

LM 9:58 a.m.
FILED
MAR 23 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc
Debtor 2 dba Premier Cru
(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?																													
<u>Philip Early</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)	<table border="0"><tr><td colspan="2">Where should notices to the creditor be sent?</td><td colspan="2">Where should payments to the creditor be sent? (if different)</td></tr><tr><td colspan="2"><u>Philip Early</u> Name</td><td colspan="2">_____ Name</td></tr><tr><td colspan="2"><u>755 NE Brookcliff Lane</u> Number Street</td><td colspan="2">_____ Number Street</td></tr><tr><td colspan="2"><u>Bainbridge Island, WA 98110</u> City State ZIP Code</td><td colspan="2">_____ City State ZIP Code</td></tr><tr><td colspan="2">Contact phone <u>(360) 473-8081</u></td><td colspan="2">Contact phone _____</td></tr><tr><td colspan="2">Contact email <u>pweary@aol.com</u></td><td colspan="2">Contact email _____</td></tr><tr><td colspan="4">Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</td></tr></table>	Where should notices to the creditor be sent?		Where should payments to the creditor be sent? (if different)		<u>Philip Early</u> Name		_____ Name		<u>755 NE Brookcliff Lane</u> Number Street		_____ Number Street		<u>Bainbridge Island, WA 98110</u> City State ZIP Code		_____ City State ZIP Code		Contact phone <u>(360) 473-8081</u>		Contact phone _____		Contact email <u>pweary@aol.com</u>		Contact email _____		Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____			
Where should notices to the creditor be sent?		Where should payments to the creditor be sent? (if different)																											
<u>Philip Early</u> Name		_____ Name																											
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Contact email <u>pweary@aol.com</u>		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? \$ 22,833.71 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 purchases of wines from debtor that have not been 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

03/21/2016
MM / DD / YYYY

Signature

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

Name

Philip

Middle name

Early

Last name

Title

Company

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

Address

755 NE Brookliff Lane

Number Street

Bainbridge Island, WA

City

State

ZIP Code

98110

Contact phone

(360) 473-8081

Email

pwearly@aol.com

Fox Ortega Enterprises, Inc.
 dba Premier Cru
 Northern California District
 16-40050 WJL 7

wine, region, varietal, producer SEARCH

Premier Cru
 Account Statement
 Philip Early
ORDER HISTORY

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

All Time

Sort By Order No

GO

Item	Unit Price	Qty	Shipped	Remain	Avail	Order Number (Status)	Date
2013 Sauvignon Blanc Trocken 'L. von Winning, 750 ml	\$34.99	2	0	2	2	SO-0000491792 (Open)	10/7/15
2001 Meddersheimer Altenberg Riesling Hochgewächs, Hexamer, 750 ml	\$29.99	2	0	2	2	SO-0000491791 (Open)	10/7/15
2014 Zeltinger Sonnenuhr Riesling Spätlese (1 star), Selbach-Oster, 750 ml	\$26.99	6	0	6	0	SO-0000491790 (Open)	10/7/15
2014 Zeltinger Sonnenuhr Riesling Spätlese (1 star) Magnum, Selbach-Oster, 1.5 L	\$64.99	3	0	3	0	SO-0000491788 (Open)	10/7/15
2005 Latour, 750 ml	\$1,199.00	1	0	1	0	SO-0000485472 (Open)	7/30/15
2000 Margaux, 750 ml	\$729.99	1	0	1	0	SO-0000464795 (Open)	12/19/14
2000 Unico, Vega Sicilia, 750 ml	\$225.00	1	0	1	0	SO-0000464795 (Open)	12/19/14
2012 Montrachet, Bouchard, 750 ml	\$299.99	1	0	1	0	SO-0000458125 (Open)	10/17/14
2012 Chablis Clos, Fevre, 750 ml	\$49.99	6	0	6	0	SO-0000455563 (Open)	9/18/14
2004 Unico, Vega Sicilia, 750 ml	\$179.99	1	0	1	0	SO-0000449666 (Open)	7/15/14
2002 Pol Roger Cuvee Winston Churchill, 750 ml	\$149.99	1	0	1	0	SO-0000448363 (Open)	6/28/14
2012 Pape Clement Blanc, 750 ml	\$79.99	3	0	3	0	SO-0000443035 (Open)	4/21/14
1927 Pedro Ximenez Solera, Alvear, 750 ml	\$19.99	6	0	6	0	SO-0000442153 (Open)	4/12/14
2012 Chablis Bougros Côte de Bouguerots, Fevre, 750 ml	\$59.99	3	0	3	0	SO-0000438376 (Open)	2/26/14
2012 Condrieu La Dorlane, Guigal, 750 ml	\$69.99	2	0	2	0	SO-0000437063 (Open)	2/10/14
2011 Dow, 750 ml	\$59.99	2	0	2	0	SO-0000437063 (Open)	2/10/14
2011 Dow, 750 ml	\$74.99	2	0	2	0	SO-0000436603 (Open)	2/7/14
2010 Il Carbonaione, Poggio Scalette, 750 ml	\$39.99	6	0	6	0	SO-0000434949 (Open)	1/20/14
2012 Ermitage de l'Oree Blanc, Chapoutier, 750 ml	\$89.99	1	0	1	0	SO-	1/20/14

						0000434949 (Open)	
2012 Ermitage Le Meal Blanc, Chapoutier, 750 ml	\$89.99	1	0	1	0	SO- 0000434949 (Open)	1/20/14
2010 Terra di Lavoro, Galardi, 750 ml	\$39.99	12	0	12	0	SO- 0000434949 (Open)	1/20/14
2010 La Tache, 750 ml	\$1,999.99	1	0	1	0	SO- 0000419376 (Open)	7/27/13
2002 Dom Perignon Rose, 750 ml	\$249.99	1	0	1	0	SO- 0000415760 (Open)	6/15/13
2009 La Tache, DRC, 750 ml	\$1,899.00	1	0	1	0	SO- 0000400444 (Open)	12/27/12
2010 Ermitage Greffieux, Chapoutier, 750 ml	\$79.99	3	0	3	0	SO- 0000398474 (Open)	12/3/12
2009 Pape Clement Blanc, 750 ml	\$149.99	4	0	4	0	SO- 0000397824 (Open)	11/26/12
2009 St Pierre, 750 ml	\$79.99	2	0	2	0	SO- 0000395750 (Open)	10/31/12
2009 Leoville las Cases, 750 ml	\$149.99	1	0	1	0	SO- 0000389207 (Open)	8/13/12
2010 Ermitage Pavillon, Chapoutier, 750 ml	\$129.99	1	0	1	0	SO- 0000389207 (Open)	8/13/12
2011 Ausone, 750 ml	\$329.99	1	0	1	0	SO- 0000389207 (Open)	8/13/12
2010 Ermitage Meal, Chapoutier, 750 ml	\$99.99	2	0	2	0	SO- 0000389207 (Open)	8/13/12
2009 Lynch Bages, 750 ml	\$119.99	3	0	3	0	SO- 0000385993 (Open)	7/9/12
2009 Pape Clement Blanc, 750 ml	\$199.99	2	0	2	0	SO- 0000379876 (Open)	4/19/12
2010 Petrus, 750 ml	\$1,499.00	1	0	1	0	SO- 0000366639 (Open)	11/11/11
2010 La Fleur Petrus, 750 ml	\$279.99	2	0	2	0	SO- 0000359007 (Open)	7/8/11
2009 Cos d'Estournel, 750 ml	\$179.99	2	0	2	0	SO- 0000353477 (Open)	3/31/11
2009 Margaux, 750 ml	\$699.99	1	0	1	0	SO- 0000345287 (Open)	11/8/10
2009 Latour, 750 ml	\$799.99	1	0	1	0	SO- 0000345287 (Open)	11/8/10
2009 Lafite Rothschild, 750 ml	\$799.00	1	0	1	0	SO- 0000342854 (Open)	9/17/10
2009 Leoville Poyferre, 750 ml	\$115.00	5	0	5	0	SO- 0000341432 (Open)	8/7/10
2009 Leoville Poyferre, 750 ml	\$119.99	1	0	1	0	SO- 0000339537 (Open)	6/22/10
2009 Clinet, 750 ml	\$150.00	1	0	1	0	SO- 0000339537 (Open)	6/22/10
2009 Pontet Canet, 750 ml	\$109.99	2	1	1	0	SO- 0000338838 (Open)	6/15/10

<u>2009 Hosanna, 750 ml</u>	\$249.99	1	0	1	0	SO- 0000338518 (Open)	6/11/10
<u>2009 Cantemerle, 750 ml</u>	\$29.99	6	0	6	0	SO- 0000338518 (Open)	6/11/10
<u>2008 Cos d'Estournel, 750 ml</u>	\$98.99	2	0	2	0	SO- 0000321641 (Open)	7/30/09
<u>2008 Haut Bailly, 750 ml</u>	\$59.99	6	0	6	0	SO- 0000318683 (Open)	6/2/09
<u>2008 Troplong Mondot, 750 ml</u>	\$79.99	2	0	2	0	SO- 0000318683 (Open)	6/2/09
<u>2008 Latour, 750 ml</u>	\$339.99	1	0	1	0	SO- 0000318355 (Open)	5/26/09
<u>2008 Cheval Blanc, 750 ml</u>	\$449.95	1	0	1	0	SO- 0000318213 (Open)	5/21/09
<u>2008 Leoville Las Cases, 750 ml</u>	\$114.99	2	0	2	0	SO- 0000318190 (Open)	5/20/09
<u>2008 Larcis Ducasse, 750 ml</u>	\$58.99	6	0	6	0	SO- 0000318190 (Open)	5/20/09
<u>2008 Trotanoy, 750 ml</u>	\$145.00	2	0	2	0	SO- 0000317455 (Open)	5/9/09
<u>2008 Pichon Lalande, 750 ml</u>	\$69.99	6	0	6	0	SO- 0000317455 (Open)	5/9/09
<u>2008 Lafite Rothschild, 750 ml</u>	\$359.99	1	0	1	0	SO- 0000317455 (Open)	5/9/09
<u>2005 Haut Brion, 750 ml</u>	\$595.00	1	0	1	0	SO- 0000261724 (Open)	4/10/07
<u>2005 Latour 1/2, 375 ml</u>	\$372.50	0	0	0	0	SO- 0000261644 (Open)	4/9/07
<u>2005 Margaux, 750 ml</u>	\$725.00	1	0	1	0	SO- 0000259578 (Open)	3/22/07

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About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, sommeliers, and everyday wine lovers.

Become a fan!

Premier Cru

1001 University Ave.

Berkeley, CA 94704

Or, Order by Telephone

Store Hours

Tuesday-Friday: noon-6pm

Saturday: 10am-5pm

Sunday: Closed

Fox Ortega Enterprises
 dba Premier Cru
 Northern District of California
 16-40050 WJL 7

Philip Early

Attachment to Proof of Claim: Unfilled credit card orders

Premier Cru Order Number	Date	Original Transaction Amount	Amount of Goods Not Received	Description
SO-0000491792	10/7/15	\$69.98	\$69.98	2013 Sauvignon Blanc von Winning: 2 bottles @ \$34.99
SO-0000491791	10/7/15	\$59.98	\$59.98	2001 Meddersheimer Altenberg Riesling: 2 bottles @ \$29.99
SO-0000491790	10/7/15	\$161.94	\$161.94	2014 Zeltinger Sonnenuhr Riesling: 6 bottles @ \$26.99
SO-0000491788	10/7/15	\$194.97	\$194.97	2014 Zeltinger Sonnenuhr Riesling: 3 magnums @ \$64.99
SO-0000485472	7/30/15	\$2993.99	\$1199.00	2005 Latour: 1 bottle @ \$1199.00
SO-0000464795	12/19/14	\$954.99	\$954.99	2000 Margaux: 1 bottle @ \$729.00 2000 Unico: 1 bottle @ \$225.00
SO-0000458125	10/17/14	\$299.99	\$299.99	2012 Montrachet: 1 bottle @ \$299.99
SO-0000455563	9/18/14	\$299.94	\$299.94	2012 Chablis Clos: 6 bottles @ \$49.99
SO-0000449666	7/15/14	\$179.99	\$179.99	2004 Unico: 1 bottle @ \$179.99
SO-0000448363	6/28/14	\$149.99	\$149.99	2002 Pol Roger Churchill: 1 bottle @ \$149.99
SO-0000443035	4/21/14	\$239.97	\$239.97	2012 Pape Clement Blanc: 3 bottles @ \$79.99
SO-0000442153	4/12/14	\$119.94	\$119.94	1927 Pedro Ximenez: 6 bottles @ \$19.99
SO-0000438376	2/26/14	\$179.97	\$179.97	2012 Chablis Bougros: 3 bottles @ \$59.99
SO-0000437063	2/10/14	\$259.96	\$259.96	2012 Condrieu: 2 bottles @ \$69.99 2011 Dow: 2 bottles @ \$59.99
SO-0000436603	2/7/14	\$149.98	\$149.98	2011 Dow: 2 bottles @ \$59.99
SO-0000434949	1/20/14	\$1079.77	\$899.80	2010 Il Carbonaione: 6 bottles @ \$39.99 2012 Hermitage l'Oree: 1 bottle @ \$89.99 2012 Hermitage La Meal: 1 bottle @ \$89.99 2010 Terra di Lavora: 12 bottles @ \$39.99
SO-0000419376	7/27/13	\$1999.99	\$1999.99	2010 La Tache: 1 bottle @ \$1999.99
SO-0000415760	6/15/13	\$369.97	\$249.99	2002 Dom Perignon Rose: 1 bottle @ \$249.99
SO-0000400444	12/27/12	\$1899.00	\$1899.00	2009 La Tache: 1 bottle @ \$1899.00
SO-0000398474	12/3/12	\$629.90	\$239.97	2010 Hermitage Greffieux: 3 bottles @ \$79.99
SO-0000397824	11/26/12	\$1079.84	\$599.96	2009 Pape Clement Blanc: 4 bottles @ \$149.99
SO-0000395750	10/31/12	\$159.98	\$159.98	2009 St Pierre: 2 bottles @ \$79.99
SO-0000389207	8/13/12	\$809.95	\$809.95	2009 Leoville Las Cases: 1 bottle @ \$149.99 2010 Ermitage Pavillon: 1 bottle @ \$129.99 2011 Ausone: 1 bottle @ \$329.99 2010 Ermitage Meal: 2 bottles @ \$99.99
SO-0000385993	7/9/12	\$359.97	\$359.97	2009 Lynch Bages: 3 bottles @ \$119.99
SO-0000379876	4/19/12	\$399.98	\$399.98	2009 Pape Clement Blanc: 2 bottles @ \$199.99
SO-0000366639	11/11/11	\$1499.00	\$1499.00	2010 Petrus: 1 bottle @ \$1499.00
SO-0000359007	7/8/11	\$837.88	\$559.98	2010 La Fleur Petrus: 2 bottles @ \$279.99
SO-0000353477	3/31/11	\$359.98	\$359.98	2009 Cos d'Estournel: 2 bottles @ \$179.99
SO-0000345287	11/8/10	\$1499.98	\$1499.98	2009 Margaux: 1 bottle @ \$699.99

				2009 Latour: 1 bottle @ \$799.99
SO-0000342854	9/17/10	\$799.00	\$799.00	2009 Lafite: 1 bottle @ \$799.00
SO-0000341432	8/7/10	\$575.00	\$575.00	2009 Leoville Poyferre: 5 bottles @ \$115.00
SO-0000339537	6/22/10	\$831.96	\$269.99	2009 Leoville Poyferre: 1 bottle @ \$119.99 2009 Clinet: 1 bottle @ \$150.00
SO-0000338638	6/15/10	\$1009.93	\$219.98	2009 Pontet Canet: 2 bottles @ \$109.99
SO-0000338518	6/11/10	\$963.86	\$429.93	2009 Hosanna: 1 bottle @ \$249.99 2009 Cantemerle: 6 bottles @ \$29.99
SO-0000321641	7/30/09	\$197.98	\$197.98	2008 Cos d'Estournel: 2 bottles @ \$98.99
SO-0000318683	6/2/09	\$519.92	\$519.92	2008 Haut Bailly: 6 bottles @ \$59.99 2008 Troplong Mondot: 2 bottles @ \$79.99
SO-0000318355	5/26/09	\$339.99	\$339.99	2008 Latour: 1 bottle @ \$339.99
SO-0000318213	5/21/09	\$449.95	\$449.95	2008 Cheval Blanc: 1 bottles @ \$449.95
SO-0000318190	5/20/09	\$583.92	\$583.92	2008 Leoville Las Cases: 2 bottles @ \$114.99 2008 Larcis Ducasse: 6 bottles @ \$58.99
SO-0000317455	5/9/09	\$1933.55	\$1069.93	2008 Trotanoy: 2 bottles @ \$145.00 2008 Pichon Lalande: 6 bottles @ \$69.99 2008 Lafite: 1 bottle @ \$355.99
SO-0000261724	4/10/07	\$1375.95	\$595.00	2005 Haut Brion: 1 bottle @ \$595.00
SO-0000259578	3/22/07	\$1313.50	\$725.00	2005 Margaux: 1 bottle @ \$725.00
TOTALS		\$30,195.28	\$22,833.71	