

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
4/4/2016
Edward J. Emmons, Clerk

**Official Form 410
Proof of Claim****04/16**

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>Harold Kelly</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>Harold Kelly</u> Name <u>61 E 80th St</u> <u>New York, NY 10075</u> Contact phone <u>2123628628</u> Contact email <u>hakellyjr@gmail.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) _____ Name _____ Contact phone _____ Contact email _____
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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	<div style="display: flex; justify-content: space-between;"><div>\$ <u>6867.08</u></div><div>Does this amount include interest or other charges? <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>
8. What is the basis of the claim?	<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><u>Deposit/payment against consumer good (wine) not delivered</u></p>
9. Is all or part of the claim secured?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</div> <div>Nature of property: <input type="checkbox"/> Real estate. 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>. <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____</div> <div>Basis for perfection: _____</div> <div>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><div>Value of property:</div><div>\$ _____</div><div>Amount of the claim that is secured:</div><div>\$ _____</div><div>Amount of the claim that is unsecured:</div><div>\$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div> <div><div>Amount necessary to cure any default as of the date of the petition:</div><div>\$ _____</div><div>Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div></div>
10. Is this claim based on a lease?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</div>
11. Is this claim subject to a right of setoff?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div>

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. <i>Check all that apply.</i>	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.	<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 checked="" type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ 2850.00
	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) 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	\$ _____
<small>* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.</small>		

Part 3: Sign Below

<p>The person completing this proof of claim must sign and date it. FRBP 9011(b).</p> <p><small>If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</small></p> <p>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.</p>	<p>Check the appropriate box:</p> <p><input checked="" type="checkbox"/> I am the creditor.</p> <p><input type="checkbox"/> I am the creditor's attorney or authorized agent.</p> <p><input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.</p> <p><input type="checkbox"/> I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.</p> <p>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.</p> <p>I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on date <u>4/4/2016</u></p> <p style="text-align: center;">MM / DD / YYYY</p> <p><u>/s/ HAROLD KELLY</u></p> <p>Signature</p> <p>Print the name of the person who is completing and signing this claim:</p> <table style="width: 100%;"> <tr> <td style="width: 20%;">Name</td> <td colspan="3"><u>HAROLD KELLY</u></td> </tr> <tr> <td></td> <td style="width: 20%;">First name</td> <td style="width: 20%;">Middle name</td> <td style="width: 40%;">Last name</td> </tr> <tr> <td>Title</td> <td colspan="3">_____</td> </tr> <tr> <td>Company</td> <td colspan="3">_____</td> </tr> <tr> <td rowspan="4">Address</td> <td colspan="3">Identify the corporate servicer as the company if the authorized agent is a servicer</td> </tr> <tr> <td colspan="3"><u>61 E 80th St</u></td> </tr> <tr> <td colspan="3">Number Street</td> </tr> <tr> <td colspan="3"><u>New York, NY 10075-0236</u></td> </tr> <tr> <td>Contact phone</td> <td><u>2123628628</u></td> <td>Email</td> <td><u>hakellyjr@gmail.com</u></td> </tr> </table>	Name	<u>HAROLD KELLY</u>				First name	Middle name	Last name	Title	_____			Company	_____			Address	Identify the corporate servicer as the company if the authorized agent is a servicer			<u>61 E 80th St</u>			Number Street			<u>New York, NY 10075-0236</u>			Contact phone	<u>2123628628</u>	Email	<u>hakellyjr@gmail.com</u>
Name	<u>HAROLD KELLY</u>																																	
	First name	Middle name	Last name																															
Title	_____																																	
Company	_____																																	
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Contact phone	<u>2123628628</u>	Email	<u>hakellyjr@gmail.com</u>																															

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000457595

Order Date: 10/9/2014

Web Order No: 159712

Salesperson: JG

Customer: hak

Customer PO:

Sold To	Ship To
Harold Kelly 61 E 80th St New York, NY 10075 USA	Harold A Kelly c/o Vintage Wine Whse #002841 1630 Cody Avenue 212-245-4889 Ridgewood, NY 11385 USA

Contact: Harold A Kelly Jr
Phone: (212) 362-8628

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
C1501 90 Hermitage La Chapelle, Jaboulet	1.00	0.00	499.99	499.99

Payments:				499.99	Net Order:	499.99
					Freight:	0.00
10/10/2014	VLFAB5F70985	*****5008	499.99		Sales Tax:	0.00
					USD	499.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000438116
Order Date: 2/22/2014
Web Order No: 145177
Salesperson: JG
Customer: hak
Customer PO:

Sold To	Ship To
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Harold Kelly
61 E 80th St
New York, NY 10075 USA

Harold A Kelly
c/o Vintage Wine Whse #002841
1630 Cody Avenue
212-245-4889
Ridgewood, NY 11385 USA

Contact: Harold A Kelly Jr
Phone: (212) 362-8628

25% discount applied!
This order has been paid by American Express - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
49356	2012 Corton Charlemagne, Bouchard	6.00	0.00	101.25	607.50

Payments: 607.50

2/24/2014	VLCEA8DCE268	*****4001	607.50
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Net Order: 607.50

Freight: 0.00

Sales Tax: 0.00

USD 607.50

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000434249
Order Date: 1/16/2014
Web Order No: 142266
Salesperson: JG
Customer: hak
Customer PO:

Sold To	Ship To
Harold Kelly 61 E 80th St New York, NY 10075 USA	Harold A Kelly c/o Vintage Wine Whse #002841 1630 Cody Avenue 212-245-4889 Ridgewood, NY 11385 USA

Contact: Harold A Kelly Jr
Phone: (212) 362-8628

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
49306	2012 Ermitage de l'Oree Blanc, Chapoutier	6.00	0.00	109.99	659.94
49305	2012 Ermitage Le Meal Blanc, Chapoutier	6.00	0.00	109.99	659.94

Payments: 1,319.88		Net Order:	1,319.88
		Freight:	0.00
		Sales Tax:	0.00
1/16/2014	VUYEB5A89651 *****4001	1,319.88	
			USD 1,319.88

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000433653
Order Date: 1/9/2014
Web Order No: 141813
Salesperson: PB
Customer: hak
Customer PO:

Sold To	Ship To
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Harold Kelly
425 Hill Street
Athens, GA 30601 USA

Harold A Kelly
c/o Vintage Wine Whse #002841
1630 Cody Avenue
212-245-4889
Ridgewood, NY 11385 USA

Contact: Harold A Kelly Jr
Phone: (212) 790-0112

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
49269	2012 Condrieu La Doriane, Guigal	12.00	0.00	84.99	1,019.88

Payments: 1,019.88

1/9/2014	VQCEA48645BA	*****4001	1,019.88
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Net Order: 1,019.88

Freight: 0.00

Sales Tax: 0.00

USD 1,019.88

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000432719
Order Date: 12/31/2013
Web Order No: 141090
Salesperson: JG
Customer: hak
Customer PO:

Sold To	Ship To
Harold Kelly 425 Hill Street Athens, GA 30601 USA	Harold A Kelly c/o Vintage Wine Whse #002841 1630 Cody Avenue 212-245-4889 Ridgewood, NY 11385 USA

Contact: Harold A Kelly Jr
Phone: (212) 790-0112

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
49235	2011 Ermitage l'Ermite Blanc, Chapoutier	1.00	0.00	279.99	279.99
47095	2011 Ermitage Blanc de l'Oree, Chapoutier	6.00	0.00	159.99	959.94
47096	2011 Ermitage Blanc Le Meal, Chapoutier	6.00	0.00	129.99	779.94

Payments: 2,019.87		Net Order:	2,019.87
		Freight:	0.00
		Sales Tax:	0.00
12/31/2013	VLFEA58C6C3A *****4001	2,019.87	
			USD 2,019.87

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000420271
Order Date: 8/6/2013
Web Order No: 131376
Salesperson: JG
Customer: hak
Customer PO:

Sold To	Ship To
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Harold Kelly
425 Hill Street
Athens, GA 30601 USA

Harold A Kelly
c/o Vintage Wine Whse #002841
1630 Cody Avenue
212-245-4889
Ridgewood, NY 11385 USA

Contact: Harold A Kelly Jr
Phone: (212) 790-0112

\$259.13 to store credit, \$140.85 to x4001

Item		Ordered	Quantity Shipped	Unit Price	Amount
43475	2010 Ermitage Meal Blanc, Chapoutier	2.00	0.00	125.00	250.00
41126	09 St Joseph Granits Blanc, Chapoutier	1.00	0.00	69.99	69.99
47125	2011 Corton Charlemagne, Bouchard	1.00	0.00	79.99	79.99

Payments:		399.98	Net Order:	399.98
			Freight:	0.00
			Sales Tax:	0.00
8/7/2013	420271	259.13		
8/7/2013	VSJEABBF5C52 *****4001	140.85		
			USD	399.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000438687
Order Date: 3/1/2014
Web Order No: 145569
Salesperson: JG
Customer: hak
Customer PO:

Sold To	Ship To
Harold Kelly 61 E 80th St New York, NY 10075 USA	Harold A Kelly c/o Vintage Wine Whse #002841 1630 Cody Avenue 212-245-4889 Ridgewood, NY 11385 USA

Contact: Harold A Kelly Jr
Phone: (212) 362-8628

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
44101 2010 La Mission Haut Brion	2.00	0.00	499.99	999.98

Payments:				999.98	Net Order:	999.98
					Freight:	0.00
3/1/2014	VPFEA75D544F	*****	4001	999.98	Sales Tax:	0.00
					USD	999.98