

FILED

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U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO, CA

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

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>Michael R. Blum</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?	<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>Michael R. Blum</u> Name <u>201 Third Street, 2nd Floor</u> Number Street <u>San Francisco</u> <u>CA</u> <u>94103</u> City State ZIP Code Contact phone <u>(415) 342-1619</u> Contact email <u>michael.blum@stanfordalumni.org</u>	Where should payments to the creditor be sent? (if different) <u>Michael R. Blum</u> Name <u>533 Boulevard Way</u> Number Street <u>Piedmont</u> <u>CA</u> <u>94610</u> City State ZIP Code Contact phone <u>(415) 342-1619</u> Contact email <u>michael.blum@stanfordalumni.org</u>	
	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? \$ 7,311.60. 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.

Creditor, Michael R. Blum, is a customer of Debtor, a wine merchant over the course of 2007-2015. Creditor paid for various wines. However, Debtor has not provided the wine.

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).

Amount entitled to priority

\$ _____

☐ 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.

\$ _____

* 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 03/28/2016

MM / DD / YYYY

Signature

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

Name Michael R. Blum
First name Middle name Last name

Title _____

Company _____

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

Address 201 Third Street, 2nd Floor

Number Street

San Francisco CA 94103

City State ZIP Code

Contact phone (415) 342-1619 Email michael.blum@stanfordalumni.org

Chase Dispute Department
Fax: 888-643-9624

Account Holder: Michael Blum
Account Number: 4147 2022 2080 3132
Contact: 415-342-1619 / michael.blum@stanfordalumni.org

Merchant: Premier Cru
Amount in Dispute: \$6,185.45

The below were advance wine purchases of wine from Premier Cru that I was expecting to be delivered at some point in the future
Expected Delivery: by October 2015

When I spoke with the merchant on November 5, 2015 they said these wines should have arrived by October 2015

The merchant has been written up in the news over the last few months for failing to deliver wine to customers

http://www.mercurynews.com/crime-courts/ci_29262919/berkeley-embattled-premier-cru-wine-store-becoming-online

Appx Purchase Date	Wine	Vintage	Per Btl	#	Total	+Tax = 9.0%	Current Lowest Market Price	#	Total	+Tax = 9.0%
6/8/2006	Malescot St. Exupery	2005	\$ 64.99	4	\$ 259.96	\$ 283.36	\$125.00	4	\$ 500.00	\$ 545.00
6/22/2007	Paul Coulon & Fils (Beaurenard), Boisrenard	2005	\$ 64.99	3	\$ 194.97	\$ 212.03	\$59.99	3	\$ 179.97	\$ 196.17
12/12/2007	Paul Coulon & Fils (Beaurenard), Boisrenard	2005	\$ 64.99	3	\$ 194.97	\$ 212.03	\$59.99	3	\$ 179.97	\$ 196.17
1/4/2012	Coutet 1/2	2009	\$ 35.99	4	\$ 143.96	\$ 156.92	\$35.99	4	\$ 143.96	\$ 156.92
8/7/2012	Croix de Labrie	2010	\$ 55.00	1	\$ 55.00	\$ 59.95	\$79.99	1	\$ 79.99	\$ 87.19
11/2/2012	Avril Chateaufneuf Clos des Papes	2010	\$ 95.00	2	\$ 190.00	\$ 206.63	\$139.99	2	\$ 279.98	\$ 305.18
11/26/2012	La Fleur de Bouard 1/2	2009	\$ 16.99	6	\$ 101.94	\$ 110.86	\$24.82	6	\$ 148.92	\$ 162.32
12/5/2012	Chateaufneuf Mon Aleul, P. Usseglio	2010	\$ 79.99	2	\$ 159.98	\$ 174.44	\$79.94	2	\$ 159.88	\$ 174.27
12/5/2012	Chateaufneuf Cuvee Reine des Bois, Mordoree	2010	\$ 75.00	2	\$ 150.00	\$ 163.50	\$114.99	2	\$ 229.98	\$ 250.68
7/8/2013	Maurodos, Bodegas y Vinados	2009	\$ 31.99	2	\$ 63.98	\$ 69.74	\$59.17	2	\$ 118.34	\$ 128.99
1/7/2014	La Lagune	2010	\$ 56.00	3	\$ 168.00	\$ 183.34	\$54.95	3	\$ 164.85	\$ 179.69
1/16/2014	amoux, nuit st , poissets	2012	\$ 45.00	2	\$ 90.00	\$ 98.10	\$69.99	2	\$ 139.98	\$ 152.58
2/8/2014	Canon Lagaffeliere	2010	\$ 99.00	2	\$ 198.00	\$ 217.98	\$108.00	2	\$ 216.00	\$ 235.44
2/25/2014	Clos des Papes Magnum	2001	\$ 189.99	1	\$ 189.99	\$ 207.09	\$232.99	1	\$ 232.99	\$ 253.96
6/21/2014	Barolo. Contemo "Cicala"	2010	\$ 99.99	2	\$ 199.98	\$ 217.98	\$149.99	2	\$ 299.98	\$ 326.98
6/21/2014	Barolo. Contemo "Colonnello"	2010	\$ 79.99	2	\$ 159.98	\$ 174.38	\$129.98	2	\$ 259.96	\$ 283.36
7/30/2014	Barolo, Vigna Chiniera, Grasso	2010	\$ 84.99	9	\$ 764.91	\$ 833.75	\$84.99	9	\$ 764.91	\$ 833.75
7/30/2014	Barolo, Bric de Fiasc, Scavino	2010	\$ 84.99	3	\$ 254.97	\$ 277.92	\$99.99	3	\$ 299.97	\$ 326.97

10/31/2014	Bosquet des Papes, Chateaufeuf a la Gloire de mon Grand Pere	2012	\$ 47.99	2	\$ 95.98	\$ 104.62	\$57.99	2	\$ 115.98	\$ 126.42
10/31/2014	Bosquet des Papes, Chateaufeuf Chante le Merle V.V.	2012	\$ 49.99	2	\$ 99.98	\$ 108.98	\$57.99	2	\$ 115.98	\$ 126.42
12/4/2014	Fulligni Brunello	2010	\$ 59.99	2	\$ 119.98	\$ 130.78	\$59.99	2	\$ 119.98	\$ 130.78
12/4/2014	La Ragnale Brunello	2010	\$ 59.99	2	\$ 119.98	\$ 130.78	\$59.99	2	\$ 118.18	\$ 128.82
12/4/2014	Casanova di Neri Tenuta Nuova (ordered 1 then 3) brunello	2010	\$ 79.99	1	\$ 79.99	\$ 87.19	\$82.99	1	\$ 82.99	\$ 90.46
12/5/2014	Casanova di Neri Tenuta Nuova (ordered 1 then 3) brunello	2010	\$ 79.99	3	\$ 239.97	\$ 261.57	\$82.99	3	\$ 248.97	\$ 271.38
1/21/2015	Pacenti Brunello	2010	\$ 79.99	3	\$ 239.97	\$ 261.57	\$38.75	3	\$ 116.25	\$ 126.71
1/21/2015	Sassetti, Livio (Pertimali) Brunello	2010	\$ 74.99	3	\$ 224.97	\$ 245.22	\$54.99	3	\$ 164.97	\$ 179.82
1/21/2015	Palazzo Brunello	2010	\$ 45.00	3	\$ 135.00	\$ 147.15	\$54.99	3	\$ 164.97	\$ 179.82
4/4/2015	Poggio San Polo Brunello	2010	\$ 29.99	6	\$ 179.94	\$ 196.13	\$51.69	6	\$ 310.14	\$ 339.60
5/4/2015	Fourtet	2012	\$ 49.99	2	\$ 99.98	\$ 109.48	\$35.00	2	\$ 70.00	\$ 76.65
6/29/2015	Pape Clement	2005	\$ 125.00	3	\$ 375.00	\$ 410.63	\$160.00	3	\$ 480.00	\$ 523.20
10/25/2015	Colombini, Donatella Cinelli, Progetto Prime Donne	2010	\$ 29.99	4	\$ 119.98	\$ 131.38	\$49.30	4	\$ 197.20	\$ 215.93
						\$ 6,185.45				\$ 7,311.60
REFUND								REPLACEMENT		