

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 WJL 7

FILED

8

2016 APR -8 AM 10:17

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CAL.
SAN JOSE, 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>Jim Wessely</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small> 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? <small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small>	Where should notices to the creditor be sent? <u>Jim Wessely</u> <small>Name</small> <u>PO Box 776049</u> <small>Number Street</small> <u>Steamboat Springs CO 80477</u> <small>City State ZIP Code</small> Contact phone <u>970-871-4989</u> Contact email <u>jim@adocs.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> _____ 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 _____ <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? \$ 659.83. 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 but never received

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: Wine
Basis for perfection: Actual amount paid
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: \$ 659.83
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ 659.83 (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: \$ 659.83
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 all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ 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.

\$ _____

* 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 04/04/2016
MM / DD / YYYY

Signature

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

Name James Wendell Wessely
First name Middle name Last name

Title _____

Company _____

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

Address PO Box 776049
Number Street

Steamboat Springs CO 80477
City State ZIP Code

Contact phone 970-871-4989 Email jim@adocs.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000404753

Order Date: 2/10/2013

Web Order No: 120146

Salesperson: JG

Customer: 43594

Customer PO:

Sold To

Jim Wessely
PO Box 776049
Steamboat Springs, CO 80477 USA

Ship To

Jim Wessely
PO Box 776049
Steamboat Springs, CO 80477 USA

Contact: Jim Wessely
Phone: (970) 871-4989

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
47317 2011 Meursault Perrieres, Jadot	1.00	0.00	59.99	59.99

Net Order: 59.99

Freight: 0.00

Sales Tax: 0.00

USD 59.99

Payments: 59.99

2/11/2013	VLEE8BE4FFF4	*****4659	59.99
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PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000404754

Order Date: 2/10/2013

Web Order No: 120147

Salesperson: JG

Customer: 43594

Customer PO:

Sold To

Jim Wessely
PO Box 776049
Steamboat Springs, CO 80477 USA

Ship To

Jim Wessely
PO Box 776049
Steamboat Springs, CO 80477 USA

Contact: Jim Wessely
Phone: (970) 871-4989

This order has been paid by MasterCard - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
45346	2010 Volnay, Boillot	3.00	0.00	39.99	119.97
45312	2010 Chambolle Musigny, Hudelot Noellat	1.00	0.00	38.99	38.99

Net Order: 158.96

Payments: 158.96

Freight: 0.00

Sales Tax: 0.00

2/11/2013 VTJEA5C5AA56 *****4659 158.96

USD 158.96

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000407911

Order Date: 3/18/2013

Salesperson: JG

Customer: 43594

Customer PO:

Sold To

Jim Wessely
PO Box 776049
Steamboat Springs, CO 80477 USA

Ship To

Jim Wessely
29465 Scrub Oak Path
Steamboat Springs, CO 80487 USA

Contact: Jim Wessely
Phone: (970) 871-4989

This order has been paid by MasterCard - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
46947	2010 Meursault Grands Charrons, Boisson-Vadot	1.00	0.00	59.99	59.99
46946	2010 Bourgogne Blanc, Boisson-Vadot <i>RECEIVED</i>	6.00	0.00	23.99	143.94

Payments: 203.93

Net Order: 203.93

Freight: 0.00

Sales Tax: 0.00

3/18/2013	VUYEA6BAC2A9	*****4659	203.93
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USD 203.93

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000407913

Order Date: 3/18/2013

Salesperson: JG

Customer: 43594

Customer PO:

Sold To	Ship To
Jim Wessely PO Box 776049 Steamboat Springs, CO 80477 USA	Jim Wessely 29465 Scrub Oak Path Steamboat Springs, CO 80487 USA

Contact: Jim Wessely
Phone: (970) 871-4989

another one!

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
46947 2010 Meursault Grands Charrons, Boisson-Vadot	1.00	0.00	59.99	59.99

				Net Order:	59.99
Payments:		59.99		Freight:	0.00
3/18/2013	VTYEA74ED74D	*****4659	59.99	Sales Tax:	0.00
				USD	59.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000416641
Order Date: 6/25/2013
Web Order No: 128824
Salesperson: MC
Customer: 43594
Customer PO:

Sold To

Jim Wessely
PO Box 776049
Steamboat Springs, CO 80477 USA

Ship To

Jim Wessely
29465 Scrub Oak Path
Steamboat Springs, CO 80487 USA

Contact: Jim Wessely
Phone: (970) 871-4989

Item		Ordered	Quantity Shipped	Unit Price	Amount
47335	2011 Chassagne La Romanee, Jadot	1.00	0.00	49.99	49.99
48051	2011 Chassagne Morgeot Abbaye de Morgeot, Jadot	1.00	0.00	39.99	39.99

Net Order: 89.98

Payments: 89.98

Freight: 0.00

Sales Tax: 0.00

6/25/2013 VRCE9A5DC266 *****5351 89.98

USD 89.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000422618

Order Date: 9/9/2013

Web Order No: 133085

Salesperson: JG

Customer: 43594

Customer PO:

Sold To	Ship To
Jim Wessely PO Box 776049 Steamboat Springs, CO 80477 USA	Jim Wessely 29465 Scrub Oak Path Steamboat Springs, CO 80487 USA

Contact: Jim Wessely
Phone: (970) 871-4989

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
46363 2010 Cotes de Beaune Pierres Blanches, Vougeraie	3.00	0.00	26.99	80.97

Payments:	80.97	Net Order:	80.97
9/10/2013	VXJEA94903A	*****5351	80.97
			</

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000474102
Order Date: 3/22/2015
Web Order No: 172534
Salesperson: BW
Customer: 43594
Customer PO:

Sold To

Jim Wessely
PO Box 776049
Steamboat Springs, CO 80477 USA

Ship To

Jim Wessely
29465 Scrub Oak Path
Steamboat Springs, CO 80487 USA

Contact: James W Wessely
Phone: (970) 871-4989

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51210 04 Rioja Gran Reserva 904, La Rioja Alta	3.00	0.00	29.99	89.97

				Net Order:	89.97
Payments:	89.97			Freight:	0.00
3/24/2015	VRFABE5E18CE	*****5351	89.97	Sales Tax:	0.00
				USD	89.97

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000487226
Order Date: 8/15/2015
Web Order No: 182950
Salesperson: YW
Customer: 43594
Customer PO:

Sold To	Ship To
Jim Wessely PO Box 776049 Steamboat Springs, CO 80477 USA	Jim Wessely 29465 Scrub Oak Path Steamboat Springs, CO 80487 USA

Contact: James W Wessely
Phone: (970) 871-4989

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
52417 05 Rioja Gran Reserva 904, La Rioja Alta	2.00	0.00	29.99	59.98

Payments:	59.98	Net Order:	59.98
8/15/2015	AX1AD765574C	*****1413	59.98
		Freight:	0.00
		Sales Tax:	0.00
		USD	59.98

Premier Cru Claim details for James W. Wessely

Order #	Date	Wines	Price	Qty	Order total
0000404753	2/10/2013	2011 Meursault Perrieres, Jadot	59.99	1	\$59.99
0000404754	2/10/2013	2010 Volnay - Boillot	39.99	3	\$119.97
0000120147	2/10/2013	2010 Chambolle Musigny, Hudelot Noellat	38.99	1	\$38.99
0000407913	3/18/2013	2010 Meursault Grands Charrons, Boisson-Vadot	59.99	1	\$59.99
0000407911	3/18/2013	2010 Meursault Grands Charrons, Boisson-Vadot	59.99	1	\$59.99
0000416641	6/25/2013	2011 Chassagne La Romanee, Jadot	49.99	1	\$49.99
0000416641	6/25/2013	2011 Chassagne Morgeot Abbaye de Morgeot, Jadot	39.99	1	\$39.99
0000422618	9/9/2013	2010 Cotes de Beaune Pierres Blanches, Vougeraie	26.99	3	\$80.97
0000474102	3/22/2015	2004 Gran Reserva 904, La Rioja Alta	29.99	3	\$89.97
0000487226	3/22/2015	2004 Gran Reserva 904, La Rioja Alta	29.99	2	\$59.98
Total:					\$659.83