

LM 10:34 A.M.
FILED

MAR 22 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc.
(Premier Cru)

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

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?

Jacek B. Dudowicz

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?



☐ 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?

Jacek B. Dudowicz

Name

1636 N Wells St. Apt. 3008

Number

Street

Chicago

IL

City

60614

State

ZIP Code

Contact phone

1 312 9444085

Contact email

dudowicz@jfi.uchicago.edu

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

Jacek B. Dudowicz

Name

1636 N Wells St. Apt. 3008

Number

Street

Chicago

IL

City

60614

State

ZIP Code

Contact phone

1 312 9444085

Contact email

dudowicz@jfi.uchicago.edu

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?



☐ Yes. Claim number on court claims registry (if

5. Do you know if anyone else has filed a proof of claim for this claim?



☐ Yes. Who made the earlier filing?

From March 31, 2016 to April 20, 2016, I will out of the USA. cell tel. of my wife: 312 560 9095 J.D.

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? \$ 3036.50 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.

wines sold in 2006, but 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:

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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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 16 2016
MM / DD / YYYY

Signature

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

Name

Jacek Boleslaw Dudowicz
First name Middle name Last name

Title

Dr.

Company

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

Address

1636 N Wells St. Apt. 3008
Number Street

Chicago
City

IL 60614
State ZIP Code

Contact phone

1-312-9444085

Email

dudowicz@jfi.uchicago.edu

On August 21, 2006, I ordered by calling Premier Cru forty seven (47) half-bottles (375 ml)
of 2005 Bordeaux wine futures: current price of 1 half bottle

1) Clos Fourtet (2 bottles)	\$ 95.00	\$ 190.00
2) Clinet (2 bottles)		
3) Beychevelle (2 bottles)	\$ 66.00	\$ 132.00
4) Brane-Cantenac (2 bottles)	\$ 50.50	\$ 101.00
5) Domaine de Chevalier Rouge (2 bottles)	\$ 47.50	\$ 95.00
6) Gazin (2 bottles)	\$ 54.50	\$ 109.00
7) Giscours (2 bottles)	\$ 49.50	\$ 99.00
8) Haut Bailly (2 bottles)	\$ 66.50	\$ 133.00
9) Kirwan (2 bottles)		
10) Conseillante (2 bottles)	\$ 127.00	\$ 254.00
11) Larcis-Ducasse (2 bottles)		
12) Lascombes (6 bottles)	\$ 57.50	\$ 345.00
13) L'Evangile (2 bottles)	\$ 150.50	\$ 301.00
14) Pape Clement (1 bottle)	\$ 96.50	\$ 96.50
15) Pavie Macquin (4 bottles)	\$ 82.50	\$ 330.00
16) Peby Faugeres (2 bottles)	\$ 147.50	\$ 295.00
17) Pontet Canet (2 bottles)	\$ 80.00	\$ 160.00
18) Sanctus (4 bottles)	\$ 29.00	\$ 116.00
19) Smith Haut Lafitte Rouge (2 bottles)		
19) Troplong Mondot (2 bottles)	\$ 140.00	\$ 280.00

The market value of the undelivered wines: \$ 3036.50

In 2006, I paid for these wines with my Chase Visa card (..... 0941) (invoice enclosed) the amount of \$ 1995.94. From August 2006 to present only 8 bottles (2 bottles of Clinet, 2 bottles of Kirwan, 2 bottles of Larcis Ducase, and 2 bottles of Haut Smith Lafitu Rouge) have been sent to me. In response to my complains, the Premier Cru representatives informed me many times that the remaining wines (39 bottles) have been lost and rebying them will take time I have estimated the market value of these wines (the right hand side column) by using the internet cite www.searcher-wine.com as the most reliable guide I

know. Within this procedure, I have identified the market price for a half-bottle as a 1/2 of the average price [listed by www.searcher-wine.com for the regular (750 ml) bottle of a given wine] because half-bottles for 2005 Bordeaux wines, as well as their prices, are now (2016) very rarely available. Usually, the price for a half-bottle is higher than a 1/2 of the price for the 750 ml bottle.

A handwritten signature in black ink, appearing to read "J. M. Dorian". The signature is fluid and cursive, with a large, sweeping initial "J" and a long, horizontal tail stroke.

Statement for account number: **00000000000000000000000000000000**

New Balance \$2,934.91 Payment Due Date 10/08/06 Past Due Amount \$0.00 Minimum Payment \$58.00



Amount Enclosed \$

Make your check payable to Chase Card Services.
New address or e-mail? Print on back.

Enroll me in the optional
Payment Protector Plan*.
I understand the enclosed
offer and may cancel any time.

Initials _____ Date _____

0994100005800002934915269535

44724 BEX 228606 D
JACEK B DUDOWICZ
1636 N WELLS ST APT 3008
CHICAGO IL 60614-6023



CARDMEMBER SERVICE
PO BOX 15153
WILMINGTON DE 19886-5153



15000 16028 98450 1005094 1211



Statement Date: 08/14/06 - 09/13/06
Payment Due Date: 10/08/06
Minimum Payment Due: \$58.00

CUSTOMER SERVICE
In U.S. 1-800-945-2000
Español 1-888-448-3308
TDD 1-800-955-8060
Pay by phone 1-800-436-7958
Outside U.S. call collect
1-302-594-8200

VISA ACCOUNT SUMMARY

	Account Number	0941
Previous Balance	\$1,023.76	Total Credit Line
Payment, Credits	-\$1,044.77	Available Credit
Purchases, Cash, Debits	+\$2,944.21	Cash Access Line
Finance Charges	+\$11.71	Available for Cash
New Balance	\$2,934.91	

ACCOUNT INQUIRIES
P.O. Box 18298
Wilmington, DE 19850-5298

PAYMENT ADDRESS
P.O. Box 15153
Wilmington, DE 19886-5153

VISIT US AT:
www.chase.com/creditcards

Your next AutoPayment for \$2,934.91 will be deducted from your account and credited on your due date. Should you make a payment prior to your due date, that amount will be deducted from the AutoPayment amount identified above.

CHASE PERFECTCARD REWARDS SUMMARY

Previous balance	\$7.18
Rebates earned from purchases	\$29.47
Rebates redeemed this period	\$7.18
Total remaining rebates	\$29.47

For questions about your account please call
Cardmember Services at 1-800-945-2000.

\$0.00 rebates to expire on statement date in

TRANSACTIONS

Trans Date	Reference Number	Merchant Name or Transaction Description	Amount Credit	Debit
08/21	24492796234118640400081	PREMIER CRU 510-6556691 CA		\$1,995.94
09/05	24492806248118000171845	ARCH TELECOM INC HOUSTON TX		\$2.07
09/07		AUTOMATIC PAYMENT - THANK YOU	1,023.76	
09/08	24792626250246900278284	UNITED AIR 0167632422759 CHICAGO IL		711.01
	091306 1 S	ORD LHR		
	2 S	LHR WAW		
	3 SX	WAW LHR		
	4 SO	LHR ORD		
09/07	74138666250111060122007	POLISH TRAVEL QUO VADIS WARSZAWA		120.19
09/09		POLISH NEW ZLOTY		
	368.00 X 0.318825136	(EXCHG RATE) + 3.50 (EXCHG RATE ADJ)		
09/08	24493966251286001101166	REALTOR ASSOCIATION/MLS 312-329-8245 IL		85.00
09/13	7426852563250000211944	Finance Charge Reversal DE	13.83	
09/13		PERFECTCARD REBATE CREDIT	7.18	

FINANCE CHARGES

Category	Daily Periodic Rate	Corresp. APR	Average Daily Balance	Finance Charge Due To Periodic Rate	Transaction Fee	Accumulated Fin Charge	FINANCE CHARGES
Purchases	V .04724%	17.24%	\$799.52	\$11.71	\$0.00	\$0.00	\$11.71
Cash advances	V .06642%	24.24%	\$0.01	\$0.00	\$0.00	\$0.00	\$0.00
Total finance charges							\$11.71

Effective Annual Percentage Rate (APR): 17.24%

Please see Information About Your Account section for balance computation method, grace period, and other important information.

The Corresponding APR is the rate of interest you pay when you carry a balance on any transaction category.

The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.