

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

4/10/2016

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>Richard Fabbro</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?	☒ No ☐ 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?	Where should payments to the creditor be sent? (if different)
	<u>Richard Fabbro</u>	_____
	Name	Name
	<u>38 Bretton Road</u>	_____
	<u>Scarsdale, NY 10583</u>	_____
	Contact phone <u>9143913707</u>	Contact phone _____
	Contact email <u>richfabbro@gmail.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?	☒ No ☐ 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?	☒ No ☐ 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?	\$ 67400.00 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 healthcare information. failure to deliver purchased goods															
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 <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>. ☐ 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.) <table style="width: 100%;"><tr><td style="width: 40%;">Value of property:</td><td style="width: 10%; text-align: center;">\$</td><td style="width: 50%; border-bottom: 1px solid black;"></td></tr><tr><td>Amount of the claim that is secured:</td><td style="text-align: center;">\$</td><td style="border-bottom: 1px solid black;"></td></tr><tr><td>Amount of the claim that is unsecured:</td><td style="text-align: center;">\$</td><td style="border-bottom: 1px solid black;"></td></tr></table> (The sum of the secured and unsecured amounts should match the amount in line 7.) <table style="width: 100%;"><tr><td style="width: 60%;">Amount necessary to cure any default as of the date of the petition:</td><td style="width: 10%; text-align: center;">\$</td><td style="width: 30%; border-bottom: 1px solid black;"></td></tr><tr><td>Annual Interest Rate (when case was filed)</td><td style="text-align: center;">%</td><td style="border-bottom: 1px solid black;"></td></tr></table> ☐ Fixed ☐ Variable	Value of property:	\$		Amount of the claim that is secured:	\$		Amount of the claim that is unsecured:	\$		Amount necessary to cure any default as of the date of the petition:	\$		Annual Interest Rate (when case was filed)	%	
Value of property:	\$															
Amount of the claim that is secured:	\$															
Amount of the claim that is unsecured:	\$															
Amount necessary to cure any default as of the date of the petition:	\$															
Annual Interest Rate (when case was filed)	%															
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. <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.	☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). ☐ 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). ☐ 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). ☐ 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)(<u> </u>) 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

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 4/10/2016
MM / DD / YYYY

/s/ Richard Fabbro

Signature

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

Name	<u>Richard Fabbro</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>38 Bretton Road</u>		
	Number Street		
	<u>Scarsdale, NY 10583</u>		
	City	State	ZIP Code
Contact phone	<u>9143913707</u>	Email	<u>richfabbro@gmail.com</u>

ORDER HISTORY

-
- Sort By
-

Order Number (Status)	Amount	Qty	Shipped	Remain	
SO-0000493066 (Open)	\$119.99	2	0	2	
SO-0000489192 (Open)	\$599.99	1	0	1	
SO-0000488766 (Open)	\$191.06	6	0	6	
SO-0000486389 (Open)	\$255.98	2	0	2	
SO-0000483027 (Open)	\$415.97	4	0	4	
SO-0000477642 (Open)	\$299.94	6	0	6	
SO-0000475978 (Open)	\$761.96	7	0	7	
SO-0000474949 (Open)	\$170.00	2	0	2	
SO-0000474312 (Open)	\$629.98	4	0	4	
SO-0000473432 (Open)	\$298.99	2	0	2	
SO-0000471831 (Open)	\$339.96	4	0	4	
SO-0000469503 (Open)	\$1,304.97	6	0	6	
SO-0000468441 (Open)	\$129.99	1	0	1	
SO-0000467475 (Open)	\$899.88	12	0	12	
SO-0000467278 (Open)	\$287.97	4	0	4	
SO-0000465973 (Open)	\$579.94	6	0	6	
SO-0000463707 (Open)	\$250.00	2	0	2	
SO-0000461706 (Open)	\$1,271.80	20	0	20	
SO-0000459842 (Open)	\$250.00	2	0	2	
SO-0000459541 (Open)	\$233.81	6	0	6	
SO-0000453825 (Open)	\$129.99	2	0	2	

Order Number (Status)	Amount	Qty	Shipped	Remain	
SO-0000451971 (Open)	\$89.98	2	0	2	
SO-0000448958 (Open)	\$166.39	2	0	2	
SO-0000448524 (Open)	\$199.98	2	0	2	
SO-0000443877 (Open)	\$1,081.40	15	0	15	
SO-0000442322 (Open)	\$540.00	12	0	12	
SO-0000440488 (Open)	\$239.96	4	0	4	
SO-0000438906 (Open)	\$7,199.84	16	0	16	
SO-0000438710 (Open)	\$299.98	2	0	2	
SO-0000437642 (Open)	\$339.98	2	0	2	
SO-0000437629 (Open)	\$239.97	4	0	4	
SO-0000437391 (Open)	\$7,769.52	48	0	48	
SO-0000436964 (Open)	\$1,367.82	18	0	18	
SO-0000435897 (Open)	\$159.98	2	0	2	
SO-0000434227 (Open)	\$5,179.86	14	0	14	
SO-0000427200 (Open)	\$5,399.88	12	0	12	
SO-0000427125 (Open)	\$2,699.94	6	0	6	
SO-0000422419 (Open)	\$199.96	4	0	4	
SO-0000415055 (Open)	\$927.94	14	0	14	
SO-0000414116 (Open)	\$191.94	6	0	6	
SO-0000409650 (Open)	\$2,579.94	6	0	6	
SO-0000409174 (Open)	\$5,159.88	12	0	12	
SO-0000408491 (Open)	\$210.00	6	0	6	
SO-0000408315 (Open)	\$399.96	4	0	4	
SO-0000407275 (Open)	\$971.76	24	0	24	

Order Number (Status)	Amount	Qty	Shipped	Remain	
SO-0000405409 (Open)	\$39.99	1	0	1	
SO-0000403886 (Open)	\$3,629.88	12	0	12	
SO-0000403762 (Open)	\$539.94	6	0	6	
SO-0000403541 (Open)	\$199.96	4	0	4	
SO-0000395519 (Open)	\$584.91	9	0	9	
SO-0000384717 (Open)	\$1,039.88	12	0	12	
SO-0000373790 (Open)	\$3,950.66	34	0	34	
SO-0000371321 (Open)	\$2,813.80	24	2	22	
SO-0000362473 (Open)	\$269.97	3	0	3	
SO-0000356625 (Open)	\$737.90	12	0	12	
SO-0000355498 (Open)	\$45.00	1	0	1	
SO-0000355497 (Open)	\$2,399.75	24	0	24	
SO-0000350631 (Open)	\$499.98	2	0	2	
SO-0000350630 (Open)	\$1,619.94	6	0	6	
SO-0000348810 (Open)	\$449.94	6	0	6	
SO-0000328140 (Open)	\$899.88	12	6	6	
SO-0000290172 (Open)	\$1,119.88	8	4	4	

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This is a word.pdf copy of web page from premiercru database summarizing my account. Site is

<file:///C:/Users/richard/Documents/vino/premcrubankruptcy/jan172016summary.html>

Premier Cru Account summary: Jan. 17 2016

wines available, value shown in "availvalue" column I were to have been shipped in December 2015.

Order	date	total amou	value ship	net owed	availvalue	netcashowed	if all wines shipped
493066	10/25/2015	119.99	0	119.99	0	119.99	
489192	9/4/2015	599.99	0	599.99	0	599.99	
488766	8/30/2015	191.06	0	191.06	0	191.06	
486389	8/7/2015	255.98	0	255.98	255.98	0	
483027	7/3/2015	415.97	0	415.97	0	415.97	
477642	5/1/2015	299.94	0	299.94	0	299.94	
475978	4/12/2015	761.96	0	761.96	9	752.96	
474949	4/3/2015	170	0	170	170	0	
474312	3/27/2015	629.98	0	629.98	250	379.98	
473432	3/15/2015	298.99	0	298.99	0	298.99	
471331	2/28/2015	339.96	0	339.96	339.96	0	
469503	2/8/2015	1304.97	0	1304.97	0	1304.97	
458441	1/31/2015	129.99	0	129.99	0	129.99	
467475	1/21/2015	899.88	0	899.88	0	899.88	
467278	1/18/2015	287.97	0	287.97	0	287.97	
465973	12/31/2014	579.94	0	579.94	139.98	439.96	
463707	12/8/2014	250	0	250	250	0	
461706	11/21/2014	1271.8	0	1271.8	791.88	479.92	
459842	11/1/2014	250	0	250	250	0	
459541	10/29/2014	233.81	0	233.81	283.81	-50	
453825	8/28/2014	129.99	0	129.99	0	129.99	
451971	8/8/2014	89.98	0	89.98	89.98	0	
448958	7/4/2014	166.39		166.39	166.39	0	
448524	6/28/2014	199.98		199.98	0	199.98	
443877	4/29/2014	1081.4		1081.4	0	1081.4	
442322	4/14/2014	540	0	540	0	540	
440488	Mar-14	239.96	0	239.96	0	239.96	
438906	3/5/2014	7199.84	0	7199.84	0	7199.84	
438710	3/1/2014	299.98	0	299.98	299.98	0	
437642	2/17/2014	339.98	0	339.98	0	339.98	
437629	2/16/2014	239.97	0	239.97	239.97	0	
437391	2/14/2014	7769.52	0	7769.52	509.94	7259.58	
436964	2/9/2014	1367.82	0	1367.82	0	1367.82	
435897	1/28/2014	159.98	0	159.98	0	159.98	
434227	1/15/2014	5179.86	0	5179.86	0	5179.86	
427200	11/6/2013	5399.88	0	5399.88	0	5399.88	
437125	11/5/2013	2699.94	0	2699.94	0	2699.94	
422419	9/7/2013	199.96	0	199.96	199.96	0	
415055	6/7/2013	927.94	0	927.94	927.94	0	
414116	5/24/2013	191.94	0	191.94	191.94	0	

409174	4/3/2013	429.99	0	429.99	0	429.99
409650	4/6/2013	2579.94	0	2579.94	0	2579.94
408491	3/26/2013	210	0	210	210	0
408315	3/23/2013	399.96	0	399.96	0	399.96
407275	3/10/2013	971.76	0	971.76	53.97	917.79
405409	2/17/2013	39.99	0	39.99	39.99	0
403886	2/1/2013	3639.88	0	3639.88	299.97	3339.91
403762	1/30/2013	539.94	0	539.94	539.94	0
403541	1/26/2013	199.96	0	199.96	199.96	0
395519	10/26/2012	584.91	0	584.91	359.94	224.97
384717	6/22/2012	1039.88	0	1039.88	1039.88	0
371321	2/5/2012	3950.66	0	3950.66	2630.7	1319.96
373790.00	1/6/2012	2813.8	999.98	1813.82	1393.88	419.94
362473	9/7/2011	269.97	0	269.97	269.97	0
346625	5/24/2011	737.9	0	737.9	737.9	0
355498	5/6/2011	45	0	45	45	0
355497	5/6/2011	2399.75	0	2399.75	2039.86	359.89
350631	2/12/2011	499.98	0	499.98	499.98	0
350630	2/12/2011	1619.94	0	1619.94	1619.94	0
348810	1/16/2011	449.94	0	449.94	449.94	0
328140	11/13/2009	899.98	479.94	420.04	419.94	0.1
290172	2/19/2008	1119.88	279.96	839.92	479.96	359.96
				67399.62	18697.43	48702.19