

**Fill in this information to identify the case:**

Debtor 1 Fox Ortega Enterprises, Inc.  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court Northern District of California  
Case number: 16-40050

FILED  
U.S. Bankruptcy Court  
Northern District of California  
3/30/2016  
Edward J. Emmons, Clerk

**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**

<b>1. Who is the current creditor?</b>	<u>Steve Bachenheimer</u>	
	Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	<u>Steve Bachenheimer</u>	_____
	Name	Name
	<u>3201 NE 183 St., Apt. 1502</u>	_____
	<u>Aventura, FL 33160</u>	_____
	Contact phone <u>305-932-9622</u>	Contact phone _____
	Contact email <u>sibbeebop@gmail.com</u>	Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
<b>4. Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>	<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**

<b>6. Do you have any number you use to identify the debtor?</b>	<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No</div><div><input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____</div></div>
<b>7. How much is the claim?</b>	<div style="display: flex; justify-content: space-between;"><div><div style="display: flex; align-items: center;"><span style="margin-right: 5px;">\$</span><div style="border-bottom: 1px solid black; flex-grow: 1; text-align: center;">166717.00</div></div></div><div style="width: 40%;"><b>Does this amount include interest or other charges?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).</div></div>
<b>8. What is the basis of the claim?</b>	<p>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).</p> <p>Limit disclosing information that is entitled to privacy, such as healthcare information.</p> <p>Claimant prepaid for fine wine. He did not receive \$166,717 of it. Statement is Exhibit A hereto.</p> <div style="border-top: 1px solid black; height: 10px;"></div>
<b>9. Is all or part of the claim secured?</b>	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</div><div style="width: 80%;"><b>Nature of property:</b> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Real estate. <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____</div><div style="width: 80%;"><p style="font-size: small;">If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>.</p></div></div></div></div> <div style="margin-top: 10px;"><b>Basis for perfection:</b> _____</div> <div style="margin-top: 10px; font-size: small;">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.)</div> <div style="margin-top: 10px;"><div style="display: flex; justify-content: space-between;"><div><b>Value of property:</b></div><div><div style="border-bottom: 1px solid black; width: 150px;"></div><div style="margin-top: 5px;">\$</div></div></div><div style="margin-top: 10px;"><div style="display: flex; justify-content: space-between;"><div><b>Amount of the claim that is secured:</b></div><div><div style="border-bottom: 1px solid black; width: 150px;"></div><div style="margin-top: 5px;">\$</div></div></div><div style="margin-top: 10px;"><div style="display: flex; justify-content: space-between;"><div><b>Amount of the claim that is unsecured:</b></div><div><div style="border-bottom: 1px solid black; width: 150px;"></div><div style="margin-top: 5px;">\$</div></div></div><div style="text-align: right; font-size: small;">(The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div><div style="margin-top: 20px;"><div style="display: flex; justify-content: space-between;"><div><b>Amount necessary to cure any default as of the date of the petition:</b></div><div><div style="border-bottom: 1px solid black; width: 150px;"></div><div style="margin-top: 5px;">\$</div></div></div><div style="margin-top: 10px;"><div style="display: flex; justify-content: space-between;"><div><b>Annual Interest Rate</b> (when case was filed)</div><div><div style="border-bottom: 1px solid black; width: 100px;"></div><div style="margin-top: 5px;">%</div></div></div><div style="margin-top: 5px;"><div><input type="checkbox"/> Fixed</div><div><input type="checkbox"/> Variable</div></div></div></div></div></div>
<b>10. Is this claim based on a lease?</b>	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$</div><div style="width: 80%;"><div style="border-bottom: 1px solid black; height: 10px;"></div></div></div>
<b>11. Is this claim subject to a right of setoff?</b>	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div><div style="width: 80%;"><div style="border-bottom: 1px solid black; height: 10px;"></div></div></div>

<b>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply.</i>	<b>Amount entitled to priority</b>
A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.	<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
	<input type="checkbox"/> 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).	\$ _____
	<input type="checkbox"/> 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).	\$ _____
	<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
	<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
	<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies	\$ _____
* Amounts are subject to adjustment on 4/1/16 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 3/30/2016  
MM / DD / YYYY

/s/ Mark S. Novak

Signature

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

Name	Mark S. Novak		
	First name	Middle name	Last name
Title	Attorney for Creditor		
Company	Law Offices of Mark S. Novak		
Address	Identify the corporate servicer as the company if the authorized agent is a servicer		
	16633 Ventura Blvd., Suite 1200		
	Number Street		
	Encino, CA 91436		
	City	State	ZIP Code
Contact phone	8189051144		Email mnovak3535@aol.com

\* The wine was damaged by freezing.  
 \$36,127  
 EXHIBIT A

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO-00004489312 (Open)	\$767.00	4	0	4	0	9/7/15
SO-00004489262 (Open)	\$500.00	2	0	2	0	9/5/15
SO-00004487482 (Open)	\$1,169.95	6	0	6	0	8/18/15
SO-00004485229 (Open)	\$1,286.55	6	0	6	0	8/4/15
SO-00004484050 (Open)	\$1,169.92	12	0	12	0	7/13/15
SO-00004480020 (Open)	\$1,430.00	4	0	4	0	6/1/15
SO-00004479032 (Open)	\$1,442.92	12	0	12	0	5/17/15
SO-0000446826 (Open)	\$1,007.98	6	0	6	0	2/2/15
SO-0000446668 (Open)	\$2,389.88	12	0	12	0	1/1/15
SO-00004463522 (Open)	\$1,671.11	7	0	7	0	12/7/14
SO-00004462460 (Open)	\$910.00	2	0	2	0	11/29/14
SO-00004462460 (Open)	\$389.97	4	0	4	0	11/28/14
SO-00004461488 (Open)	\$2,338.94	6	0	6	0	11/17/14
SO-00004460818 (Open)	\$1,442.95	6	0	6	0	11/10/14
SO-00004460122 (Open)	\$2,351.95	6	0	6	0	11/6/14
SO-00004457538 (Open)	\$1,442.96	6	0	6	0	10/8/14
SO-00004456124 (Closed)	\$2,389.00	0	0	0	0	9/27/14
SO-00004456113 (Open)	\$1,859.56	7	0	7	0	9/24/14
SO-00004455870 (Open)	\$1,980.00	4	0	4	0	9/23/14
SO-00004446890 (Open)	\$1,628.93	10	0	10	0	6/7/14
SO-00004446332 (Closed)	\$313.92	8	8	0	0	6/5/14
SO-00004446125 (Open)	\$1,799.94	6	0	6	0	5/31/14
SO-00004446108 (Open)	\$799.96	4	0	4	0	5/31/14
SO-00004445639 (Open)	\$1,770.00	6	6	0	0	5/23/14
SO-00004445626 (Open)	\$999.98	2	0	2	0	5/23/14
SO-00004445624 (Closed)	\$1,199.98	2	2	0	0	5/23/14
SO-00004445618 (Open)	\$999.88	12	0	12	0	5/23/14
SO-00004445616 (Open)	\$229.99	1	0	1	0	5/23/14
SO-00004445610 (Open)	\$779.94	6	0	6	0	5/23/14

Returned \*

Returned \*

Kept

# ORDER HISTORY

MY ACCOUNT EDIT PROFILE ADDRESS BOOK BILLING INFORMATION

Sort By: Order No. 1

SEARCH wine, region, varietal, producer

654548

5/18/14	0	4	0	4	\$671.98	SO-0000445252 (Open)
5/18/14	0	9	0	9	\$719.97	SO-0000445256 (Open)
5/18/14	0	6	0	6	\$522.00	SO-0000445253 (Open)
5/18/14	0	8	0	8	\$1,079.98	SO-0000445252 (Open)
5/12/14	0	6	0	6	\$1,379.94	SO-0000445835 (Open)
5/10/14	0	2	0	2	\$735.00	SO-0000444623 (Open)
4/29/14	0	4	2	6	\$831.57	SO-0000443821 (Open)
4/16/14	0	12	0	12	\$2,519.88	SO-0000442536 (Open)
4/12/14	0	14	0	14	\$2,459.88	SO-0000442102 (Open)
4/4/14	0	0	6	6	\$281.94	SO-0000441261 (Closed)
3/29/14	0	12	0	12	\$2,969.91	SO-0000440880 (Open)
3/25/14	0	0	1	1	\$199.99	SO-0000440381 (Closed)
3/25/14	0	0	4	4	\$799.96	SO-0000440351 (Closed)
3/15/14	0	0	0	6	\$809.96	SO-0000439593 (Open)
3/15/14	0	0	0	6	\$809.96	SO-0000439565 (Open)
3/15/14	0	2	0	2	\$487.50	SO-0000434656 (Open)
1/18/14	0	4	0	4	\$975.00	SO-0000434483 (Open)
1/11/14	0	6	0	6	\$719.95	SO-0000433913 (Open)
1/7/14	0	12	0	12	\$361.00	SO-0000433446 (Open)
12/29/13	0	6	0	6	\$311.96	SO-0000432576 (Open)
12/27/13	0	2	2	4	\$378.98	SO-0000432282 (Open)
12/22/13	0	0	2	2	\$1,999.98	SO-0000431846 (Closed)
12/22/13	0	6	0	6	\$870.00	SO-0000431841 (Open)
12/10/13	0	12	6	18	\$5,158.82	SO-0000430526 (Open)
12/4/13	0	0	0	0	\$2,150.88	SO-0000429452 (Closed)
12/4/13	0	0	0	0	\$2,680.01	SO-0000429401 (Closed)
11/27/13	0	6	0	6	\$5,999.94	SO-0000429060 (Open)
11/27/13	0	6	0	6	\$399.94	SO-0000428954 (Open)
11/22/13	0	4	0	4	\$1,199.96	SO-0000428557 (Open)
11/2/13	0	2	0	2	\$579.98	SO-0000426830 (Open)
11/2/13	0	4	6	10	\$1,699.90	SO-0000426759 (Open)
10/26/13	0	8	0	8	\$1,039.92	SO-0000426243 (Open)
10/19/13	0	4	0	4	\$399.96	SO-0000425712 (Open)
10/19/13	0	5	0	5	\$1,125.00	SO-0000425661 (Open)
10/5/13	0	2	4	6	\$819.96	SO-0000424893 (Open)
9/15/13	0	12	0	12	\$479.98	SO-0000423062 (Open)
9/14/13	0	9	0	9	\$859.91	SO-0000423045 (Open)
8/27/13	0	2	0	2	\$799.98	SO-0000421294 (Open)
8/12/13	0	6	21	18	\$1,739.91	SO-0000420000 (Open)

Returned \*

Returned \*

Kept

Kept



SO-0000400500 (Open) <i>Returned *</i>	\$4,698.04	11	6	5	0	12/27/12
SO-0000400494 (Open)	\$4,398.00	10	0	10	0	12/27/12
SO-0000399166 (Open)	\$1,239.94	6	0	6	0	12/11/12
SO-0000388218 (Open)	\$899.94	6	0	6	0	11/30/12
SO-0000388809 (Open)	\$1,679.94	6	0	6	0	8/10/12
SO-0000388047 (Closed) <i>Returned *</i>	\$350.00	4	4	0	0	7/9/12
SO-0000384432 (Closed) <i>Returned *</i>	\$350.00	2	2	0	0	6/22/12
SO-0000373161 (Open)	\$5,399.94	6	0	6	0	1/31/12
SO-0000359136 (Open)	\$3,359.88	12	0	12	0	7/12/11

**\$22,997**  
**Total \$166,655** *(Returned & Excluded)*  
**\$3,450**  
**+62 (SO ending 38821)**

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We are a family owned and operated business. We have been in the wine business for over 20 years. We are proud to offer you the best quality wine at the lowest prices. We are also proud to offer you the best customer service. We are also proud to offer you the best value for your money. We are also proud to offer you the best selection of wine. We are also proud to offer you the best quality wine at the lowest prices. We are also proud to offer you the best customer service. We are also proud to offer you the best value for your money. We are also proud to offer you the best selection of wine.

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