

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc.

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050

FILED  
2016 MAR 31 PM 12:23  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

Official Form 410

Proof of Claim

12/15

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>Amy Wong</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>Amy W Y Wong, Amy W Wong</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>Amy Wong</u> Name <u>101 Lombard St, #914W</u> Number Street <u>San Francisco</u> <u>CA</u> <u>94111</u> City State ZIP Code  Contact phone <u>408-806-1522</u>  Contact email <u>ames_wong@yahoo.com</u>	Where should payments to the creditor be sent? (if different)  _____ Name _____ Number Street _____ City State ZIP Code  Contact phone _____  Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
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? ☒ 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? \$ 4,659.39. 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 health care information.  
Goods sold and requested refund was never received.

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 *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ 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.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
☐ Fixed  
☐ Variable

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)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- ☒ No  
☐ Yes. Check one:

- ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  
☐ 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).  
☐ Wages, salaries, or commissions (up to \$12,475\*) 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)( ) that applies.

**Amount entitled to priority**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/16 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 3/24/2016  
MM / DD / YYYY

Signature

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

Name	AMY	WING YEE	WONG
	First name	Middle name	Last name
Title	_____		
Company	_____		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	101 LOMBARD ST, #914W		
	Number	Street	
	SAN FRANCISCO		CA 94111
	City	State	ZIP Code
Contact phone	408-806-1522		Email ames_wong@yahoo.com

**Subject:** Re: My wine orders  
**From:** Amy Wong (ames\_wong@yahoo.com)  
**To:** whitney@premiercru.net;  
**Date:** Tuesday, December 29, 2015 8:18 AM

Hi Whitney,

Many thanks for your help. I understand you said you don't know how long it will take to process the check. Will this be days? Weeks? Months? Is there anyone else I can contact to follow up?

There are PC's customers reporting bounced refund checks in some discussion forums. Hence I am a bit concern.

I am sure you are dealing with a lot of anxious customers. Again, really appreciate your help and patience here.

Thank you.  
Amy

On Monday, December 28, 2015 3:30 PM, Whitney Jacobson <whitney@premiercru.net> wrote:

Amy,

Thanks, I've updated that info in your account and on the refund task. As this is multiple items over several years, we can only refund to check.

Whitney

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**From:** Amy Wong [mailto:ames\_wong@yahoo.com]  
**Sent:** Monday, December 28, 2015 1:16 PM  
**To:** Whitney Jacobson  
**Subject:** Re: My wine orders

Hi Whitney,

Thank you for your response. Actually I moved recently. I've updated this on my online profile.

My current address is 101 Lombard St., 914W, San Francisco, CA 94111.

Can you please use this address instead? Or can I come to the store and pick up the check when it's ready?

Or will it be possible to credit this back to my AMEX credit card used for the purchase?

Really appreciate your help.

Thank you.  
Amy

On Monday, December 28, 2015 12:50 PM, Whitney Jacobson <whitney@premiercru.net> wrote:

Amy,

I have initialized the refund for all outstanding orders as seen below, but the final total will be more as the total below does not include sales tax. We will mail the check to the 228 Carlester Dr address on file. I don't have an idea of when this would be completed, all I can do is get it on motion.

Thanks,

Whitney

07/20/2013	0000418937	48150	Geoffroy Brut Expression	\$26.99	6	\$161.94
07/13/2013	0000418024	48077	04 Dom Perignon	\$99.99	4	\$399.96
05/24/2013	0000413952	47843	04 Pol Roger Brut Rose	\$59.99	6	\$359.94
03/30/2013	0000408934	43048	04 Roederer Cristal	\$139.99	4	\$559.96
05/08/2013	0000412416	43937	2010 Clinet	\$99.99	3	\$299.97
05/03/2013	0000411851	44048	2010 Cos d'Estournel	\$149.99	4	\$599.96
05/03/2013	0000411851	43952	2010 d'Issan	\$49.99	6	\$299.94
04/27/2013	0000411199	34526	05 La Fleur de Gay	\$69.99	4	\$279.96
05/08/2013	0000412416	43924	2010 Leoville Barton	\$89.99	4	\$359.96
05/08/2013	0000412416	43900	2010 Les Asteries	\$59.99	4	\$239.96
05/03/2013	0000411851	47429	2010 Marjallia	\$59.99	4	\$239.96
05/03/2013	0000411851	43962	2010 Pichon Lalande	\$129.99	4	\$519.96
03/23/2013	0000408262	47430	2010 Rauzan Segla	\$69.99	2	\$139.98
04/27/2013	0000411199	47708	2010 Chateauneuf Domaine de Terre Ferme, Jaboulet	\$32.99	6	\$197.94
						<b>\$4,659.39</b>

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**From:** Amy Wong [mailto:ames\_wong@yahoo.com]

**Sent:** Thursday, December 24, 2015 3:46 PM

**To:** Whitney Jacobson

**Subject:** My wine orders

Hi,

I had picked up the wine from you yesterday day at Premier Cru and you provide me your email.  
Thank you for your help.

I'd like to cancel the balance or my orders and get a refund. Will you be able to help me with that?

It seems that there's no one I can actually talk to about this.

Thank you.

Amy