

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
4/5/2016
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>Joseph LaNasa</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor <u>Jody LaNasa</u>	
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>Joseph LaNasa</u> Name <u>54 Byram Drive</u> <u>Greenwich, CT 06830</u> Contact phone <u>212-672-2222</u> Contact email <u>lanasabillpay@serengeti-am.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>13252.00</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>Wine purchased not delivered, portion held at debtor's facility.</p>
9. Is all or part of the claim secured?	<div><input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> Other. Describe: <u>Property held in storage at Debtor's fac</u></div> <div>Basis for perfection: <u>Bailment relationship</u></div> <p>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.)</p> <div style="display: flex; justify-content: space-between;"><div>Value of property:</div><div>\$ <u>13252.00</u></div></div> <div style="display: flex; justify-content: space-between;"><div>Amount of the claim that is secured:</div><div>\$ <u>5818.00</u></div></div> <div style="display: flex; justify-content: space-between;"><div>Amount of the claim that is unsecured:</div><div>\$ <u>7434.00</u> (The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div>Amount necessary to cure any default as of the date of the petition:</div><div>\$ <u>13252.00</u></div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>Annual Interest Rate (when case was filed)</div><div><u>10</u> %</div></div> <div><input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable</div>
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

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

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 4/5/2016
MM / DD / YYYY

/s/ Joseph A. LaNasa III

Signature

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

Name Joseph A. LaNasa III
First name Middle name Last name

Title _____

Company _____

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

54 Byram Drive
Number Street
Greenwich, CT 06830

City State ZIP Code

Contact phone 212-672-2222 Email lanasabillpay@serengeti-am.com

Debtor Fox Ortega Enterprises, Inc., dba Premier Cru
United States Bankruptcy Court for the Northern District of California
Case Number 16-40050-WJL
Creditor Joseph A LaNasa III
Summary of undelivered property

Vintage	Wine	Qty	Cost per bottle	Total Cost	Evidence
2007	Kistler Chardonnay Hyde	4	\$ 80	\$ 320	** See Tony Gray 11/19/15 Email
2007	Kistler Chardonnay Kistler Vineyard	3	95	285	** See Tony Gray 11/19/15 Email
2004	Brunello di Montalcino Riserva, Fuligni	2	80	160	** See Tony Gray 11/19/15 Email
2006	Brunello di Montalcino, Valdicava	2	80	160	** See Tony Gray 11/19/15 Email
2004	d'Yquem	6	187	1,122	** See Tony Gray 11/19/15 Email
2004	d'Yquem 1/2	6	95	567	** See Tony Gray 11/19/15 Email
2004	d'Yquem 1/2	3	150	450	** See Tony Gray 11/19/15 Email
2005	d'Yquem 1/2	4	339	1,354	** See Tony Gray 11/19/15 Email
76	d'Yquem	2	700	1,400	** See Tony Gray 11/19/15 Email
2008	d'Yquem	12	245	2,940	5/20/09 Amex Statement
Various	Other confirmed purchases*		4,495	4,495	Verbal confirm with Tony Gray 11/19/15
				\$ 13,252	

*Other unknown purchases confirmed by Tony Gray from Premier Cru 11/19/15. Mr Gray confirmed lifetime purchases of \$50,281.18, lifetime shipments of \$37,028.77 and wine in storage of \$5,817.81. The remaining balance includes a wine futures order of \$2,940 (case of 2008 d'Yquem) and additional purchases of \$4,494.60 which receipts too old to be obtained through creditor's credit card history.

** \$5,818 Secured claims held in storage at Debtor's facility. See 11/19/15 email from Tony Gray.

Ian Krochek

From: Izzy Hatke
Sent: Thursday, February 04, 2016 10:54 AM
To: Ian Krochek
Subject: FW: Premier Cru Account
Attachments: Lanasa_ship.pdf

From: Tony Gray <tony@premiercru.net> [mailto:tony@premiercru.net]
Sent: Thursday, November 19, 2015 3:34 PM
To: jlanasa@serengeti-am.com
Cc: ikrochek@serengeti-am.com
Subject: Premier Cru Account

Hello,

I've attached a list of all wines that we have shipped. Below is a list of wines that have not been shipped

11/28/2010	0000345976	40860	07 Kistler Chardonnay Hyde	\$79.99	4
11/28/2010	0000345976	40861	07 Kistler Chardonnay Kistler Vineyard	\$95.00	3
08/16/2011	0000361256	40915	04 Brunello di Montalcino Riserva, Fuligni	\$79.99	2
08/16/2011	0000361256	43004	06 Brunello di Montalcino, Valdicava	\$79.99	2
03/03/2006	0000218447	32462	04 d'Yquem	\$186.99	6
06/10/2005	0000190245	32463	04 d'Yquem 1/2	\$94.50	6
11/28/2010	0000345976	32463	04 d'Yquem 1/2	\$149.99	3
11/28/2010	0000345976	35093	05 d'Yquem 1/2	\$338.50	4
07/15/2010	0000340666	A1345	76 d'Yquem	\$699.99	2

let me know if you have any questions.

Best,

Tony Gray
[Premier Cru](#) - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 ([directions](#))
phone (510) 644-9463
fax (510) 647-3833
Tony@premiercru.net



**Centurion® Card
Statement of Account**

Prepared For
JOSEPH A LANASA III

Account Number

Closing Date
05/20/09

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**Membership Rewards®
Points Available**

at 05/20/09, when charges due are paid in full and all accounts are in good standing.

Previous Balance \$	Payment Activity \$	New Activity \$ Inc. Adjustments	New Balance \$

**Please Pay By
06/04/09**

Please refer to page 8
for important information
regarding your account

See Page 12 For A Notice Of Changes To The Membership Rewards Program Terms & Conditions

To manage your Card account online or to pay your bill, please visit us at www.americanexpress.com.
For additional contact information, please see the reverse side of this page.

Activity

* Indicates posting date

** Foreign Currency conversion rate
is base rate plus 2.7%. See page 2 for details.

Amount \$

05/13/09* ELECTRONIC PAYMENT RECEIVED-THANK

Due in Full Activity for JOSEPH A LANASA III

Foreign Spending

Amount \$

↓ Please fold on the perforation below, detach and return with your payment ↓

Do not staple or use paper clips

Payment Coupon

Account Number

Please Pay By:

Continued on Page 3

To Pay by Computer, visit:
americanexpress.com/pbc.

Enter account number on
all documents.
Make check payable to
American Express.



JOSEPH A LANASA III

Amount Due

See Finance Charges
section on reverse side for
a description of when
additional Finance
Charges are not assessed
on Features.

Mail Payment to:



AMERICAN EXPRESS
P.O. BOX 2855
NEW YORK NY 10116-2855

Check here if address or
phone number has
changed. Note changes on
reverse side.

☐



Prepared For
JOSEPH A LANASA III

Account Number

Closing Date
05/20/09

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Due in Full continued

** Foreign Currency conversion rate
is base rate plus 2.7%. See page 2 for details.

Foreign Spending

Amount \$

05/07/09	PREMIER CRU	510-655-6691	2,940.00
	LIQUOR STORE		