

FILED

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA		PROOF OF CLAIM
Name of Debtor: FOX ORTEGA ENTERPRISES, INC. dba PREMIER CRU	Case Number: 16-40050-WJL	<div style="text-align: right; font-size: small;"> MAR 29 AM 9:55 U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO, CA 94105 </div>
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): JAMES E. WHIDDON		<div style="text-align: center; font-weight: bold; font-size: small;">COURT USE ONLY</div> <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ <i>(If known)</i> Filed on: _____
Name and address where notices should be sent: JAMES E. WHIDDON CPA 6499 N W 9th AVENUE; Suite 202 FORT LAUDERDALE, FL 33309-2079		
Telephone number: (954) 776-5393 email: JWHIDDON@BELLSOUTH.NET		
Name and address where payment should be sent (if different from above): SAME		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number: email:		
1. Amount of Claim as of Date Case Filed: \$ <u>4,802.07</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>CUSTOMER DEPOSITS - UNDELIVERED PURCHASES</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <div style="text-align: center; font-size: large;">7 0 5 7</div>	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: <div style="text-align: right;">\$ _____</div>		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____		Basis for perfection: _____
Value of Property: \$ _____		Amount of Secured Claim: \$ _____
Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
Amount entitled to priority:		
<input checked="" type="checkbox"/> 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).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)().
\$ <u>2,775.00</u>		
<small>*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☒ I am the creditor. ☐ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(See Bankruptcy Rule 3004.)

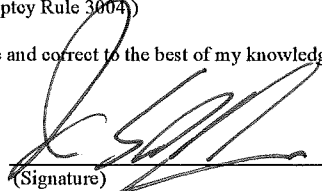
I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: JAMES E. WHIDDON

Title: _____

Company: _____

Address and telephone number (if different from notice address above):
SAME

(Signature) 

03/24/2016

(Date)

Telephone number: (954) 776-5393 email: JWHIDDON@BELLSOUTH.NET

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

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.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

James E. Whiddon CPA

Accounting & Loss Measurement Consulting

**6499 N.W. 9th Avenue (Powerline Road), Suite 202
Fort Lauderdale, Florida 33309-2079
(954) 776-5393 * (800) 776-5393 * Fax (954) 776-7845
E-Mail: jw@whiddoncpa.com**

March 24, 2016

United States Bankruptcy Court
Northern District of California
1300 Clay Street #300 (94612)
Post Office Box 2070
Oakland, California 94604-2070

RE: Fox Ortega Enterprises Inc. dba Premier Cru
Case No. 16-40050 WJL 7
Chapter 7

To Whom It Concerns:

Below is a list referencing 11 orders for products, beginning as early as November 2014 through August of 2015, which I paid for, but did not receive. I understand a chapter 7 bankruptcy was filed Friday, 1/8/16.

My understanding of this company's business model was long lead times for direct buying in Europe and multiple consolidation shipping to various warehouses throughout Europe and then to California for eventual delivery to customers. This model supposedly was used to create efficiency and cost savings which were passed on to customers.

Unfortunately, I didn't get the products and now they have filed chapter 7 bankruptcy.

They are as follows from their website January 14, 2016, totaling \$4,802.07:

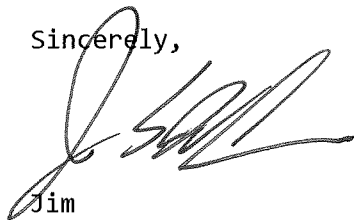
Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO-0000485756 (Open)	\$639.92	8	0	8	0	8/1/15
SO-0000482480 (Open)	\$399.92	8	0	8	0	6/28/15
SO-0000478756 (Open)	\$608.00	8	0	8	0	5/15/15
SO-0000477360 (Open)	\$152.06	6	0	6	0	4/26/15
SO-0000476955 (Open)	\$374.30	12	0	12	0	4/22/15
SO-0000476572 (Open)	\$227.94	6	0	6	0	4/18/15
SO-0000476014 (Open)	\$296.35	8	0	8	0	4/13/15
SO-0000475178 (Open)	\$359.88	12	0	12	0	4/4/15
SO-0000473421 (Open)	\$304.12	12	0	12	0	3/15/15
SO-0000473080 (Open)	\$479.76	24	0	24	0	3/13/15

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
<u>SO-0000461410</u> (Open)	\$959.82	18	0	18	0	11/17/14

I have attached a scanned copy of each order.

If you have questions, need additional information or wish to discuss this claim, please do not hesitate to call. My office is (954)776-5393 and my cell is (954)647-4242, which is the most likely way to reach me. I thank you for your assistance.

Sincerely,



Jim

JAMES E. WHIDDON CPA
6499 N.W. 9TH AVENUE (POWERLINE RD.)
SUITE #202
FT. LAUDERDALE, FL 33309-2079
PH #: 954-776-5393
800-776-5393
FAX #: 954-776-7845
Cell: 954-647-4242
E-MAIL: jw@whiddoncpa.com or
jwhiddon@bellsouth.net(Direct)

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000485756
Order Date: 8/1/2015
Web Order No: 181743
Salesperson:
Customer: 47057
Customer PO:

Sold To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Ship To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

Item	Ordered	Quantity Shipped	Unit Price	Amount
51265 2010 Brunello di Montalcino Tenuta Nuova, di Neri	8.00	0.00	79.99	639.92

Payments: 639.92

Net Order: 639.92

Freight: 0.00

Sales Tax: 0.00

8/2/2015	AU0AD64247C3	*****3319	639.92
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USD 639.92

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000482480

Order Date: 6/28/2015

Web Order No: 179069

Salesperson:

Customer: 47057

Customer PO:

Sold To	Ship To
James Whiddon 6499 N W 9th Avenue Suite 202 James E Whiddon CPA Fort Lauderdale, FL 33309 USA	James Whiddon 6499 N W 9th Avenue Suite 202 James E Whiddon CPA Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

Item	Ordered	Quantity Shipped	Unit Price	Amount
51670 2010 Brunello di Montalcino Montosoli, Altesino	8.00	0.00	49.99	399.92

Payments:	399.92	Net Order:	399.92
6/28/2015 AR0AC39E3708 *****3319 399.92		Freight:	0.00
		Sales Tax:	0.00
		USD	399.92

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000478756

Order Date: 5/15/2015

Web Order No: 176151

Salesperson: TG

Customer: 47057

Customer PO:

Sold To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Ship To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51553 2010 Brunello di Montalcino, Valdicava	8.00	0.00	76.00	608.00

Payments: 608.00

Net Order: 608.00

Freight: 0.00

Sales Tax: 0.00

5/15/2015 AT0AD2A40E29 *****3319 608.00

USD 608.00

6 San Polo Brunello 2010

Sales Order

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Page: 1

Order Number: 0000477360

Order Date: 4/26/2015

Web Order No: 175109

Salesperson:

Customer: 47057

Customer PO:

Sold To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Ship To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

Item	Ordered	Quantity Shipped	Unit Price	Amount
51985 2010 Brunello di Montalcino, San Polo	6.00	0.00	25.34	152.06

Payments: 152.06

Net Order: 152.06

Freight: 0.00

Sales Tax: 0.00

4/26/2015 AR0AC03DDD1C *****1313 152.06

USD 152.06

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000476955

Order Date: 4/22/2015

Web Order No: 174765

Salesperson: JJ

Customer: 47057

Customer PO:

Sold To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Ship To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51985 2010 Brunello di Montalcino, San Polo	12.00	0.00	31.19	374.30

Payments: 374.30

Net Order: 374.30

Freight: 0.00

Sales Tax: 0.00

USD 374.30

Sales Order

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Page: 1
Order Number: 0000476572
Order Date: 4/18/2015
Web Order No: 174469
Salesperson:
Customer: 47057
Customer PO:

Sold To	Ship To
James Whiddon 6499 N W 9th Avenue Suite 202 James E Whiddon CPA Fort Lauderdale, FL 33309 USA	James Whiddon 6499 N W 9th Avenue Suite 202 James E Whiddon CPA Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

Item	Ordered	Quantity Shipped	Unit Price	Amount
51300 2010 Brunello di Montalcino Poggio alle Mura, Banfi	6.00	0.00	37.99	227.94

				Net Order:	227.94
Payments: 227.94				Freight:	0.00
				Sales Tax:	0.00
4/19/2015	AT0AD12E0DBB	*****1313	227.94		
USD					227.94

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000476014

Order Date: 4/13/2015

Web Order No: 174066

Salesperson: JJ

Customer: 47057

Customer PO:

Sold To	Ship To
James Whiddon 6499 N W 9th Avenue Suite 202 James E Whiddon CPA Fort Lauderdale, FL 33309 USA	James Whiddon 6499 N W 9th Avenue Suite 202 James E Whiddon CPA Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51300 2010 Brunello di Montalcino Poggio alle Mura, Banfi	8.00	0.00	37.04	296.35

			Net Order:	296.35
Payments:	296.35			
			Freight:	0.00
4/14/2015	AL0AC1095277	*****1313	Sales Tax:	0.00
			USD	296.35



1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000475178

Order Date: 4/4/2015

Web Order No: 173372

Salesperson: BW

Customer: 47057

Customer PO:

Sold To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Ship To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
51986	2010 Brunello di Montalcino, Altesino	12.00	0.00	29.99	359.88

Payments: 359.88

Net Order: 359.88

4/6/2015 AU0ACFE234C1 *****1313 359.88

Freight: 0.00

Sales Tax: 0.00

USD 359.88

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

12 Tua Rita Giusto di Notri 2012 Sales Order

Page: 1

Order Number: 0000473421

Order Date: 3/15/2015

Web Order No: 171989

Salesperson: MR

Customer: 47057

Customer PO:

Sold To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Ship To

James Whiddon
6499 N W 9th Avenue
Suite 202
James E Whiddon CPA
Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51792 2012 Giusto di Notri, Tua Rita	12.00	0.00	25.34	304.12

Payments: 304.12

Net Order: 304.12

Freight: 0.00

Sales Tax: 0.00

3/17/2015 VXYACF2360AB *****1313 304.12

USD 304.12

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000473080

Order Date: 3/13/2015

Web Order No: 171675

Salesperson: PB

Customer: 47057

Customer PO:

Sold To	Ship To
James Whiddon 6499 N W 9th Avenue Suite 202 James E Whiddon CPA Fort Lauderdale, FL 33309 USA	James Whiddon 6499 N W 9th Avenue Suite 202 James E Whiddon CPA Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

Item	Ordered	Quantity Shipped	Unit Price	Amount
11877 09 Brunello di Montalcino, Il Poggione	24.00	0.00	19.99	479.76

Amounts:	479.76	Net Order:	479.76
3/2015 VXJACEF099F9 *****1313	479.76	Freight:	0.00
		Sales Tax:	0.00
		USD	479.76



1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000461410

Order Date: 11/17/2014

Web Order No: 162702

Salesperson: JG

Customer: 47057

Customer PO:

Sold To

James Whiddon
6499 N W 9th Avenue
Suite 202
Fort Lauderdale, FL 33309 USA

Ship To

James Whiddon
6499 N W 9th Avenue
Suite 202
Fort Lauderdale, FL 33309 USA

Contact: James E Whiddon
Phone: (954) 776-5393

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
49630	2010 Barolo Cannubi, E. Pira	12.00	0.00	59.99	719.88
16784	Bollinger Special Cuvee	6.00	0.00	39.99	239.94

Payments: 959.82

Net Order: 959.82

11/17/2014 VQFAB6A4EC9C *****1313 959.82

Freight: 0.00

Sales Tax: 0.00

USD 959.82