

**Fill in this information to identify the case:**

Debtor 1 Fox Ortega Enterprises Inc. dba PREMIER CRU,

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

United States Bankruptcy Court for the: Northern District of California Oakland Division

Case number 16-40050 WJL 7

FILED  
2016 APR -5 AM 10:21  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CAL.  
OAKLAND, CA.

## 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>Daniel Cheng</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?	Where should notices to the creditor be sent? <u>Daniel Cheng</u> Name <u>29 Blueridge Place N.W.</u> Number Street <u>Calgary, Alberta, Canada, T3L 2N5</u> City State ZIP Code Contact phone <u>403-7039708</u> Contact email <u>tudorhms@gmail.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) 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: 8 5 0 9

7. How much is the claim? \$ 4,903.75. 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 Purchased

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)?

☐ No

☒ Yes. Check one:

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 \$2,775\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ 2,775.00

☐ 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 27 2016  
MM / DD / YYYY

Signature

DANIEL CHENG

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

Name

Daniel

First name

Middle name

Cheng

Last name

Title

Company

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

Address

29 Blueridge Place N.W.

Number

Street

Calgary, Alberta, Canada

City

State

T3L 2N5

ZIP Code

Contact phone

403-7039708

Email

tudorhms@gmail.com

# PREMIER CRU

5890 CHRISTIE AVENUE  
EMERYVILLE, CA 94608  
(510)655-6691 FAX(510)547-5405

## Sales Order

Page: 1

Order Number: 0000324112  
Order Date: 9/14/2009  
Change Order: 0  
Confirm No:  
Salesperson: JG  
Customer: 38509  
Customer PO: 61014

### Sold To

Daniel ~~\_\_\_\_\_~~  
~~28111111111111111111~~  
Calgary, ~~\_\_\_\_\_~~ CAN

### Ship To

Kar ~~\_\_\_\_\_~~  
~~16161616161616161616~~ Foley Court  
(403) ~~\_\_\_\_\_~~  
Portland, ~~\_\_\_\_\_~~ USA

Contact: Daniel ~~\_\_\_\_\_~~  
Phone: (403) ~~\_\_\_\_\_~~

This order has been paid by American Express - Thank You!

**\* Never Receive.**

Item	Ordered	Quantity Shipped	Unit Price	Amount
✓ 40033 08 Pavie ✓	1.00	0.00	144.95	144.95
✓ 40037 08 Ausone ✓	1.00	0.00	995.00	995.00
✓ 39977 08 Palmer ✓	1.00	0.00	145.00	145.00
✓ 39926 08 Lafite Rothschild ✓	2.00	0.00	429.99	859.98
✓ 40000 08 Troplong Mondot ✓	2.00	0.00	79.99	159.98
✓ 39925 08 Mouton Rothschild ✓	1.00	0.00	209.99	209.99
✓ 40013 08 Ducru Beaucaillou ✓	2.00	0.00	89.99	179.98
✓ 39994 08 Cos d'Estournel ✓	1.00	0.00	98.99	98.99
✓ 39928 08 Pichon Lalande ✓	1.00	0.00	79.99	79.99
✓ 39989 08 Pontet Canet ✓	2.00	0.00	79.99	159.98
✓ 39961 08 Haut Brion ✓	2.00	0.00	239.99	479.98
✓ 40032 08 Leoville las Cases ✓	1.00	0.00	119.99	119.99
✓ 39927 08 Margaux ✓	2.00	0.00	249.99	499.98
✓ 40036 08 Cheval Blanc ✓	1.00	0.00	449.95	449.95
✓ 38735 06 Cheval Blanc ✓	1.00	0.00	499.99	499.99

~~0.5 Angelus #128~~  
~~0.5 L'Evangile #128~~  
~~0.5 Tigeac #128~~  
~~0.5 d'Yquem #128~~  
~~0.5 d'Yquem #128~~

only received  
these two Bottles

Payments: 5,083.73

Net Order: 5,083.73  
Discount: 0.00  
Freight: 0.00  
Sales Tax: 0.00

9/14/2009	VQFE4AD3F7A8	*****7000	5,083.73
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USD 5,083.73

Name: Daniel  
Date of Birth: xxxx56  
Canada Social Insurance No. xxxxx56  
Individual's Tax ID No. (not applicable)

March 14, 2016

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

Proof of Claim - Re: Summary

1. A redacted copy of Sale Order #0000324112 dated September 14, 2009 is attached. As such, I purchased 21 bottles of wines in the total amount of USD5,083.73 which was paid by American Express Card;
2. My Customer No. with the Debtor is 38509.
3. The debtor was delivered two bottles of 08 Ducru Beaucaillou to me since the order has been placed. However, the balance of 19 bottles of wines never been received from the debtor.



Signature

Name: Daniel  
Date of Birth: xxxx56  
Canada Social Insurance No. xxxxx9289  
Individual's Tax ID No. – not applicable