

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, Oakland Division

Case number 16-40050 WJL7

2016 FEB 25 AM 9:48  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND, CA

FILED

## 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?

Anthony Orso

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

Anthony B Orso

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)

Where should notices to the creditor be sent?

Anthony Orso

Name

2303 W Douglas Dr.

Number Street

MARION

City

IL

State

62959

ZIP Code

Contact phone 618 889-2126

Contact email tonyorso@mchsi.com

Where should payments to the creditor be sent? (if different)

Anthony Orso

Name

2303 W Douglas Dr.

Number Street

MARION

City

IL

State

62959

ZIP Code

Contact phone 618 889-2126

Contact email tonyorso@mchsi.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

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? \$ 239.96 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.

order/purchased wine that was not shipped/provided

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:

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 02/16/2016  
MM / DD / YYYY

  
Signature

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

Name Anthony BART Orso  
First name Middle name Last name

Title \_\_\_\_\_

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

Address 2303 W Douglas Dr.  
Number Street

MARION IL 62959  
City State ZIP Code

Contact phone 618 889-2126 Email tonyoro@mehsi.com

# PREMIER CF

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000487736

Order Date: 8/19/2015

Web Order No: 183368

Salesperson: WJ

Customer: 47879

Customer PO:

### Sold To

Anthony Orso  
2303 W Douglas Dr  
Marion, IL 62959 USA

### Ship To

Anthony Orso  
2303 W Douglas Dr  
Marion, IL 62959 USA

Contact: Anthony B Orso  
Phone: (618) 889-2126

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
51670	2010 Brunello di Montalcino Montosoli, Altesino	4.00	0.00	59.99	239.96

Payments: 239.96

Net Order: 239.96

Freight: 0.00

Sales Tax: 0.00

8/19/2015	AU0AD739559C	*****1707	239.96
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USD 239.96

From: **Whitney Jacobson** whitney@premiercru.net  
Subject: RE: Web Order # 183368 from Anthony Orso  
Date: August 19, 2015 at 12:59 PM  
To: tonyorso@mchsi.com



Hello Anthony,

Thank you for your order, e-mailed to you under separate cover. As you know from the website, these are pre-arrival bottles. You will be notified as these arrive and can make appropriate shipping (or pickup) arrangements at that time. You can also always check arrival status of your orders on our website under your account. **We do not automatically ship upon arrival here!** You have been billed for the wine but not yet for any shipping costs, and will not be charged for shipping until these actually ship out.

The term "Pre-Arrival" is applied to wines we have purchased (typically abroad) that have not arrived yet. Depending on the particular wine, the arrival time is typically 6+ months to over two years (in the case of Bordeaux Futures, for example).

Many new releases of highly desirable, limited-production wines (ie - Burgundy, Rhone, Italian, etc.) are offered on a "Pre-Arrival" basis by our suppliers. These offerings typically take 6 to 18 months to arrive and are often the only way to source the wines before they sell out (and at optimal prices).

Thanks for your business!

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: Premier Cru  
Sent: Wednesday, August 19, 2015 8:30 AM  
To: Premier Cru  
Subject: Web Order # 183368 from Anthony Orso

Order Number: 183368  
Placed: Aug 18 2015 7:19PM  
Cust Name: Anthony Orso  
Email Address: tonyorso@mchsi.com  
Cust Id: 47879  
Order No: SO-0000487736  
Order Status: OK

Billing Address:

Anthony Orso  
2303 W Douglas Dr

Marion, IL 62959

Day Phone: 6188892126  
Eve Phone:  
Cel Phone:

Shipping Address:

Day Phone: 0  
Eve Phone: 0  
Cel Phone: 0

Ship On or After: ASAP  
Ship Via: HOLD  
Payment: 1707 exp: 06 17  
Name on Card: Anthony B Orso

qty	item	Wine	price	ext	status
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4 51670 2010 Brunello di Montalcino Montosoli, Altesi 59.99 239.96 pre-arrival

-----  
Bottles : 4

Subtotal: 239.96

Shipping (estimate): 0.00

Tax : 0.00

Total : 239.96

Please ship to billing address  
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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](mailto:info@premiercru.net) or call us at 510-644-9463.

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Premier Cru

1011 University Avenue

Berkeley, CA 94710

(510) 644-9463