

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

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>Lee Q. Shim</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor <u>Lee Shim</u>		
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>Lee Q. Shim c/o rui l attorneys</u> Name <u>333 West Santa Clara Street, Suite 610</u> Number Street <u>San Jose</u> <u>CA</u> <u>95113</u> City State ZIP Code Contact phone <u>408-320-5275</u> Contact email <u>michael.lee@lee-li.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 _____ Number Street _____ City State ZIP Code 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? ☒ 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? \$ 209,210.93 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.

See Attachment 1

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 one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ 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

03/15/2016
MM / DD / YYYY

Lee Q. Shim

Signature

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

Name Lee Q. Shim
First name Middle name Last name

Title _____

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

Address 56 Boake Trail
Number Street
Richmond Hill, Ontario, Canada L4B 2Y
City State ZIP Code

Contact phone 9055655968 Email _____

Print

Save As...

Add Attachment

Reset

ATTACHMENT 1

Part 2: Question 8:

Creditor/Purchaser (“Creditor”) purchased goods from Debtor. Creditor believes that some, if not all, of the specifically identified property is property of Creditor and not property of the bankruptcy estate. Creditor files this claim as a general unsecured claim of the amounts Creditor has paid. Certain amounts of this claim are under litigation (See Docket #155 – Title Determination Process) and other amounts may become subject to litigation. Creditor shall amend this claim as such litigation is resolved. Creditor by this claim does not waive his right to seek Declaratory, or other relief, to resolve issues of ownership and title to claimed property via a Contested Matter or Adversary Complaint.

Exhibit A

Exhibit A

PREMIER CRU

5890 CHRISTIE AVENUE
EMERYVILLE, CA 94608
(510)655-6691 FAX(510)547-5405

VR 204

①

Sales Order

Page: 1

Order Number: 0000324188
Order Date: 9/15/2009
Change Order: 1
Confirm No:
Salesperson: MC
Customer: 38517
Customer PO:

①

Sold To

Lee Q Shin
56 Boake Trail
Richmond Hill, ON L4B 2Y5 CAN

Ship To

Lee Q Shin
56 Boake Trail
Richmond Hill, ON L4B 2Y5 CAN

Contact: Lee Q Shim

*Refine
taken*

Item	Ordered	Quantity Shipped	Unit Price	Amount
40274 08 First Growth Bordeaux Special Set	18.00	0.00	1,249.99	22,499.82
✓ 3-39925 08 Mouton Rothschild 94-96 <i>21P.PP.</i>	46.00	0.00	✓ 325 209.99 ✓	9,659.54
✓ 3-39927 08 Margaux 95-97 <i>24P.PP.</i>	23.00	0.00	✓ 325 249.99 ✓	5,749.77
✓ 3-39912 08 Latour 96-98	60.00	0.00	✓ 345 359.99 ✓	21,599.40
✓ 3-39926 08 Lafite Rothschild 98-100 ✓	35.00	0.00	✓ 375 429.99 ✓	15,049.65
✓ 3-39961 08 Haut Brion 95-97	31.00	0.00	✓ 399 239.99 ✓	7,439.69
1 2-40033 08 Pavie 96-98	24.00	0.00	259 144.95	3,478.80
40050 08 Lafite 6 Liter	1.00	0.00	3,299.00	3,299.00

Miche 14

Matt 11

Matt E. Penn. - net

*u/c
good 45/50 / case*

1 case

144.95 / bottle

*1 case
C/S*

18.88 / bottle

2127.28

Payments: 88,775.67

Net Order: 88,775.67
Discount: 0.00
Freight: 0.00
Sales Tax: 0.00

09/15/2009	VRCE4AF43624	*****1006	88,775.67
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USD 88,775.67 ✓

PREMIER CRU

5890 CHRISTIE AVENUE
EMERYVILLE, CA 94608
(510)655-6691 FAX(510)547-5405

Sales Order

Page: 1

Order Number: 0000324315

Order Date: 9/17/2009

Change Order: 0

Confirm No:

Salesperson: MG

Customer: 38517

Customer PO:

Ordered by Stephen Mao

Sold To

Lee Shim
56 Boake Trail
Richmond Hill, ON L4B 2Y5 CAN

Ship To

Lee Shim
56 Boake Trail
Richmond Hill, ON L4B 2Y5 CAN

Contact: Lee Q Shim

Phone: (905)565-5968 Ext: 232

Item		Ordered	Quantity Shipped	Unit Price	Amount
39994	08 Cos d'Estournel	12.00	0.00	98.99	1,187.88
40033	08 Pavie	12.00	0.00	144.95	1,739.40

Payments: 2,927.28

Net Order: 2,927.28
Discount: 0.00
Freight: 0.00
Sales Tax: 0.00

09/18/2009 VRCE4B08C05C *****1006 2,927.28

USD 2,927.28 ✓

PREMIER CRU

5890 CHRISTIE AVENUE
EMERYVILLE, CA 94608
(510)655-6691 FAX(510)547-5405

(3) bnel

Sales Order

Page: 1

Order Number: 0000324423
Order Date: 9/21/2009
Change Order: 0
Confirm No:
Salesperson: MC
Customer: 38517
Customer PO:

(3)

Sold To	Ship To
Lee Shim 56 Boake Trail Richmond Hill, ON L4B 2Y5 CAN	Lee Shim 56 Boake Trail Richmond Hill, ON L4B 2Y5 CAN

Contact: Lee Q Shim
Phone: (905)565-5968 Ext: 232

Item	Ordered	Quantity Shipped	Unit Price	Amount
39994 08 Cos d'Estournel	12.00	0.00	98.99	1,187.88
40003 08 Montrose	24.00	0.00	68.99	1,655.76
40030 08 l'Eglise Clinet	24.00	0.00	118.99	2,855.76
39993 08 Pavie Macquin	24.00	0.00	55.00	1,320.00
40000 08 Troplong Mondot	24.00	0.00	79.99	1,919.76
40013 08 Ducru Beaucaillou	7.00	0.00	89.99	629.93
40013 08 Ducru Beaucaillou	5.00	0.00	89.99	449.95
40029 08 Larcis Ducasse	20.00	0.00	58.99	1,179.80
40029 08 Larcis Ducasse	7.00	0.00	58.99	412.93

Payments: 11,611.77

Net Order: 11,611.77
Discount: 0.00
Freight: 0.00
Sales Tax: 0.00

9/22/2009	VTHE4AF53836	*****1006	11,611.77
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USD 11,611.77

PREMIER CRU

5890 CHRISTIE AVENUE
EMERYVILLE, CA 94608
(510)655-6691 FAX(510)547-5405

Sales Order

Page: 1

Order Number: 0000342629

Order Date: 9/10/2010

Change Order: 0

Confirm No:

Salesperson: MC

Customer: 38517

Customer PO:

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Sold To

Lee Shim
299 Courtney Park Dr E
Mississauga, ON L5T 2T6 CAN

Ship To

Lee Shim
299 Courtney Park Dr E
Mississauga, ON L5T 2T6 CAN

Contact: Lee Q Shim
Phone: (905)565-5968 Ext: 232

Item	Ordered	Quantity Shipped	Unit Price	Amount
41923 09 First Growth Bordeaux Special Set	8.00	0.00	4,400.00	35,200.00
41924 09 First Growth Bordeaux Magnum Special Set	2.00	0.00	8,800.00	17,600.00
39678 06 Echezeaux, DRC	6.00	0.00	325.00	1,950.00
39681 06 Romanee St Vivant, DRC	6.00	0.00	750.00	4,500.00
37375 06 Margaux	6.00	0.00	550.00	3,300.00
41364 09 Hosanna Magnum	10.00	0.00	499.99	4,999.90

Payment Receipt

Payments: 73,909.45

9/25/2010 VTJE5F012F74 *****2004 73,909.45

Net Order: 76,549.45
Discount: -2,640.00
Freight: 0.00
Sales Tax: 0.00

USD 73,909.45

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710
(510) 644-9463 FAX (510) 547-5405

Sales Order

Page: 1

Order Number: 0000345563

Order Date: 11/17/2010

Salesperson: MC

Customer: 38517

Customer PO:

5

Net 11

Sold To	Ship To
Lee Shim 299 Courtney Park Dr E Mississauga, ON L5T 2T6 CAN	Lee Shim 299 Courtney Park Dr E Mississauga, ON L5T 2T6 CAN

Contact: Lee Q Shim
Phone: (905)565-5968 Ext: 232

Item	Ordered	Quantity Shipped	Unit Price	Amount
41770 09 Lafite Rothschild 6 Liter	2.00	0.00	11,850.00	23,700.00
41769 09 Lafite Rothschild 3 Liter	2.00	0.00	5,950.00	11,900.00
41643 09 Lascombes 6 Liter	3.00	0.00	729.99	2,189.97

2013. Available

Payments: 36,656.27

11/26/2010 VUHE6ABB3C44 *****2004 36,656.27

Net Order: 37,789.97

Freight: 0.00

Sales Tax: 0.00

USD 36,656.27

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000430024

Order Date: 12/4/2013

6

Salesperson: JG

Customer: 38517

Customer PO:

Sold To	Ship To
Lee Shim 299 Courtney Park Dr E leeshim@leeli.com Mississauga, ON L5T 2T6 CAN	Lee Shim 299 Courtney Park Dr E leeshim@leeli.com Mississauga, ON L5T 2T6 CAN

Contact: Lee Q Shim
Phone: (905)565-5968 Ext: 232

3% discount applied!

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
41750 09 Branon 6 Liter	1.00	0.00	999.99	999.99
43940 2010 Clinet 3 Liter	3.00	0.00	555.00	1,665.00
41436 09 Peby Faugeres 6 Liter	2.00	0.00	899.99	1,799.98

No ship in Feb 2014.

Payments: 4,331.02

Net Order: 4,464.97

Freight: 0.00

Sales Tax: 0.00

1/8/2014 VQCEA474B52E *****3002 4,331.02

USD 4,331.02