

**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  
3/6/2016  
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**

<b>1. Who is the current creditor?</b>	<u>Richard Schwind</u> Name of the current creditor (the person or entity to be paid for this claim)  Other names the creditor used with the debtor _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b> <u>Richard Schwind</u> Name <u>26 Claremont Drive</u> <u>Short Hills, NJ 07078</u>  Contact phone <u>2032578101</u> Contact email <u>rcschwind@gmail.com</u>  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	<b>Where should payments to the creditor be sent? (if different)</b> _____ Name _____ Contact phone _____ Contact email _____
<b>4. Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>	<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**

<b>6. Do you have any number you use to identify the debtor?</b>	<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: _____
<b>7. How much is the claim?</b>	<div style="display: flex; justify-content: space-between;"><div><b>\$</b> <u>1504.82</u></div><div><b>Does this amount include interest or other charges?</b> <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>
<b>8. What is the basis of the claim?</b>	<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).</p> <p>Limit disclosing information that is entitled to privacy, such as healthcare information.</p> <p><u>I paid for goods without ever receiving those goods</u></p>
<b>9. Is all or part of the claim secured?</b>	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</div> <div><b>Nature of property:</b> <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><b>Basis for perfection:</b> _____</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><b>Value of property:</b></div><div><b>\$</b> _____</div><div><b>Amount of the claim that is secured:</b></div><div><b>\$</b> _____</div><div><b>Amount of the claim that is unsecured:</b></div><div><b>\$</b> _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div> <div><div><b>Amount necessary to cure any default as of the date of the petition:</b></div><div><b>\$</b> _____</div><div><b>Annual Interest Rate</b> (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div></div>
<b>10. Is this claim based on a lease?</b>	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <b>Amount necessary to cure any default as of the date of the petition.</b> \$ _____</div>
<b>11. Is this claim subject to a right of setoff?</b>	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div>

<b>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply.</i>	<b>Amount entitled to priority</b>
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

**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 3/6/2016  
 MM / DD / YYYY

/s/ Richard C Schwind Jr

Signature

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

Name Richard C Schwind Jr

First name	Middle name	Last name
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Title \_\_\_\_\_

Company \_\_\_\_\_

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

26 Claremont Drive

Number Street

Short Hills, NJ 07078

City State ZIP Code

Contact phone 9733791003 Email rcschwind@gmail.com

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000491347  
Order Date: 9/29/2015  
Web Order No: 186275  
Salesperson: KR  
Customer: 47871  
Customer PO:

Sold To	Ship To
Richard Schwind 26 Claremont Drive Short Hills, NJ 07078 USA	Richard Schwind 26 Claremont Drive Short Hills, NJ 07078 USA

Contact: Richard C Schwind  
Phone: (973) 379-1003

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
52270 2013 Beaucastel	4.00	0.00	39.99	159.96

Payments:	159.96	Net Order:	159.96
9/30/2015	AX0ADA0330C9	*****0447	159.96
		Freight:	0.00
		Sales Tax:	0.00
		USD	159.96

# PREMIER CF

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000487587  
Order Date: 8/17/2015  
Web Order No: 183260  
Salesperson: WJ  
Customer: 47871  
Customer PO:

Sold To	Ship To
Richard Schwind 26 Claremont Drive Short Hills, NJ 07078 USA	Richard Schwind 26 Claremont Drive Short Hills, NJ 07078 USA

Contact: Richard C Schwind  
Phone: (973) 379-1003

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
49300	2012 Ermitage Greffieux, Chapoutier	3.00	0.00	84.99	254.97
52628	2012 Chateauneuf du Pape V.V., Grand Veneur	2.00	0.00	59.99	119.98
49043	2012 Beaucastel	5.00	0.00	49.99	249.95
26497	01 Chateauneuf Cuvée Reine des Bois, Mordoree	4.00	0.00	179.99	719.96

Payments: 1,344.86		Net Order:	1,344.86
		Freight:	0.00
		Sales Tax:	0.00
8/17/2015 AT0AD7A1249B *****0447 1,344.86			
		USD	1,344.86

United States Bankruptcy Court  
Northern District of California

In re:  
Fox Ortega Enterprises, Inc.  
Debtor

Case No. 16-40050-WJL  
Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0971-4

User: kstangl  
Form ID: NTCPOC

Page 1 of 1  
Total Noticed: 2

Date Rcvd: Mar 07, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 09, 2016.

db +Fox Ortega Enterprises, Inc., 1011 University Ave., Berkeley, CA 94710-2113  
14229295 +Richard Schwind, 26 Claremont Drive, Short Hills, NJ 07078-3304

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 09, 2016

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 7, 2016 at the address(es) listed below:

Aram Ordubegian on behalf of Trustee Michael G. Kasolas Aram@ArentFox.com  
Bennett G. Young on behalf of Creditor William Hui byoung@jmbm.com, jb8@jmbm.com  
Darryl S. Laddin on behalf of Creditor American Express Travel Related Services Company  
bkrfilings@agg.com  
Darya Sara Druch on behalf of stockholders Hector Ortega ecf@daryalaw.com  
David J. Rapson on behalf of Creditor Community Bank of the Bay drapson@grclaw.com  
Dennis D. Miller on behalf of Creditor Jian Dong dmiller@steinlubin.com  
Donald H. Cram, III on behalf of Creditor Alvin W. Smith dhc@severson.com  
Douglas B. Provencher on behalf of Interested Party FCA US, LLC f/k/a Chrysler Group, LLC  
dbp@provlaw.com  
Iain A. Macdonald on behalf of Creditor Todd A. McAllister iain@macfern.com, ecf@macfern.com  
Margaret H. McGee on behalf of U.S. Trustee Office of the U.S. Trustee/Oak  
maggie.mcgee@usdoj.gov, Minnie.Loo@usdoj.gov  
Mark Bostick on behalf of Trustee Michael G. Kasolas mbostick@wendel.com,  
bankruptcy@wendel.com  
Martha J. Simon on behalf of Creditor Pacific Gas and Electric Company mjsimon@mjsimonlaw.com,  
mjsecf@gmail.com  
Michael D. Lee on behalf of Creditor Lee Q. Shim michael.lee@lee-li.com  
Michael G. Kasolas on behalf of Trustee Michael G. Kasolas trustee@kasolas.net,  
CA30@ecfcbis.com  
Michael G. Kasolas trustee@kasolas.net, CA30@ecfcbis.com  
Michael L. Charlson on behalf of Creditor Michael D. Thomson mcharlson@velaw.com,  
ychen@velaw.com  
Office of the U.S. Trustee/Oak USTPRegion17.OA.ECF@usdoj.gov, ltroxas@hotmail.com  
Philip J. Terry on behalf of Creditor Firadis Ltd. pjterry@cmprlaw.com, sreid@cmprlaw.com  
Richard L. Pierotti Rpierotti@kpmd.com  
Stephen D. Finestone on behalf of Debtor Fox Ortega Enterprises, Inc. sfinestone@pobox.com  
Thomas J. Stolp on behalf of Creditor Universal Card, Inc. tstolp@rmslawyers.com  
Thor D. McLaughlin on behalf of Creditor American Express Travel Related Services Company  
tmclaughlin@allenmatkins.com  
Tracy Green on behalf of Trustee Michael G. Kasolas tgreen@wendel.com, bankruptcy@wendel.com  
Vincent Renda on behalf of Creditor Ken Buechler vr@rendalawoffices.com,  
ld@rendalawoffices.com  
William W. Huckins on behalf of Creditor American Express Travel Related Services Company  
whuckins@allenmatkins.com

TOTAL: 25

**UNITED STATES BANKRUPTCY COURT  
Northern District of California**

In	Fox Ortega Enterprises, Inc.	Case No.: 16-40050 WJL 7
Re:		
dba	Premier Cru	Chapter: 7
	Debtor(s)	

**NOTICE OF PROOF OF CLAIM FILED PURSUANT TO BANKRUPTCY RULE 3004**

The debtor or trustee for the above-captioned case filed the following proof of claim on behalf of the creditor stated below.

Date filed: 3/6/16

Claim Number: 1151

Creditor: Richard Schwind

Dated: 3/7/16

For the Court:

Edward J. Emmons  
Clerk of Court  
United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT  
Northern District of California**

In Fox Ortega Enterprises, Inc.  
Re:  
dba Premier Cru  
Debtor(s)

Case No.: 16-40050 WJL 7

Chapter: 7

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Date filed: 3/6/16

Claim Number: 1151

Creditor: Richard Schwind

Dated: 3/7/16

For the Court:

Edward J. Emmons  
Clerk of Court  
United States Bankruptcy Court



## Notice Recipients

District/Off: 0971-4  
Case: 16-40050

User: kstangl  
Form ID: NTCPOC

Date Created: 3/7/2016  
Total: 8

### Recipients of Notice of Electronic Filing:

tr	Michael G. Kasolas	trustee@kasolas.net
aty	Aram Ordubegian	Ordubegian.Aram@ArentFox.com
aty	Mark Bostick	mbostick@wendel.com
aty	Michael G. Kasolas	trustee@kasolas.net
aty	Stephen D. Finestone	sfinestone@pobox.com
aty	Tracy Green	tgreen@wendel.com

TOTAL: 6

### Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Fox Ortega Enterprises, Inc.	1011 University Ave.	Berkeley, CA 94710
14229295	Richard Schwind	26 Claremont Drive	Short Hills, NJ 07078

TOTAL: 2