

FILED

2015 MAR 15 AM 10:10

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

Fill in this information to identify the case:

Debtor 1 70x Ortega Enterprises

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____

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>Dario Scimeca</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? | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
| Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Name <u>Dario Scimeca</u> Street <u>147 20th Avenue</u> City <u>San Francisco</u> , State <u>CA</u> ZIP Code <u>94121</u> Contact phone <u>(415) 730-3980</u> Contact email <u>dscimeca@yahoo.com</u> | Name _____ 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? \$ 861.07 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. *Credit Card statements + Purchase orders attached*
Purchased wine from Premier Cru on 2 separate occasions for \$861.07 - the wine was never delivered and there was never any intent to deliver the wine - the debtors committed fraud.

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).

\$ _____

☐ 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 3/9/16
MM / DD / YYYY

Signature

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

Name

Dario
First name

Joseph
Middle name

Scimeca
Last name

Title

Company

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

Address

147 20th Avenue
Number Street

San Francisco, CA 94121
City State ZIP Code

Contact phone

(415) 730-3980

Email

dscimeca@yahoo.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000439405

Order Date: 3/14/2014

Web Order No: 146142

Salesperson: JG

Customer: 45889

Customer PO:

Sold To

Dario Scimeca
147 20th Avenue
San Francisco, CA 94121 USA

Ship To

Dario Scimeca
147 20th Avenue
San Francisco, CA 94121 USA

Contact: Dario Scimeca
Phone: (415) 730-3980

This order has been paid by MasterCard - Thank You!

| Item | Ordered | Quantity Shipped | Unit Price | Amount |
|------------------------------|---------|------------------|------------|--------|
| 47657 2012 Mouton Rothschild | 2.00 | 0.00 | 275.00 | 550.00 |

Payments: 599.50

Net Order: 550.00

Freight: 0.00

Sales Tax: 49.50

3/14/2014 VXHEBA0C283F *****8419 599.50

USD 599.50

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000434940

Order Date: 1/20/2014

Web Order No: 142722

Salesperson: MR

Customer: 45889

Customer PO:

Sold To

Dario Scimeca
147 20th Avenue
San Francisco, CA 94121 USA

Ship To

Dario Scimeca
147 20th Avenue
San Francisco, CA 94121 USA

Contact: Dario Scimeca
Phone: (415) 730-3980

This order has been paid by MasterCard - Thank You!

| Item | Ordered | Quantity Shipped | Unit Price | Amount |
|-------------------------------|---------|------------------|------------|--------|
| 47898 2012 Leoville las Cases | 3.00 | 0.00 | 79.99 | 239.97 |

Payments: 261.57

Net Order: 239.97

Freight: 0.00

Sales Tax: 21.60

USD 261.57

DARIO J SCIMECA

Member Since 2007 Account number ending in: 8419

Billing Period: 01/04/14-02/05/14

How to reach us

www.citicards.com

1-800-552-7922

BOX 6500 SIOUX FALLS, SD 57117

Minimum payment due: **\$20.00**
New balance: **\$261.57**
Payment due date: **03/01/14**

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$35 and your APRs may be increased up to the variable Penalty APR of 29.99%.

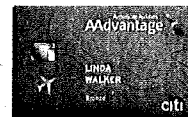
For information about credit counseling services, call 1-877-337-8187.

Account Summary

| | |
|--------------------|-----------------|
| Previous balance | \$0.00 |
| Payments | -\$0.00 |
| Credits | -\$0.00 |
| Purchases | +\$261.57 |
| Cash advances | +\$0.00 |
| Fees | +\$0.00 |
| Interest | +\$0.00 |
| New balance | \$261.57 |

Credit Limit

| | |
|--|-----------------|
| Revolving Credit limit | \$19,500 |
| Includes \$4,500 cash advance limit | |
| Available Revolving credit | \$19,238 |
| Includes \$4,500 available for cash advances | |

**American Airlines
AAdvantage® Miles**


**AAdvantage® Miles Reported to
American Airlines:**

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» See page 3 for more information
about your AAdvantage Miles



P.O. Box 6004
Sioux Falls, SD 57117-6004

Your Statement Is Inside



Pay online www.citicards.com



Pay by phone 1-800-552-7922



Pay by mail Use this coupon

- Enclose a valid check or money order payable to CITI CARDS. No cash or foreign currency.
- Write the last four digits of your account number on your check.

Please print Address Changes on the reverse side

| | |
|----------------------------|-----------------|
| Minimum payment due | \$20.00 |
| New balance | \$261.57 |
| Payment due date | 03/01/14 |

Amount enclosed:

Account number ending in 8419

00000217 BB CCC 007 NSTA6OCC WA2



DARIO J SCIMECA
147 20TH AVE
SAN FRANCISCO CA 94121-1307

CITI CARDS
PO BOX 78045
Phoenix, AZ 85062-8045



Account Summary

| Trans. date | Post date | Description | Amount |
|----------------|--------------|-------------|--------|
|----------------|--------------|-------------|--------|

Standard Purchases

| | | | |
|-------|-------|---------------------------|----------|
| 01/20 | 01/20 | PREMIER CRU 5106449463 CA | \$261.57 |
|-------|-------|---------------------------|----------|

Fees charged

| | |
|---|--------|
| Total fees charged in this billing period | \$0.00 |
|---|--------|

Interest charged

| | |
|---|--------|
| Total interest charged in this billing period | \$0.00 |
|---|--------|

2014 totals year-to-date

| | |
|--------------------------------|--------|
| Total fees charged in 2014 | \$0.00 |
| Total interest charged in 2014 | \$0.00 |

Interest charge calculation

Days in billing cycle: 33

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

| Balance type | Annual percentage rate (APR) | Balance subject to interest rate | Interest charge |
|------------------|---------------------------------|-------------------------------------|-----------------|
| PURCHASES | | | |
| Standard Purch | 13.24% (V) | \$0.00 (D) | \$0.00 |
| ADVANCES | | | |
| Standard Adv | 19.99% | \$0.00 (D) | \$0.00 |

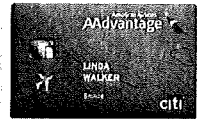
Your Annual Percentage Rate (APR) is the annual interest rate on your account. APRs followed by (V) vary with the market based on the Prime Rate. Balances followed by (D) are determined by the daily balance method (including current transactions).

Account messages

You may pay all or part of your account balance at any time. However, you must pay, by the payment due date, at least the minimum payment due.

Your Annual Account Summary is now available online. To easily view this detailed summary, sign on to Account Online at www.citicards.com.

Please be sure to pay on time. If you submit your payment by mail, we suggest you mail it no later than 02/22/2014 to allow for enough time for regular mail to reach us.

**American Airlines
AAdvantage® Miles**

**AAdvantage® Miles Reported to
American Airlines:
Purchase Miles**

131

131

Accumulated This Month

131

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much more**

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DARIO J SCIMECA

Member Since 2007 Account number ending in: 8419

Billing Period: 03/06/14-04/03/14

How to reach us

www.citicards.com

1-800-552-7922

BOX 6500 SIOUX FALLS, SD 57117

Minimum payment due: \$0.00
New balance: \$0.00
Payment due date: 05/01/14

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$35 and your APRs may be increased up to the variable Penalty APR of 29.99%.

For information about credit counseling services, call 1-877-337-8187.

Account Summary

| | |
|--------------------|---------------|
| Previous balance | \$0.00 |
| Payments | -\$607.73 |
| Credits | -\$0.00 |
| Purchases | +\$607.73 |
| Cash advances | +\$0.00 |
| Fees | +\$0.00 |
| Interest | +\$0.00 |
| New balance | \$0.00 |

Credit Limit

| | |
|--|-----------------|
| Revolving Credit limit | \$19,500 |
| Includes \$4,500 cash advance limit | |
| Available Revolving credit | \$19,500 |
| Includes \$4,500 available for cash advances | |

**American Airlines
AAdvantage® Miles**

**AAdvantage® Miles Reported to
American Airlines:**

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» See page 3 for more information
about your AAdvantage Miles



P.O. Box 6004
Sioux Falls, SD 57117-6004

Your Statement Is Inside

**\$0 Balance –
No payment is necessary.**

Please print Address Changes on the reverse side

| | |
|----------------------------|-----------------|
| Minimum payment due | \$0.00 |
| New balance | \$0.00 |
| Payment due date | 05/01/14 |

Amount enclosed:

Account number ending in 8419

DARIO J SCIMECA
147 20TH AVE
SAN FRANCISCO CA 94121-1307

CITI CARDS
PO BOX 78045
Phoenix, AZ 85062-8045



Account Summary

| Trans. date | Post date | Description | Amount |
|----------------|--------------|-------------|--------|
|----------------|--------------|-------------|--------|

Payments, Credits and Adjustments

| | | | |
|-------|--|---------------------------|-----------|
| 03/25 | | ONLINE PAYMENT, THANK YOU | -\$607.73 |
|-------|--|---------------------------|-----------|

Standard Purchases

| | | | |
|-------|-------|-------------------------------------|----------|
| 03/06 | 03/06 | 24613 B33 51246130 S SAN FRANCIS CA | \$4.63 |
| 03/14 | 03/14 | PREMIER CRU 510-655-6691 CA | \$599.50 |
| 03/20 | 03/20 | PEET'S #00302 BERKELEY CA | \$3.60 |

Fees charged

| | |
|--|---------------|
| Total fees charged in this billing period | \$0.00 |
|--|---------------|

Interest charged

| | |
|--|---------------|
| Total interest charged in this billing period | \$0.00 |
|--|---------------|

2014 totals year-to-date

| | |
|---------------------------------------|---------------|
| Total fees charged in 2014 | \$0.00 |
| Total interest charged in 2014 | \$0.00 |

Interest charge calculation

Days in billing cycle: 29

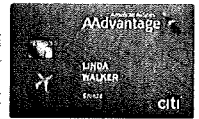
Your **Annual Percentage Rate (APR)** is the annual interest rate on your account.

| Balance type | Annual percentage rate (APR) | Balance subject to interest rate | Interest charge |
|------------------|---------------------------------|-------------------------------------|-----------------|
| PURCHASES | | | |
| Standard Purch | 13.24% (V) | \$0.00 (D) | \$0.00 |
| ADVANCES | | | |
| Standard Adv | 19.99% | \$0.00 (D) | \$0.00 |

Your Annual Percentage Rate (APR) is the annual interest rate on your account. APRs followed by (V) vary with the market based on the Prime Rate. Balances followed by (D) are determined by the daily balance method (including current transactions).

Account messages

Please be sure to pay on time. If you submit your payment by mail, we suggest you mail it no later than 04/24/2014 to allow for enough time for regular mail to reach us.

**American Airlines
AAAdvantage® Miles**

**AAAdvantage® Miles Reported to
American Airlines:**

| | |
|----------------|-----|
| Purchase Miles | 304 |
|----------------|-----|

| | |
|-------------------------------|------------|
| Accumulated This Month | 304 |
|-------------------------------|------------|

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redeem miles, book flights and
much more

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