

Fill in this information to identify the case:

Debtor 1 FOX OATEGA ENTERPRISES, INC.

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN District of CALIFORNIA

Case number 16-40050

FILED

FEB 29 2016

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?

WAYNE TRZYNA

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?

☒ 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?

WAYNE TRZYNA

Name

2448 STONECREST DR

Number Street

FORT COLLINS, CO 80521

City State ZIP Code

Contact phone _____

Contact email trzynaw@gmail.com

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

Name

Number Street

City State ZIP Code

Contact phone _____

Contact email _____

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? \$ 3728.05 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.

Wife which I purchased was 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:

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.

☐ 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).

\$ 2775

☐ 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

03/19/2016
MM / DD / YYYY

Signature

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

Name

WAYNE MICHAEL TRZYNA
First name Middle name Last name

Title

Company

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

Address

2448 STONECREST DR
Number Street

FORT COLLINS, CO
City State

80521
ZIP Code

Contact phone

970-491-1057

Email

trzynaw@gmail.com

EXPLANATION OF CLAIM:

This claim is for the cost of wines I purchased which were never delivered. Attached is an itemized list of the wines, including Premier Cru order numbers and the price payed for each.

Note that on 11/17/2015 I contacted Premier Cru and requested that all my undelivered orders older than two years be canceled and refunded. Hence, the attached list is divided into two groups:

1) Wines for which the orders were canceled 11/17/2015, but for which I never received any refund. The Premier Cru agent, Tony Gray said I would be receiving a refund check for \$2374.65 for these wines. But I never did.

2) Wines which were purchased but never delivered. The price paid for these wines totaled \$1353.40.

The total claim, for items (1) and (2) above is \$3728.05.

Orders which were canceled 11/17/2015, but refund was never received:

QTY	WINE	ORDER NUMBER	DATE	PER BTL	TOTAL
6	2011 Leoville Las Cases	SO-0000392619	09/22/12	\$79.99	\$479.94
12	2011 Malescot St Exupery	SO-0000392864	09/27/12	\$29.99	\$359.88
2	2010 Calon Segur	SO-0000401177	12/31/12	\$69.99	\$139.98
2	2010 Giscours	SO-0000401177	12/31/12	\$49.99	\$99.98
12	2010 Chateau d'Issan	SO-0000411784	05/03/13	\$49.99	\$599.98
2	2011 Cos d'Estournel	SO-0000418235	07/15/13	\$69.99	\$139.98
3	2010 Bellevue	SO-0000418235	07/15/13	\$29.99	\$89.97
3	2010 Pomard Jarollieres, Pousse d'Or	SO-0000418235	07/15/13	\$49.99	\$149.97
3	2011 Beaucastel	SO-0000427714	11/11/13	\$45.00	\$135.00
3	2012 Pontet Canet	SO-0000427714	11/11/13	\$59.99	\$179.97
					\$2374.65

Other orders (not canceled) which were never received:

QTY	WINE	ORDER NUMBER	DATE	PER BTL	TOTAL
3	2011 Chablis Clos, Billaud-Simon	SO-0000426915	11/02/13	\$39.99	\$119.97
6	2012 Vieux Telegraphe la Crau	SO-0000428861	11/25/13	\$39.99	\$239.94
3	2012 Beausejour Duffau	SO-0000432564	12/29/13	\$49.99	\$149.97
6	2009 Fontodi Flaccianello	SO-0000433106	01/04/14	\$49.99	\$299.94
3	2012 Gevrey Au Closeau, Drouhin-Laroze	SO-0000437210	02/12/14	\$28.49	\$85.47
3	2009 Domaine les Pallieres "Les Racines" Gigondas	SO-0000438152	02/23/14	\$21.74	\$65.22
3	2012 Gevrey Craipillot, Drouhin-Laroze	SO-0000438151	03/08/14	\$32.99	\$98.97
3	2012 Chablis Vaillons, Fevre	SO-0000440386	03/25/14	\$24.99	\$74.97
3	2011 Chablis, Montee de Tonnerre, Fevre	SO-0000442522	04/16/14	\$32.99	\$98.97
2	2010 Felsina Chianti Classico Riserva Rancia 1.5L	SO-0000452236	08/10/14	\$59.99	\$119.98
					\$1353.40
	GRAND TOTAL				\$3728.05