

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc. EIN 94-3660341

Debtor 2 dba Premier Cru
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California v

Case number 16-40050

LM 11:17am

FILED

APR 7 2016

BANKRUPTCY COURT
OAKLAND, CALIFORNIA

Official Form 410

Proof of Claim

04/16

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>Erich Hoeber</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>2322 McKinley Ave.</u> Name _____ Number _____ Street _____ <u>Venice</u> <u>CA</u> <u>90291</u> City _____ State _____ ZIP Code _____ Contact phone <u>310-351-6371</u> Contact email <u>ehoeber@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? \$ 12330.84. 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

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 \$2,850* 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 \$12,850*) 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 4/01/19 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 04/03/2016
MM / DD / YYYY

Signature

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

Name Erich Hoeber
First name Middle name Last name

Title _____

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

Address 2322 McKinley Ave.
Number Street
Venice CA 90291
City State ZIP Code

Contact phone 310-351-6371 Email ehoeber@yahoo.com

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000424906

Order Date: Oct 8, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2005 d'Yquem, 750 ml	10	0	10	0	\$350.00	\$3,500.00
2005 d'Yquem 1/2, 375 ml	1	0	1	0	\$189.99	\$189.99
2009 Climens, 750 ml	6	0	6	0	\$99.99	\$599.94

Subtotal: \$4,289.93

Tax: \$386.09

Total: \$4,676.02

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2005 d'Yquem, 750 ml	10	0	10
2005 d'Yquem 1/2, 375 ml	1	0	1
2009 Climens, 750 ml	6	0	6

Browse Wines

Featured Wines

What's New

Newsletters

Learn About Wine

Regions

Producers

Feature Articles

Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock

Shipping Info

Terms and Conditions

RSS Center

My Account

Contact Customer Service

About Us

Company History

Our Staff

We Buy Wine

Retail Store

Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru
1011 University Ave
Berkeley, CA 94710
Click here for directions

Store Hours
Tuesday-Friday: 10am-6pm
Saturday: 10am-5pm
Sunday: Closed

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000425608

Order Date: Oct 18, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Suduiraut, 750 ml	18	0	18	18	\$79.99	\$1,439.82
2010 Ducru Beaucaillou, 750 ml	6	0	6	0	\$219.99	\$1,319.94

Subtotal: \$2,759.76

Tax: \$248.38

Total: \$3,008.14

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Suduiraut, 750 ml	18	0	18
2010 Ducru Beaucaillou, 750 ml	6	0	6

Browse Wines

Featured Wines

What's New

Newsletters

Learn About Wine

Regions

Producers

Feature Articles

Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock

Shipping Info

Terms and Conditions

RSS Center

My Account

Contact Customer Service

About Us

Company History

Our Staff

We Buy Wine

Retail Store

Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

1011 University Ave

Berkeley, CA 94710

Click here for directions

Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-5pm

Sunday: Closed

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000425986

Order Date: Oct 21, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Pontet Canet, 750 ml	6	0	6	0	\$195.00	\$1,170.00
2003 Dom Perignon, 750 ml	6	0	6	0	\$119.99	\$719.94

Subtotal: \$1,889.94

Tax: \$170.09

Total: \$2,060.03

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Pontet Canet, 750 ml	6	0	6
2003 Dom Perignon, 750 ml	6	0	6

Browse Wines

Featured Wines

What's New

Newsletters

Learn About Wine

Regions

Producers

Feature Articles

Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock

Shipping Info

Terms and Conditions

RSS Center

My Account

Contact Customer Service

About Us

Company History

Our Staff

We Buy Wine

Retail Store

Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

1011 University Ave

Berkeley, CA 94710

Click here for directions

Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-5pm

Sunday: Closed

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000426194

Order Date: Oct 25, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Almirez, Teso la Monja, 750 ml	12	0	12	0	\$21.99	\$263.88

Subtotal: \$263.88

Tax: \$23.75

Total: \$287.63

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Almirez, Teso la Monja, 750 ml	12	0	12

Browse Wines

Featured Wines

What's New

Newsletters

Learn About Wine

Regions

Producers

Feature Articles

Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock

Shipping Info

Terms and Conditions

RSS Center

My Account

Contact Customer Service

About Us

Company History

Our Staff

We Buy Wine

Retail Store

Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

1011 University Ave

Berkeley, CA 94710

Click here for directions

Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-5pm

Sunday: Closed

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000447141

Order Date.: Jun 12, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
1927 Pedro Ximenez Solera, Alvear, 750 ml	12	0	12	0	\$28.99	\$347.88
2010 Chateaufeuf Cuvee Prestige, Sabon, 750 ml	9	9	0	0	\$56.99	\$512.91
2010 Cotes du Rhone, Xavier Vins, 750 ml	12	12	0	0	\$12.99	\$155.88
2011 Fonseca, 750 ml	12	12	0	0	\$79.99	\$959.88

Subtotal: \$1,976.55

Tax: \$177.89

Total: \$2,154.44

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
1927 Pedro Ximenez Solera, Alvear, 750 ml	12	0	12
2010 Chateaufeuf Cuvee Prestige, Sabon, 750 ml	9	9	0
2010 Cotes du Rhone, Xavier Vins, 750 ml	12	12	0
2011 Fonseca, 750 ml	12	12	0

Browse Wines

Featured Wines

What's New

Newsletters

Learn About Wine

Regions

Producers

Feature Articles

Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock

Shipping Info

Terms and Conditions

RSS Center

My Account

Contact Customer Service

About Us

Company History

Our Staff

We Buy Wine

Retail Store

Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

1011 University Ave

Berkeley, CA 94710

Click here for directions

Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-5pm

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000449723

Order Date: Jul 15, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Barolo Vigna Chiniera, Grasso, 750 ml	6	0	6	0	\$84.99	\$509.94
2010 Barolo Bricco Fiasco, Azelia, 750 ml	6	0	6	0	\$79.99	\$479.94

Subtotal: \$989.88

Tax: \$89.09

Total: \$1,078.97

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Barolo Vigna Chiniera, Grasso, 750 ml	6	0	6
2010 Barolo Bricco Fiasco, Azelia, 750 ml	6	0	6

Browse Wines

Featured Wines

What's New
Newsletters

Learn About Wine

Regions
Producers
Feature Articles
Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock
Shipping Info
Terms and Conditions
RSS Center
My Account
Contact Customer Service

About Us

Company History
Our Staff
We Buy Wine
Retail Store
Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

1011 University Ave
Berkeley, CA 94710
[Click here for directions](#)

Store Hours

Tuesday-Friday: 10am-6pm
Saturday: 10am-5pm
Sunday: Closed

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000452565

Order Date: Aug 16, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Chateaufneuf Clos des Papes, Avril, 750 ml	6	0	6	0	\$59.49	\$356.94
2010 Chateau Labat, Haut Medoc, 750 ml	12	12	0	0	\$15.99	\$191.88
2012 Malbec, Antucura, 750 ml	1	1	0	0	\$14.99	\$14.99

Subtotal: \$563.81

Tax: \$50.74

Total: \$614.55

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Chateaufneuf Clos des Papes, Avril, 750 ml	6	0	6
2010 Chateau Labat, Haut Medoc, 750 ml	12	12	0
2012 Malbec, Antucura, 750 ml	1	1	0

Browse Wines

Customer Service

About Us

FIND A WINE

GET OUR NEWSLETTER

Featured Wines

Pre-Arrival vs. In-Stock

Company History

Enter Wine

Enter Email

What's New

Shipping Info

Our Staff

SEARCH

SUBSCRIBE

Newsletters

Terms and Conditions

We Buy Wine

Learn About Wine

RSS Center

Retail Store

Regions

My Account

Contact Us

Producers

Contact Customer Service

RSS Center

Feature Articles

Wine Expert Reviews

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru
101 University Ave
Berkeley, CA 94710
Click here for directions

Store Hours
Tuesday-Friday: 10am-6pm
Saturday: 10am-5pm
Sundays: Closed

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000457397

Order Date: Oct 6, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2003 Sociando Mallet, 750 ml	1	1	0	0	\$57.99	\$57.99
2005 Haut Bergey, 750 ml	1	0	1	0	\$34.99	\$34.99
2012 Chateauneuf Reservee, Pegau, 750 ml	12	0	12	0	\$49.99	\$599.88

Subtotal: \$692.86

Tax: \$62.36

Total: \$755.22

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2003 Sociando Mallet, 750 ml	1	1	0
2005 Haut Bergey, 750 ml	1	0	1
2012 Chateauneuf Reservee, Pegau, 750 ml	12	0	12

Browse Wines

Featured Wines
What's New
Newsletters

Learn About Wine

Regions
Producers
Feature Articles
Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock
Shipping Info
Terms and Conditions
RSS Center
My Account
Contact Customer Service

About Us

Company History
Our Staff
We Buy Wine
Retail Store
Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

1011 University Ave
Berkeley, CA 94710
Click here for directions

Store Hours

Tuesday-Friday: 10am-6pm
Saturday: 10am-3pm
Sunday: Closed

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000472367

Order Date: Mar 6, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Brunello di Montalcino, Argiano, 750 ml	6	0	6	0	\$48.99	\$293.94
2010 Brunello di Montalcino, San Filippo, 750 ml	6	0	6	0	\$39.99	\$239.94

Subtotal: \$533.88

Tax: \$48.05

Total: \$581.93

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Brunello di Montalcino, Argiano, 750 ml	6	0	6
2010 Brunello di Montalcino, San Filippo, 750 ml	6	0	6

Browse Wines

Featured Wines

What's New

Newsletters

Learn About Wine

Regions

Producers

Feature Articles

Wine Expert Reviews

Customer Service

Pre-Arrival vs. In-Stock

Shipping Info

Terms and Conditions

RSS Center

My Account

Contact Customer Service

About Us

Company History

Our Staff

We Buy Wine

Retail Store

Contact Us

RSS Center

FIND A WINE

Enter Wine

SEARCH

GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

1011 University Ave

Berkeley, CA 94710

Click here for directions

Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-5pm

Sunday: Closed

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER DETAILS

Order No.: SO-0000479130

Order Date: May 19, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2011 Crognolo, Sette Ponti, 750 ml	12	0	12	12	\$21.99	\$263.88

Subtotal: \$263.88

Tax: \$25.07

Total: \$288.95

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2011 Crognolo, Sette Ponti, 750 ml	12	0	12

Browse Wines

Customer Service

About Us

FIND A WINE

GET OUR NEWSLETTER

Featured Wines

Pre-Arrival vs. In-Stock

Company History

Enter Wine

Enter Email

What's New

Shipping Info

Our Staff

SEARCH

SUBSCRIBE

Newsletters

Terms and Conditions

We Buy Wine

Learn About Wine

RSS Center

Retail Store

Regions

My Account

Contact Us

Producers

Contact Customer Service

RSS Center

Feature Articles

Wine Expert Reviews

About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

Premier Cru

1011 University Ave
Berkeley, CA 94710
[click here for directions](#)

Store Hours

Tuesday-Friday: 10am-6pm
Saturday: 10am-5pm
Sunday: Closed