

UNITED STATES BANKRUPTCY COURT Northern District of California		PROOF OF CLAIM
Name of Debtor: Fox Ortega Enterprises, Inc.	Case Number: 16-40050	<div style="font-size: 2em; transform: rotate(-15deg); opacity: 0.5;">FILED</div> <div style="font-size: 1.5em; transform: rotate(-15deg); opacity: 0.5;">APR 4 2016</div> <div style="font-size: 1.2em; transform: rotate(-15deg); opacity: 0.5;">BANKRUPTCY COURT OAKLAND, CALIFORNIA</div> <div style="font-size: 1.2em; transform: rotate(-15deg); opacity: 0.5;">Q. 520-M</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): Mina Farbood		
Name and address where notices should be sent: 200 West 86th Street, Apt. 12C, New York, NY 10024		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ <i>(If known)</i> Filed on: _____
Telephone number: (212) 579-7531 email: mfarbood@gmail.com		
Name and address where payment should be sent (if different from above): Telephone number: email:		<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.
1. Amount of Claim as of Date Case Filed: \$ <u>5,900.00</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 for pre-arrival wines.</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <div style="text-align: center; font-size: 1.2em;">2 8 2 4</div>	3a. Debtor may have scheduled account as: <div style="text-align: center;">N/A</div> (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.		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ 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).
<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)(____).
		Amount entitled to priority: \$ <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: My online account with the debtor has the most update-to-date information about what has actually been delivered, but I'm unable to access my

8. Signature: (See instruction #8)

account.

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.
(See Bankruptcy Rule 3004.)

☐ I am a guarantor, surety, indorser, or other codebtor.
(See Bankruptcy Rule 3005.)

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: Mina Farbood

Title: _____

Company: _____

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


(Signature)

3/31/16
(Date)

Mina Farbood

Telephone number: _____

email: _____

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.

DEFINITIONS**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

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

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of 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.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.



Mina Farbood <mfarbood@gmail.com>

Premier Cru Order Acknowledgement

Premier Cru <shipping@premiercru.net>
To: mfarbood@gmail.com

Tue, Apr 3, 2012 at 11:31 AM

Thank you for your order!

We have received your order request SO-0000378274-94243.

qty	item	Wine	price	ext	status
1	41693	2009 Pichon Lalande (pre-arrival)	169.99	169.99	pre-arrival
2	41676	2009 Pichon Baron (pre-arrival)	149.99	299.98	pre-arrival
1	45106	2008 Malescot St Exupery 6 Liter	525.00	525.00	in stock
1	41531	2009 Pontet Canet (pre-arrival)	249.99	249.99	pre-arrival
1	41552	2009 Branaire Ducru (pre-arrival)	74.99	74.99	pre-arrival
1	41382	2009 Duhart Milon Rothschild (pre-arrival)	139.99	139.99	pre-arrival
1	41607	2009 Brane Cantenac (pre-arrival)	69.99	69.99	pre-arrival
1	41570	2009 Malescot St Exupery (pre-arrival)	109.99	109.99	pre-arrival
1	41539	2009 Grand Puy Lacoste (pre-arrival)	79.99	79.99	pre-arrival
1	41565	2009 Lynch Bages (pre-arrival)	179.99	179.99	pre-arrival
1	45688	2009 Giscours (pre-arrival)	64.99	64.99	pre-arrival
1	41639	2009 Lascombes (pre-arrival)	79.95	79.95	pre-arrival

Bottles : 13

Subtotal: 2044.84

Shipping: 0.00

Tax : 0.00

Total : 2044.84

Please call 917-439-1547 regarding shipping of the 6L bottle. Thanks!

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

Premier Cru
1011 University Avenue
Berkeley, CA 94710
(510) 644-9463



Mina Farbood <mfarbood@gmail.com>

RE: Sold Out Web Order # 116626 from Mina Farbood

Premier Cru <sales@premiercru.net>

Sat, Dec 15, 2012 at 6:24 PM

To: mfarbood@gmail.com

Hello Mina,

Thank you for your order. Unfortunately another web order came in just as you were placing this order on the website, and we have sold out of both the 2011 Cos d'Estournel and the 2011 Leoville Poyferre, sorry. All other wines are still available. I have e-mailed the order under separate cover. Thanks for your business.

Regards,

James Gillerman

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James Gillerman
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: james@premiercru.net
Web: www.premiercru.net

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

From: Premier Cru
Sent: Saturday, December 15, 2012 3:16 PM
To: Premier Cru
Subject: Sold Out Web Order # 116626 from Mina Farbood

Order Number: 116626
Placed: Dec 15 2012 3:17PM
Cust Name: Mina Farbood
Email Address: mfarbood@gmail.com
Cust Id: 42824
Order No: SO-0000399667
Order Status: Verify

Billing Address:

Mina Farbood
311 West 72nd Street
Apt. B
New York, NY 10023

Day Phone: 917-439-1547
Eve Phone:
Cel Phone:

Shipping Address:

Day Phone: 0

Eve Phone: 0

Cel Phone: 0

Ship Via: HOLD

Payment: 2005

Name on Card: Mina M. Farbood

qty	item	Wine	price
ext	status		
1	46049	2011 Cos d'Estournel	69.99
69.99	pre-arrival		
2	46047	2011 Clinet	49.99
99.98	pre-arrival		
1	46039	2011 Haut Brion	249.99
249.99	pre-arrival		
1	46060	2011 Lynch Bages	59.99
59.99	pre-arrival		
1	46089	2011 Latour	279.99
279.99	pre-arrival		
1	46062	2011 Malescot St Exupery	47.99
47.99	pre-arrival		
2	46156	2011 Leoville las Cases	79.99
159.98	pre-arrival		
1	46040	2011 Mouton Rothschild	249.99
249.99	pre-arrival		
1	46059	2011 Leoville Poyferre	49.99
49.99	pre-arrival		
1	46042	2011 Angelus	125.00
125.00	pre-arrival		

Bottles : 12

Subtotal: 1392.89

Shipping: 0.00

Tax : 0.00

Total : 1392.89

Can't wait!

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

Premier Cru
1011 University Avenue
Berkeley, CA 94710
(510) 644-9463



Mina Farbood <mfarbood@gmail.com>

Premier Cru Order Acknowledgement

Premier Cru <shipping@premiercru.net>
To: mfarbood@gmail.com

Thu, Dec 27, 2012 at 5:51 PM

Thank you for your order!

We have received your order request SO-0000400486-117153.

qty	item	Wine	price	ext	status
2	44110	2010 Leoville las Cases	169.99	339.98	pre-arrival
2	43927	2010 Montrose	149.99	299.98	pre-arrival
1	43880	2010 Calon Segur	69.99	69.99	pre-arrival
2	43885	2010 Leoville Poyferre	89.99	179.98	pre-arrival
1	43869	2010 Le Gay	89.99	89.99	pre-arrival
2	43954	2010 Branaire Ducru	59.99	119.98	pre-arrival
2	44048	2010 Cos d'Estournel	149.99	299.98	pre-arrival

Bottles : 12
Subtotal: 1399.88
Shipping: 0.00
Tax : 0.00
Total : 1399.88

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

Premier Cru
1011 University Avenue
Berkeley, CA 94710
(510) 644-9463



Mina Farbood <mfarbood@gmail.com>

Premier Cru Order Acknowledgement

Premier Cru <shipping@premiercru.net>

Sun, Nov 24, 2013 at 1:27 PM

To: mfarbood@gmail.com

Thank you for your order!

We have received your order request SO-0000428757-137953.

qty	item	Wine	price	ext	status
1	47891	2012 Domaine de Chevalier	44.99	44.99	pre-arrival
1	47657	2012 Mouton Rothschild	275.00	275.00	pre-arrival
2	47895	2012 Cos d'Estournel	79.99	159.98	pre-arrival
2	47896	2012 Pontet Canet	59.99	119.98	pre-arrival

Bottles : 6

Subtotal: 599.95

Shipping: 0.00

Tax : 0.00

Total : 599.95

Please call when ready to ship -- 917-439-1547. Thanks!

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

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1011 University Avenue
Berkeley, CA 94710
(510) 644-9463



Mina Farbood <mfarbood@gmail.com>

Premier Cru Order Acknowledgement

Premier Cru <shipping@premiercru.net>

Sun, Nov 24, 2013 at 1:51 PM

To: mfarbood@gmail.com

Thank you for your order!

We have received your order request SO-0000428761-137958.

qty	item	Wine	price	ext	status
1	43864	2010 Pontet Canet	195.00	195.00	pre-arrival
2	44145	2010 Dames de Montrose	44.99	89.98	pre-arrival

Bottles : 3

Subtotal: 284.98

Shipping: 0.00

Tax : 0.00

Total : 284.98

Please ship together with my other 2010 futures order. Thanks!

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.
-----Premier Cru
1011 University Avenue
Berkeley, CA 94710
(510) 644-9463



Mina Farbood <mfarbood@gmail.com>

Premier Cru Order Acknowledgement

Premier Cru <shipping@premiercru.net>

Sun, Nov 24, 2013 at 1:54 PM

To: mfarbood@gmail.com

Thank you for your order!

We have received your order request SO-0000428763-137961.

qty	item	Wine	price	ext	status
2	46071	2011 Pontet Canet	89.99	179.98	pre-arrival

Bottles : 2

Subtotal: 179.98

Shipping: 0.00

Tax : 0.00

Total : 179.98

Please ship together with my other 2011 futures order. Thanks!

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

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