

CP FILED

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: FOX ORTEGA ENTERPRISES, INC. dba Premier Cru Debtors	Case Number: 16-40050 WJL7	2016 APR 11 AM 10:35 U.S. BANKRUPTCY COURT SOUTHERN DIST. OF CA. OAKLAND, CA
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): DAVID H. JOSEPH		
Name and address where notices should be sent: 1525 Lexington Drive Orisher, PA 19025		COURT USE ONLY ☐ Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Telephone number: 215-793-9242 email: djoseph@stredley.com		
Name and address where payment should be sent (if different from above): SAME AS ABOVE		☐ Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number: _____ email: _____		
1. Amount of Claim as of Date Case Filed: \$ <u>3,659.71</u>		
If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. ☐ Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Goods (wine) sold and not delivered</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % ☐ Fixed or ☐ Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
☐ Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	☐ Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	☐ Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
☐ 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).	☐ Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	☐ Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)().
Amount entitled to priority: \$ _____		
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

DEFINITIONS

Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

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EDIT PROFILE

ADDRESS BOOK

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ORDER HISTORY

All Time

Sort By

Order No

GO

Item	Unit Price	Qty	Shipped	Remain	Avail	Order Number (Status)	Date
2014 Corton Pougets, Jadot, 750 ml	\$34.99	3	0	3	0	SO-0000493940 (Open)	11/7/15
2014 Clos Vougeot, Jadot, 750 ml	\$59.99	3	0	3	0	SO-0000493940 (Open)	11/7/15
2011 Barolo Riva del Bric, Paolo Conterno, 750 ml	\$34.99	3	0	3	0	SO-0000493510 (Open)	11/1/15
2013 Meursault, Pierre Boisson, 750 ml	\$39.99	3	0	3	0	SO-0000493510 (Open)	11/1/15
2013 Bourgogne Blanc, Pierre Boisson, 750 ml	\$19.99	3	0	3	0	SO-0000493510 (Open)	11/1/15
2013 Auxey Duresses En Reugne, Pierre Boisson, 750 ml	\$35.99	6	0	6	0	SO-0000492783 (Open)	10/23/15
2012 Auxey Duresses 1er Cru Rouge, Pierre Boisson, 750 ml	\$22.99	3	0	3	0	SO-0000491959 (Open)	10/10/15
2013 Auxey Duresses 1er Cru Rouge, Pierre Boisson, 750 ml	\$22.99	3	0	3	0	SO-0000491959 (Open)	10/10/15
2013 Corton Pougets, Jadot, 750 ml	\$50.69	3	0	3	0	SO-0000483871 (Open)	7/12/15
2013 Clos Vougeot, Jadot, 750 ml	\$59.99	3	0	3	0	SO-0000476119 (Open)	4/14/15
2013 Corton Clos du Roi, Jadot, 750 ml	\$39.99	3	0	3	0	SO-0000475752 (Open)	4/11/15
2013 Nuits Les Pruliers, Faiveley, 750 ml	\$25.99	6	0	6	0	SO-0000475475 (Open)	4/8/15
2013 Nuits Aux Chaignots, Faiveley, 750 ml	\$45.49	2	0	2	0	SO-0000472925 (Open)	3/11/15
2013 Vosne Romanee Beauxmonts, Laurent, 750 ml	\$51.99	2	0	2	0	SO-0000472919 (Open)	3/11/15
2013 Vosne Romanee Suchots, Laurent, 750 ml	\$51.99	1	0	1	0	SO-0000472919 (Open)	3/11/15
2013 Nuits Porrets St Georges, Gouges, 750 ml	\$45.00	2	0	2	0	SO-0000468485 (Open)	1/31/15
2013 Nuits Chaignots, Gouges, 750 ml	\$39.99	2	0	2	0	SO-0000468485 (Open)	1/31/15
2013 Gevrey Cazetiers, Faiveley, 750 ml	\$69.99	3	0	3	0	SO-0000467101 (Open)	1/17/15
2012 Beaune Clos des Ursules 1/2, Jadot, 375 ml	\$24.50	6	0	6	0	SO-	8/15/14

						0000452472 (Open)	
2012 Nuits St Georges Chaignots, Chevillon, 750 ml	\$43.19	3	0	3	0	SO-0000445207 (Open)	5/17/14
2012 Beaune Chouacheux 1/2, Jadot, 375 ml	\$11.99	6	0	6	0	SO-0000444022 (Open)	5/1/14
2012 Gevrey Cazetiers, Jadot, 750 ml	\$55.00	3	0	3	0	SO-0000444022 (Open)	5/1/14
2012 Beaune Bressandes 1/2, Jadot, 375 ml	\$11.99	6	0	6	0	SO-0000444022 (Open)	5/1/14
2012 Nuits St Georges Roncieres, Chevillon, 750 ml	\$51.09	3	0	3	0	SO-0000443781 (Open)	4/29/14
2012 Nuits St Georges V.V., Chevillon, 750 ml	\$29.99	6	0	6	0	SO-0000443147 (Open)	4/22/14
2012 Nuits St Georges Bouscelots, Chevillon, 750 ml	\$52.49	3	0	3	0	SO-0000441801 (Open)	4/9/14
2010 Barolo Via Nuova, E. Pira, 750 ml	\$49.99	3	0	3	0	SO-0000438596 (Open)	3/1/14
2012 Chablis Les Lys, Fevre, 750 ml	\$29.99	3	0	3	0	SO-0000438596 (Open)	3/1/14
2011 Nuits Chaignots, Chevillon, 750 ml	\$39.99	3	0	3	0	SO-0000432393 (Open)	12/28/13

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