

**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 CaliforniaCase number: 16-40050

FILED

U.S. Bankruptcy Court  
Northern District of California

4/7/2016

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**

<b>1. Who is the current creditor?</b>	<u>Robert A. Schmidt</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>Robert Schmidt</u>
<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>Robert A. Schmidt</u>	_____
	Name	Name
	<u>PO Box 202, 124 West Oval Winter Harbor, ME 04693-0202</u>	
	Contact phone <u>773-677-3711</u>	Contact phone _____
	Contact email <u>gillybob@earthlink.net</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>	<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: _____
<b>7. How much is the claim?</b>	<div style="display: flex; justify-content: space-between;"><div><b>\$</b> 1719.96</div><div><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>4 bottles of wine ordered and paid for 5/23/13, not delivered (see attachments)</p>
<b>9. Is all or part of the claim secured?</b>	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</div> <div><b>Nature of property:</b> <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><b>Basis for perfection:</b> _____</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><b>Value of property:</b></div><div>\$ _____</div><div><b>Amount of the claim that is secured:</b></div><div>\$ _____</div><div><b>Amount of the claim that is unsecured:</b></div><div>\$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div> <div><div><b>Amount necessary to cure any default as of the date of the petition:</b></div><div>\$ _____</div><div><b>Annual Interest Rate</b> (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div></div>
<b>10. Is this claim based on a lease?</b>	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</div>
<b>11. Is this claim subject to a right of setoff?</b>	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div>

<b>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. <i>Check all that apply.</i>	<p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p>	<b>Amount entitled to priority</b>
		<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).	\$ 1719.96
		<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	\$ _____
* 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.			

### Part 3: Sign Below

<p><b>The person completing this proof of claim must sign and date it. FRBP 9011(b).</b></p> <p>If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</p> <p><b>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.</b></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>4/7/2016</u></p> <p style="text-align: center;">MM / DD / YYYY</p> <p><u>/s/ Robert Albert Schmidt</u></p> <p>Signature</p> <p>Print the name of the person who is completing and signing this claim:</p> <p>Name <u>Robert Albert Schmidt</u></p> <p style="text-align: center;">First name      Middle name      Last name</p> <p>Title _____</p> <p>Company _____</p> <p>Address <u>124 West Oval, PB202</u></p> <p style="text-align: center;">Identify the corporate servicer as the company if the authorized agent is a servicer</p> <p style="text-align: center;">Number Street Winter Harbor, ME 04693</p> <p style="text-align: center;">City State ZIP Code</p> <p>Contact phone <u>773-677-3711</u> Email <u>gillybob@earthlink.net</u></p>
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1011 University Avenue  
Berkeley, CA 94710

# Sales Order

Page: 1

Order Number: 0000413712

Order Date: 5/23/2013

Web Order No: 126688

Salesperson: JG

Customer: 44555

Customer PO:

Sold To	Ship To
Robert Schmidt 124 West Oval Winter Harbor, ME 04693 USA	Robert Schmidt 124 West Oval Winter Harbor, ME 04693 USA

Contact: Robert Schmidt  
Phone: (207) 963-7923

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
47220	09 Cote Rotie La Mouline, Guigal	4.00	0.00	429.99	1,719.96

				Net Order:	1,719.96
Payments: 1,719.96				Freight:	0.00
5/23/2013	VPFE8E853D80	*****0661	1,719.96	Sales Tax:	0.00
				USD	1,719.96

Payment Due Date 07/19/13 New Balance \$10,975.06 Past Due Amount \$0.00 Minimum Payment \$109.00

MileagePlus  
UNITED

Account number 0661

\$

Make your check payable to:  
Chase Card Services.  
Please write amount enclosed.  
New address or e-mail? Print on back.

11744 BEX Z 17313 C  
ROBERT A SCHMIDT  
PO BOX 202  
WINTER HARBOR ME 04693-0202



CARDMEMBER SERVICE  
PO BOX 15153  
WILMINGTON DE 19886-5153



MileagePlus  
UNITED

Manage your account online:  
[www.chase.com/united](http://www.chase.com/united)

Customer Service  
1-800-537-7783

Additional contact  
information on back

#### ACCOUNT SUMMARY

Account Number 0661  
Previous Balance \$9,605.77  
Payment, Credits -\$9,605.77  
Purchases +\$10,975.06  
Cash Advances \$0.00  
Balance Transfers \$0.00  
Fees Charged \$0.00  
Interest Charged \$0.00  
New Balance \$10,975.06

#### PAYMENT INFORMATION

New Balance \$10,975.06  
Payment Due Date 07/19/13  
Minimum Payment Due \$109.00

**Late Payment Warning:** If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$35.00 and your APR's will be subject to increase to a maximum Penalty APR of 29.99%.

**Minimum Payment Warning:** If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

Opening/Closing Date 05/23/13 - 06/22/13  
Credit Access Line \$45,000  
Available Credit \$34,724  
Cash Access Line \$9,140  
Available for Cash \$9,140

	If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	24 years	\$22,466	
\$371	3 years	\$13,372	(Savings=\$9,094)

If you would like information about credit counseling services, call 1-866-797-2885.

#### UNITED MILEAGEPLUS AWARD MILES SUMMARY

+ Miles earned from other purchases	6,573	Thank you for choosing the United MileagePlus Visa! Please visit <a href="http://www.united.com/chase">www.united.com/chase</a> to see all of your redemption options! 1-800-421-4655 (MileagePlus) 1-800-241-6522 (Reservations)
+ 2X Miles earned on United purchases	4,497	
+ 2X Miles gas stns, rstnts, grocery, hm impr	2,155	
+ Miles earned from Star Alliance purchases	2,155	
Total miles transferred to United	15,380	
Year-to-date miles earned on credit card	92,540	

Your United Mileage Plus Visa allows you to earn unlimited miles for your everyday spend! You earn 2 miles for every \$1 you spend at United Airlines - 2 miles for every \$1 spent on eligible purchases at home improvement stores, gas stations, grocery stores, and at restaurants - and, 1 mile for every \$1 you spend on all other purchases.

#### ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
<b>PAYMENTS AND OTHER CREDITS</b>		
06/19	Payment Thank You - Web	-9,605.77
<b>PURCHASES</b>		
05/23	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA	42.50
05/23	CLEONICE ELLSWORTH ME	81.65
05/24	HOMECLICK.COM 732-412-9605 NJ	940.52
05/23	PAYPAL *JBC ROASTER 402-935-7733 WI	44.97
05/23	PREMIER CRU 510-6449463 CA	1,719.96
05/24	ABEBOOKS.COM 800-615-5335 WA	300.00
05/23	SHELL OIL 57545810004 GOULDSBORO ME	61.75
05/23	THE WINE ADVOCATE INC 410-329-6477 MD	130.00
05/22	PAYPAL *ORVISCOMPAN 402-935-7733 VA	29.57
05/27	NEW YORK TIMES DIGITAL 800-698-4637 NY	7.50
05/27	ABEBOOKS.COM 800-315-5335 WA	154.00

This Statement is a Facsimile - Not an original

0000001 FIS33335 C 2  
0278 INS15630

000 N Z 22 13:06:22

Page 1 of 3

05058 MA MA 11744

17210000020001174401


**WEB MAIL**

gillybob@earthlink.net

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[Folders](#)
[Known spam \(0\)](#)
[INBOX \(7623\)](#)
[Drafts \(0\)](#)
[Sent \(1005\)](#)
[Trash \(0\)](#)
[Address Book](#)
[Preferences](#)
[Search Messages](#)
[Web Mail Help](#)
[Feedback](#)
[Sign Out](#)
**Message**
[« Back to Sent Search Results](#)
[Reply](#) [Reply All](#) [Forward...](#) [Print](#) [Delete](#) [Move to...](#) [More Actions...](#)
**From:** Robert Schmidt <gillybob@earthlink.net>

**To:** Tony Gray <tony@premiercru.net>

**Subject:** RE: Web Store Contact Us: Customer Service Question

**Date:** Oct 27, 2015 2:30 PM

**Attachments:** Premier Cru LaMouline 2009 copy.pdf

Hi Tony,

I last contacted you in May, and we agreed you could ship in October. I'm hoping you can now ship this order, now 2 1/2 y old:

Order # 0000413712 of 5/23/13 (attached).

Thanks for your help.  
The CC you have on file is outdated. Please call for new one 207-963-7923  
Bob Schmidt

-----Original Message-----

>From: Tony Gray <tony@premiercru.net>  
>Sent: May 18, 2015 2:22 PM  
>To: gillybob@earthlink.net  
>Subject: RE: Web Store Contact Us: Customer Service Question

>  
> Hello Robert,

>  
>We are sorry for the delay on your order. Typically we quote between  
>6-24 months for delivery on pre-arrival orders, and your order is  
>definitely taking longer than we anticipated. We expected these wines  
>to be here by now, but the port closures in California have set things  
>back a few months. We are, however, expecting these wines to arrive in  
>the next 60 days or so. I can put your order on a priority list to be  
>fulfilled with our next allotment. We understand your concern and  
>appreciate your patience. If you would no longer like to wait, I would  
>be more than happy to process a full refund to your credit. Let me know  
>what you would like to do.

>  
>Many thanks,

>  
>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

-----Original Message-----

>From: customer-service@premiercru.net  
>[mailto:customer-service@premiercru.net]  
>Sent: Sunday, May 17, 2015 7:46 AM  
>To: customer-service@premiercru.net  
>Cc: Robert Schmidt  
>Subject: Web Store Contact Us: Customer Service Question

>  
>Customer Service Question:  
>My order # 0000413712 of 5/23/13 is now 2 years old. When I placed the  
>order, I was told it would ship early 2014. If you are unable to fulfill  
>this order, please refund my payment. Thanks

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