

CP FILED

2016 MAR 15 AM 10:

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND, CA.

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>Daniel BAYER</u> 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?	<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>Daniel Bayer</u> Name <u>64 Willow St.</u> Number Street <u>Pleasantville, NY 10570</u> City State ZIP Code Contact phone <u>(914) 393-5911</u> Contact email <u>dsbayer@verizon.net</u>	Where should payments to the creditor be sent? (if different)  <u>[SAME]</u> 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?	<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? \$ 770.34  
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.  
I purchased goods (wine) that were 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 one:

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).

\$ \_\_\_\_\_

☐ 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

03/08/2016  
MM / DD / YYYY

Daniel Frederick Bayer  
Signature

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

Name

Daniel Frederick Bayer  
First name Middle name Last name

Title

creditor

Company

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

Address

64 Willow St.

Number

Street

Pleasantville, NY

City

State

ZIP Code

10570

Contact phone

(914) 393-5911

Email

dsbayer@verizon.net

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000436633

Order Date: 2/7/2014

Web Order No: 144043

Salesperson: PB

Customer: 39524

Customer PO:

### Sold To

Daniel Bayer  
64 Willow St.  
Pleasantville, NY 10570 USA

### Ship To

Daniel Bayer  
64 Willow St.  
Pleasantville, NY 10570 USA

Contact: Daniel Bayer  
Phone: (914) 769-3202

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
49043	2012 Beaucastel	6.00	0.00	52.49	314.96

Payments: 314.96

Net Order: 314.96

Freight: 0.00

Sales Tax: 0.00

2/8/2014	VLCEA7D81106	*****4005	314.96
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USD 314.96

<b>Detail Continued</b>
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				Amount
02/02/14	CESCA RESTAURANT 050NEW YORK	NY		\$65.44
	2127876300			
	FOOD/BEVERAGE		\$54.44	
	TIP		\$11.00	
02/02/14	MORNINGSTAR 866-229-9449	IL		\$25.72
	SUBSCRIPTION			
02/03/14	VERIZONRECURRING PAYPHONESERVICE			\$163.78
	6517007266 19103			
02/03/14	VERIZONRECURRING PAYPHONESERVICE			\$316.01
	9147694638263 19103			
02/03/14	NORTHERN WESTCHESTER914-666-1310	NY		\$500.00
	914-666-1310			
02/03/14	THE WINE CELLARAGE BRONX	NY		\$89.82
	718-991-5700			
	Description			
	LIQUOR/BEVERAGES/SN			
02/04/14	Starbucks #07326 ChaChappaqua	NY		\$13.95
	FAST FOOD RESTAURANT			
02/04/14	AMAZON MKTPLACE PMTSAMZN.COM/BILL	WA		\$59.99
	MERCHANDISE			
02/04/14	NEW YORK A&P #70787 THORNWOOD	NY		\$31.95
	9147698867			
02/04/14	USPS 356625009103018PLEASANTVILLE	NY		\$49.00
	800-2758777			
02/05/14	CLUB FIT BRIARCLIFF-BRIARCLIFF	NY		\$205.09
	9147623444			
	Description			
	REFER TO RECEIPT			
02/07/14	MURRAY'S CHEESE - ECNEW YORK	NY		\$70.49
	2122433289			
02/08/14	IRON HORSE GRILL PLEASANTVILLE	NY		\$97.36
	RESTAURANT			
	FOOD/BEVERAGE		\$81.36	
	TIP		\$16.00	
02/08/14	PREMIER CRU 510-655-6691	CA		\$314.96
	5106449463			
02/09/14	MIYABI PLEASANTVILLE	NY		\$40.70
	9147698811			
02/10/14	SHELL OIL 5754601660THORNWOOD	NY		\$48.08
	AUTO FUEL DISPENSER			
02/10/14	CITY CENTER 15 DELUXWHITE PLAINS	NY		\$20.03
	9146835805			
	FOOD/BEVERAGE		\$17.03	
	TIP		\$3.00	
02/10/14	SHOPRITE THORNWOOD STHORNWOOD	NY		\$3.99
	GROCERY STORE			
02/11/14	SXMSIRIUSXM.COM/ACCT888-635-5144	NY		\$16.86
	XM SATELITE			

## Sandy Bayer

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**From:** Premier Cru <shipping@premiercru.net>  
**Sent:** Tuesday, September 04, 2012 7:50 PM  
**To:** sbayer@bayerconsulting.com  
**Subject:** Premier Cru Order Acknowledgement

Thank you for your order!

We have received your order request SO-0000390911-110762.

qty	item	Wine	price	ext	status
12	43465	2010 St Joseph Granits, Chapoutier	37.99	455.88	pre-arrival

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Bottles : 12  
Subtotal: 455.88  
Shipping: 0.00  
Tax : 0.00  
Total : 455.88

Please contact before shipping.

Shipping Address:  
Daniel Bayer  
c/o Wine Cellarage  
841 Barretto Street  
Bronx, NY 10474  
Tel: (718) 991-5700  
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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