

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California ☐

Case number 16-40050 WJL 7

FILED 72
FEB 26 2016 11:05 AM
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>David B Ludwig</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small> <small>Other names the creditor used with the debtor</small> _____	
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? <small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small>	Where should notices to the creditor be sent? <u>David B Ludwig</u> <small>Name</small> <u>200 West Street, 7th Floor</u> <small>Number Street</small> <u>New York NY 10282</u> <small>City State ZIP Code</small> <small>Contact phone</small> <u>212-902-3323</u> <small>Contact email</small> <u>david.ludwig@gs.com</u>	Where should payments to the creditor be sent? (if different) <u>David B Ludwig</u> <small>Name</small> <u>200 West Street, 7th Floor</u> <small>Number Street</small> <u>New York NY 10282</u> <small>City State ZIP Code</small> <small>Contact phone</small> <u>212-902-3323</u> <small>Contact email</small> <u>david.ludwig@gs.com</u>
<small>Uniform claim identifier for electronic payments in chapter 13 (if you use one):</small> _____		
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) _____	
		<small>Filed on</small> _____ <small>MM / DD / YYYY</small>
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? \$ 2,875.77. 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.

Sales invoices for wine purchased but never delivered

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)?

☒ 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).

☐ 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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 David Benjamin Ludwig
First name Middle name Last name

Title _____

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

Address 200 West Street, 7th Floor
Number Street

New York NY 10282

City State ZIP Code

Contact phone 212-902-3323 Email david.ludwig@gs.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000406899

Order Date: 3/7/2013

Salesperson: MR

Customer: 44216

Customer PO:

Sold To	Ship To
David Ludwig 200 West Street 7th Floor New York, NY 10282 USA	David Ludwig 200 West Street 7th Floor New York, NY 10282 USA

Contact: David Ludwig
Phone: (212) 902-3323

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
43808 2010 Cantemerle	6.00	0.00	39.99	239.94

Payments:	239.94	Net Order:	239.94
3/7/2013 VSHEA4EE3E41 *****2007 239.94		Freight:	0.00
		Sales Tax:	0.00
		USD	239.94

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000406686

Order Date: 3/4/2013

Salesperson: MR

Customer: 44216

Customer PO:

Sold To	Ship To
David Ludwig 200 West Street 7th Floor New York, NY 10282 USA	David Ludwig 200 West Street 7th Floor New York, NY 10282 USA

Contact: David Ludwig
Phone: (212) 902-3323

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
43947 2010 Larcis Ducasse	4.00	0.00	98.99	395.96

Payments:	395.96	Net Order:	395.96
3/4/2013 VTJEA6B24566 *****2007 395.96		Freight:	0.00
		Sales Tax:	0.00
		USD	395.96

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000406486

Order Date: 3/1/2013

Salesperson: MR

Customer: 44216

Customer PO:

Sold To

David Ludwig
200 West Street
7th Floor
New York, NY 10282 USA

Ship To

David Ludwig
200 West Street
7th Floor
New York, NY 10282 USA

Contact: David Ludwig
Phone: (212) 902-3323

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
43924	2010 Leoville Barton	2.00	0.00	114.99	229.98
43885	2010 Leoville Poyferre	2.00	0.00	134.99	269.98
47420	2010 Pape Clement	2.00	0.00	179.99	359.98
43864	2010 Pontet Canet	2.00	0.00	185.00	370.00
43919	2010 Smith Haut Lafitte	2.00	0.00	129.99	259.98
43894	2010 Talbot	3.00	0.00	39.99	119.97
44069	2010 Troplong Mondot	1.00	0.00	145.00	145.00
44069	2010 Troplong Mondot	1.00	0.00	145.00	145.00
43899	2010 Le Dome	2.00	0.00	169.99	339.98

Payments: 2,239.87

Net Order: 2,239.87

Freight: 0.00

Sales Tax: 0.00

3/4/2013 VXJEA6CEC4F5 *****2007 2,239.87

USD 2,239.87

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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NOTICE OF POSSIBLE DIVIDEND

TO THE DEBTOR AND ALL INTERESTED PARTIES:

Notice is given that the notice of meeting of creditors advised you that there were no assets in this case. It now appears that a payment of a dividend may be possible.

Pursuant to Federal Rule of Bankruptcy Procedure 3002(c)(5), creditors may file proofs of claim on or before 4/8/16.

A proof of claim form, in blank with instructions for completion, is available from the Court at the address listed below, or online at: <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

In order to receive a copy of your proof of claim you must:

1. Enclose with your proof of claim one (1) original and one (1) copy of your proof of claim.
2. You must also enclose a self-addressed, postage paid envelope large enough to accommodate your conformed copy of the claim.
3. Please sign and print or type your name clearly underneath your signature.

Unless all of the above steps are completed, no return conformed copy of your claim will be sent out.

NO FEE FOR FILING CLAIMS

MAIL CLAIMS TO:

U.S. Bankruptcy Court
1300 Clay Street #300 (94612)
Post Office Box 2070
Oakland, CA 94604-2070

Dated: 1/10/16

For the Court:

Edward J. Emmons
Clerk of Court
United States Bankruptcy Court

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