


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 WLJ 7

LM 4:19 PM
FILED
APR 7 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

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>Jack Folbe</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small> <small>Other names the creditor used with the debtor</small> _____	
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? <small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small>	Where should notices to the creditor be sent? <u>Craig E. Zucker, Esq.</u> <small>Name</small> <u>400 Galleria Officentre, Ste. 444</u> <small>Number Street</small> <u>Southfield MI 48034</u> <small>City State ZIP Code</small> <small>Contact phone</small> <u>248-827-4100</u> <small>Contact email</small> <u>czucker@ermanteicher.com</u>	Where should payments to the creditor be sent? (if different) <small>Name</small> _____ <small>Number Street</small> _____ <small>City State ZIP Code</small> _____ <small>Contact phone</small> _____ <small>Contact email</small> _____
<small>Uniform claim identifier for electronic payments in chapter 13 (if you use one):</small> _____		
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 _____ <small>MM / DD / YYYY</small>
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? \$ 1,080.21. 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 from debtor and not received. See supporting documents attached as Exhibit A.

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

04/07/16
MM/DD/YYYY

/s/ Craig E. Zucker (P39907)

Signature

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

Name

Craig E. Zucker

First name

Middle name

Last name

Title

Attorney

Company

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

Address

400 Galleria Officentre, Ste. 444

Number Street

Southfield

MI

48034

City

State

ZIP Code

Contact phone

248-827-4100

Email

czucker@ermanteicher.com

EXHIBIT A

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1

Order Number: 0000443921

Order Date: 4/30/2014

Salesperson: SA

Customer: 35951

Customer PO:

Sold To

Jack Folbe
26515 Dundee Rd
Huntington Woods, MI 48070 USA

Ship To

Jack Folbe
26515 Dundee Rd
Huntington Woods, MI 48070 USA

Contact: Jack Scott Folbe
Phone: (248) 414-5105

Tua Rita is sold out-sorry!
This order has been paid by American Express - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
44678	09 Chateauneuf Clos des Papes, Avril	2.00	0.00	62.99	125.98
49307	2012 Chateauneuf Clos des Papes, Avril	2.00	0.00	59.49	118.98
45366	2010 Chateauneuf Les Origines, Grand Veneur	2.00	0.00	31.50	63.00
37967	06 Chateauneuf V.V., Janasse	2.00	0.00	62.99	125.98
37966	06 Chateauneuf Chaupin, Janasse	2.00	0.00	52.49	104.98
48354	2011 Galatrona, Petrolo	2.00	0.00	60.19	120.38

Payments: 659.30		Net Order:	659.30
		Freight:	0.00
		Sales Tax:	0.00
4/30/2014	VPFEAB1B2BB5 *****3004 659.30		
			USD 659.30

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1

Order Number: 0000457635

Order Date: 10/10/2014

Web Order No: 159741

Salesperson: JG

Customer: 35951

Customer PO:

Sold To	Ship To
Jack Folbe 26515 Dundee Rd Huntington Woods, MI 48070 USA	Jack Folbe 26515 Dundee Rd Huntington Woods, MI 48070 USA

Contact: Jack Scott Folbe
Phone: (248) 414-5105

35% discount applied!

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
50785 2011 Chateaneuf du Pape Cuvee Reservee, Pegau	6.00	0.00	32.49	194.96

Payments:	194.96	Net Order:	194.96
10/10/2014 VQEAB4716C0C *****3004 194.96		Freight:	0.00
		Sales Tax:	0.00
		USD	194.96

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1

Order Number: 0000452844

Order Date: 8/17/2014

Web Order No: 156293

Salesperson: MR

Customer: 35951

Customer PO:

Sold To	Ship To
Jack Folbe 26515 Dundee Rd Huntington Woods, MI 48070 USA	Jack Folbe 26515 Dundee Rd Huntington Woods, MI 48070 USA

Contact: Jack Scott Folbe
Phone: (248) 414-5105

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
50257 2012 Chateauneuf Reservee, Pegau	2.00	0.00	48.99	97.99

Payments:	97.99	Net Order:	97.99
8/18/2014	VXJAC2DC1558	*****3004	97.99
		Freight:	0.00
		Sales Tax:	0.00
		USD	97.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1

Order Number: 0000420720

Order Date: 8/13/2013

Web Order No: 131717

Salesperson: JG

Customer: 35951

Customer PO:

Sold To

Jack Folbe
26515 Dundee Rd
Huntington Woods, MI 48070 USA

Ship To

Jack Folbe
26515 Dundee Rd
Huntington Woods, MI 48070 USA

Contact: Jack Scott Folbe
Phone: (248) 414-5105

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
48129	09 San Roman, Bodegas Y Vinedos Maurodos	4.00	0.00	31.99	127.96

Payments: 127.96

Net Order: 127.96

Freight: 0.00

Sales Tax: 0.00

8/13/2013 VRCE9CBA757D *****3006 127.96

USD 127.96