

Fill in this information to identify the case:

Debtor 1

Fox Detoga Enterprises, Inc.

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number

16-40050

LM 11:00 a.m.
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?

Carl Farrell

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?

☒ No

☐ 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?

Carl Farrell

Name

500 University Ave. #731

Number Street

Honolulu, HI 96826-4916

City State ZIP Code

Contact phone 808-955-6711

Contact email nospanhere@hawaii-rr.com

Where should payments to the creditor be sent? (if different)

Carl Farrell

Name

500 University Ave. #731

Number Street

Honolulu, HI 96826-4916

City State ZIP Code

Contact phone 808-955-6711

Contact email nospanhere@hawaii-rr.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☒ No

☐ 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?

☒ No

☐ 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? \$ 3,197.37 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 but never delivered.

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 all that apply:

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

☐ 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 4/2/2016
MM / DD / YYYY

Signature

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

Name

Carl

Middle name

Farrell

Last name

Title

Company

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

Address

500 University Ave. #731

Number

Street

Honolulu

City

HI

State

96826-4916

ZIP Code

Contact phone

808-955-6714


Email

NoSpamHere@hawaii.fk.com

Shown below is an itemization of the wine bottles that were purchased from Premier Cru and paid for, but never delivered.

Shown on the right edge are the lowest available prices for each item in Northern California on 1/1/16.

This represents the current value of the items that remained undelivered by Premier Cru:



PREMIER CRU
THE WORLD'S FINEST WINES

My Account | Hi Carl | Log Out | Shopping Cart (1)

wine, region, varietal, producer

BROWSE WINE | FEATURED WINES | ABOUT US | RETAIL STORE | LEARN ABOUT WINE

ORDER DETAILS

Order No.: SO-0000378997

Order Date.: Apr 10, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Cos d'Estournel, 750 ml	1	0	1	0	\$349.99	\$349.99

\$279.00

Order No.: SO-0000383253

Order Date.: Jun 6, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Gevrey Chambertin, Mortet, 750 ml	2	0	2	2	\$29.99	\$59.98
2009 Phelan Segur, 750 ml	1	0	1	0	\$25.00	\$25.00

\$115.98

\$ 44.94

Order No.: SO-0000398338

Order Date.: Dec 1, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Relgnaç, 750 ml	2	0	2	2	\$13.99	\$27.98

\$ 59.88

Order No.: SO-0000401155

Order Date.: Dec 30, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Ducru Beaucaillou, 750 ml	1	0	1	0	\$149.99	\$149.99

\$205.00

Order No.: SO-0000402001

Order Date.: Jan 5, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Chateaufort du Pape, Clos St Jean, 750 ml	1	0	1	1	\$21.99	\$21.99

\$ 37.00

< continued on reverse side >

2010 Pangea, 750 ml, 124.99, 1, 0, 0, 124.99, 124.99, \$189.40

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Pangea, 750 ml	1	0	1	0	124.99	124.99
						\$ 39.99

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Leonie Barton, 750 ml	1	0	1	0	144.17	144.17
2010 Chateau Brown, 750 ml	1	0	1	1	41.24	41.24
						\$ 144.17
						\$ 41.24

Order No.: SO-00004676
Order Date: Jun 15, 2013
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2005 Haut Bergey, 750 ml	1	0	1	1	65.00	65.00
2005 La Couspaude, 750 ml	2	0	2	2	139.98	139.98
						\$ 65.00
						\$ 139.98

Order No.: SO-00004676
Order Date: Jun 15, 2013
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Almiraz, Teso la Monja, 750 ml	2	0	2	0	69.98	69.98
						\$ 69.98

Order No.: SO-00004676
Order Date: Jul 10, 2013
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Chateaufort Clos des Papes, Avni, 750 ml	1	0	1	0	170.00	170.00
						\$170.00

Order No.: SO-000042248
Order Date.: Sep 5, 2013
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2011 Galatrona, Petrolo, 750 ml	1	0	1	0	\$79.99	\$79.99
2010 Flaccianello, Fontodi, 750 ml	1	0	1	0	\$89.99	\$89.99

\$ 85.00
\$129.95

Order No.: SO-0000423034
Order Date.: Sep 14, 2013
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2007 Giusto di Notri, Tua Rita, 750 ml	2	0	2	0	\$39.99	\$79.98
2008 Oreno, Sette Ponti, 750 ml	2	0	2	0	\$39.99	\$79.98
2011 Galatrona, Petrolo, 750 ml	1	0	1	0	\$59.99	\$59.99

\$179.90
\$158.00
\$ 85.00

Order No.: SO-0000432962
Order Date.: Jan 4, 2014
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Flaccianello, Fontodi, 750 ml	1	0	1	0	\$49.99	\$49.99

\$119.98

Order No.: SO-0000441224
Order Date.: Apr 3, 2014
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Batard Montrachet 1/2, Jadot, 375 ml	1	0	1	0	\$69.99	\$69.99

\$132.50

Order No.: SO-0000447966
Order Date.: Jun 21, 2014
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2011 Ornellaia, Tenuta dell'Ornellaia, 750 ml	2	0	2	0	\$117.99	\$235.98

\$348.00

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2002 Pinot Noir, Dineo, 750 ml	1	0	0	1	\$99.00	\$99.00
2002 Cabernet Sauvignon, Dineo, 750 ml	1	0	0	1	\$100.00	\$100.00

2002 Pinot Noir, Dineo, 750 ml
 2002 Cabernet Sauvignon, Dineo, 750 ml

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
1997 Etna Rosso, Montorio Riserva, Castelflorenz, Frescobaldi, 750 ml	1	0	0	1	\$159.00	\$159.00
						<u>\$159.00</u>
Grand Total:		33 bottles		\$3,197.88		

500 University Ave., #731
Honolulu, HI 96826-4916

April 3, 2016

U. S. Bankruptcy Court
1300 Clay Street #300 (94612)
Post Office Box 2070
Oakland, CA 94604-2070

To Whom It May Concern:

Premier Cru Wine Shop, located at 1011 University Ave, Berkeley, CA 94710, is in possession of 12 bottles of wine belonging to me. These bottles are my property – they are not the property of Premier Cru. They have been purchased by me from Premier Cru in the past, fully paid for, and have simply been awaiting shipment from Premier Cru's facility to me in Honolulu. I am including at the end of this letter a copy of an email message I sent to Premier Cru on January 8, 2016 requesting shipment of these wines of mine, all of which were being held for me on the premises of Premier Cru at that time.

These wines of mine include the following:

Order #SO-0000493508 1997 Brunello di Montalcino Riserva Castelgiocondo
Frescobaldi 750ml 1 bottle

Order #SO-0000476397 2002 Pommard Epenots, Girardin 750ml 1 bottle

" 2002 Corton Renardes, Girardin 750ml 1 bottle

Order #SO-0000415861 2005 Haut Bergey 750ml 1 bottle

" 2005 La Couspaude 750ml 2 bottles

Order #SO-0000412418 2010 Chateau Brown 750ml 1 bottle

Order #SO-0000402001 2010 Chateauneuf du Pape, Clos St Jean 750ml 1 bottle

Order #SO-0000398338 2009 Reignac 750ml 2 bottles

Order #SO-0000383253 2009 Gevrey Chambertin, Mortet 750ml 2 bottles

Please let me know when, where, and how either I, or an authorized representative for me, can come to claim and pick up these bottles of mine.

Sincerely,



Carl Farrell

(Continued from other side)

From: cfarrell@hawaii.rr.com

To: shipping@premiercru.net

Subject: shipment request of available wines

Date: Friday, January 8, 2016 11:42 AM

Hi,

The weather here in Hawaii is finally cool enough to allow shipment of wines, and I have 12 bottles that are being held there awaiting shipment. Please ship the following 12 bottles to me, all of which are shown as "Ready to Ship" in your database.

Order #SO-0000493508 1997 Brunello di Montalcino Riserva Castelgiocondo
Frescobaldi 750ml 1 bottle

Order #SO-0000476397 2002 Pommard Epenots, Girardin 750ml 1 bottle

" 2002 Corton Renardes, Girardin 750ml 1 bottle

Order #SO-0000415861 2005 Haut Bergey 750ml 1 bottle

" 2005 La Couspaude 750ml 2 bottles

Order #SO-0000412418 2010 Chateau Brown 750ml 1 bottle

Order #SO-0000402001 2010 Chateauneuf du Pape, Clos St Jean 750ml 1 bottle

Order #SO-0000398338 2009 Reignac 750ml 2 bottles

Order #SO-0000383253 2009 Gevrey Chambertin, Mortet 750ml 2 bottles

My shipping address in your database is still current and correct: 500 University Ave., #731, Honolulu, HI 96826-4916. You can charge the shipping costs to my credit card ending with 2289 in your file.

Please reply to this email as soon as you receive it to confirm receipt of this shipping request. Then as soon as possible, let me know the date you will ship my case, and let me know a tracking number.

Aloha,
Carl Farrell