	0.00	279.99	1,119.96

Payments: 1,119.96

9/23/2011	VSYE7D117438	*****1000	1,119.96
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Net Order: 1,119.96

Freight: 0.00

Sales Tax: 0.00

USD 1,119.96

From: Vincent Freeman <freem595@aol.com>

To: Whitney Jacobson <whitney@premiercru.net>

Subject: Re: Web Store Contact Us: Pre-Arrival Question

Date: Mon, Oct 26, 2015 5:36 pm

Hello,

We may have just spoken by phone. I'll take the refund by check. Please mail the check to my home address:

407 N. Maple Ave.
Oak Park, IL 60302

Thanks.
Vincent Freeman

On Jul 23, 2015, at 18:02, "Whitney Jacobson" <whitney@premiercru.net> wrote:

> Hello Vincent,
>
> Unfortunately we have had serious supplier delays with many of the 2010
> Bordeaux futures. They are still on purchase by Premier Cru, so we fully
> expect to get them all in, but I don't have an eta for that particular
> item right now. I'd rather be honest and upfront, then give you a eta
> just to brush you off. If you would rather not wait for that item to
> arrive, I can talk to my sales manager about a refund/store credit that
> would get you closer to street price.
>
> Thanks,
>
> Whitney Jacobson
> Premier Cru - the world's finest wines
> 1011 University Avenue
> Berkeley, CA 94710
> phone (510) 644-9463 ext. 17
> whitney@premiercru.net
>
> -----Original Message-----
> From: customer-service@premiercru.net
> [<mailto:customer-service@premiercru.net>]
> Sent: Wednesday, July 22, 2015 2:31 PM
> To: customer-service@premiercru.net
> Cc: Vincent Freeman
> Subject: Web Store Contact Us: Pre-Arrival Question
>
> Pre-Arrival Question:
> RE: Order# SO-0000363176
> 2010 Chateau La Fleur Petrus (4 bottles)
>

> I placed this order almost 4 years ago. Any word as to when it will
> arrive?
>
> Vincent Freeman
>
>
>

From: Melissa Smith <melissa@premiercru.net>
To: Vincent Freeman <freem595@aol.com>
Subject: RE: Refund Check
Date: Tue, Oct 27, 2015 12:47 pm

Thank you, I will follow up with accounting.

=====
Melissa L. Smith
Domestic Buyer
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: melissa@premiercru.net
Web: www.premiercru.net

For private wine and spirits events, sommelier service, and cellar management [click here](#).

From: Vincent Freeman [<mailto:freem595@aol.com>]
Sent: Tuesday, October 27, 2015 10:45 AM
To: Melissa Smith
Subject: Re: Refund Check

Hello Melissa,

Yes, that is the correct address. Thank you very much.

Vincent

On Oct 27, 2015, at 11:49, "Melissa Smith" <melissa@premiercru.net> wrote:

Hello Vincent,

It looks like the check has gone out, can you please confirm that this was the correct address for us to have sent it to?

Vincent Freeman 407 N. Maple Ave Oak Park IL 60302

=====
Melissa L. Smith
Domestic Buyer
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: melissa@premiercru.net
Web: www.premiercru.net

For private wine and spirits events, sommelier service, and cellar management [click here](#).

From: Vincent Freeman <freem595@aol.com>
To: Melissa Smith <melissa@premiercru.net>
Subject: Re: Refund Check
Date: Tue, Dec 1, 2015 8:24 pm

Hello Melissa,
I still have not received the refund check. Any word from the accounting department?

Vincent Freeman
Oak Park, IL

On Nov 10, 2015, at 12:14, "Melissa Smith" <melissa@premiercru.net> wrote:

I have followed up with our accounting department and am waiting to hear back on what date it was sent out. I apologize for any inconvenience that this has caused.

=====

Melissa L. Smith
Domestic Buyer
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: melissa@premiercru.net
Web: www.premiercru.net

For private wine and spirits events, sommelier service, and cellar management [click here](#).

From: Vincent Freeman [<mailto:freem595@aol.com>]
Sent: Monday, November 09, 2015 2:30 PM
To: Melissa Smith
Subject: Re: Refund Check

Hello Melissa,

I haven't received the refund check yet. (Today's mail has arrived.) Would you check into the status of the refund?

Thanks.

Vincent Freeman
407 N. Maple Ave
Oak Park, IL 60302

On Oct 27, 2015, at 11:49, "Melissa Smith" <melissa@premiercru.net> wrote:

Hello Vincent,

It looks like the check has gone out, can you please confirm that this was the correct address for us to have sent it to?

Vincent Freeman 407 N. Maple Ave Oak Park IL 60302

=====
Melissa L. Smith
Domestic Buyer
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: melissa@premiercru.net
Web: www.premiercru.net

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PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000413056
Order Date: 5/15/2013
Web Order No: 126242
Salesperson: JG
Customer: 40563
Customer PO:

Sold To	Ship To
Vincent Freeman 5555 S. Everett Ave. Unit 8B Chicago, IL 60637 USA	Vincent Freeman 5555 S. Everett Ave. Unit 8B Chicago, IL 60637 USA

Contact: Vincent Freeman
Phone: (773) 288-5332

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
42752	09 Chateauneuf Reservee, Pegau	2.00	0.00	69.99	139.98
47176	2010 St Joseph Francois de Tournon, Delas	2.00	0.00	38.99	77.98
45255	2010 Chateauneuf Clos des Papes, Avril	3.00	0.00	115.00	345.00

Payments: 562.96		Net Order:	562.96
		Freight:	0.00
		Sales Tax:	0.00
5/15/2013	VQCE8E84F06B *****1000	562.96	
		USD	562.96

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ORDER DETAILS

Order No.: SO-0000413056

Order Date.: May 15, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Chateauneuf Reservee, Pegau, 750 ml	2	2	0	0	\$69.99	\$139.98
2010 Chateauneuf Clos des Papes, Avril, 750 ml	3	0	3	0	\$115.00	\$345.00
2010 St Joseph Francois de Tournon, Delas, 750 ml	2	2	0	0	\$38.99	\$77.98

Subtotal: \$562.96

Tax: \$0.00

Total: \$562.96

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Chateauneuf Reservee, Pegau, 750 ml	2	2	0
2010 Chateauneuf Clos des Papes, Avril, 750 ml	3	0	3
2010 St Joseph Francois de Tournon, Delas, 750 ml	2	2	0

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1011 University Ave
 Berkeley, CA 94710
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Store Hours

Tuesday-Friday: 10am-6pm
 Saturday: 10am-5pm
 Sunday: Closed

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000436059
Order Date: 1/31/2014
Web Order No: 143593
Salesperson: JG
Customer: 40563
Customer PO:

Sold To	Ship To
Vincent Freeman 5555 S. Everett Ave. Unit 8B Chicago, IL 60637 USA	Vincent Freeman 5555 S. Everett Ave. Unit 8B Chicago, IL 60637 USA

Contact: Vincent Freeman
Phone: (773) 288-5332

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
34136	27 Pedro Ximenez Solera, Alvear	2.00	0.00	28.99	57.98
47070	2010 Cold Heaven Viognier Le Bon Climat	2.00	0.00	19.99	39.98
49457	2011 Bourgogne Blanc 'Perrieres', Bize	2.00	0.00	29.99	59.98
48524	2011 Domaine Tournon Mathilda, Chapoutier	2.00	0.00	19.99	39.98
48257	08 Besllum, Celler Besllum	3.00	0.00	13.99	41.97
47413	2010 Ojai Chardonnay Santa Barbara	1.00	0.00	21.99	21.99

Payments: 261.88		Net Order:	261.88
		Freight:	0.00
		Sales Tax:	0.00
2/1/2014	VQCEA5D6E2D4 *****1000	261.88	
			USD 261.88

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ORDER DETAILS

Order No.: SO-0000436059

Order Date.: Jan 31, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
1927 Pedro Ximenez Solera, Alvear, 750 ml	2	0	2	0	\$28.99	\$57.98
2010 Cold Heaven Viognier Le Bon Climat, 750 ml	2	2	0	0	\$19.99	\$39.98
2010 Ojai Chardonnay Santa Barbara, 750 ml	1	1	0	0	\$21.99	\$21.99
2008 Besllum, Celler Besllum, 750 ml	3	0	3	0	\$13.99	\$41.97
2011 Domaine Tournon Mathilda, Chapoutier, 750 ml	2	0	2	0	\$19.99	\$39.98
2011 Bourgogne Blanc 'Perrieres', Bize, 750 ml	2	2	0	0	\$29.99	\$59.98

Subtotal: \$261.88**Tax:** \$0.00**Total:** \$261.88

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
1927 Pedro Ximenez Solera, Alvear, 750 ml	2	0	2
2010 Cold Heaven Viognier Le Bon Climat, 750 ml	2	2	0
2010 Ojai Chardonnay Santa Barbara, 750 ml	1	1	0
2008 Besllum, Celler Besllum, 750 ml	3	0	3
2011 Domaine Tournon Mathilda, Chapoutier, 750 ml	2	0	2
2011 Bourgogne Blanc 'Perrieres', Bize, 750 ml	2	2	0

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Store Hours

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Saturday: 10am-5pm
Sunday: Closed

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