

LM 10:53AM
FILED

APR 11 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

Fill in this information to identify the case:

Debtor 1 Fox Orange Enterprises, Inc, dba Premier Cru
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the: OAKLAND District of N. California
Case number 16-40050 WJL7

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?

Kenneth Aso
Name of the current creditor (the person or entity to be paid for this claim)
Other names the creditor used with the debtor Ken Aso

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?

Ken Aso
Name
33248 13TH Terrace SE
Number Street
Albany WA 98007
City State ZIP Code
Contact phone (727) 552-0092
Contact email Ken.Aso@gmail.com

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?

☒ 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? \$ 6,772.35 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.

Purchased 72 bottles of wine that were not fulfilled from 2012-2015,
Spanning 7 transactions

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 one:

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 \$2,850* 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. \$ _____

* 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

4 / 1 / 2016
MM / DD / YYYY

Signature

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

Name

Kenneth

G

Aso

First name

Middle name

Last name

Title

Company

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

Address

33248 139th Terrace SE

Number

Street

Auburn

City

WA

State

98092

ZIP Code

Contact phone

720-552-0092

Email

Ken.Aso@gmail.com

Attachment - Proof of Claim Detail

Debtor: Fox Ortega Enterprises, dba Premier Cru
Case #: 16-40050 WJL7
Creditor: Kenneth Aso

33248 139th Terrace SE
Auburn, WA 98092
(720) 552-0092
ken.aso@gmail.com

Year	Item	Qty	Date Ordered	Premier Cru Order Number	Unit Price	Total Price
2009	Lynch Bages	12	3/16/2012	0000377278	\$ 179.99	\$ 2,159.88
2011	Cos d'Estournel	2	10/20/2013	0000425941	\$ 129.99	\$ 259.98
2011	Le Gay	3	10/20/2013	0000425941	\$ 76.99	\$ 230.97
2011	Lynch Bages	2	10/20/2013	0000425941	\$ 89.99	\$ 179.98
2012	Margaux	1	10/20/2013	0000425941	\$ 275.00	\$ 275.00
2012	Mouton Rothschild	1	10/20/2013	0000425941	\$ 275.00	\$ 275.00
2012	Gazin	3	10/20/2013	0000425941	\$ 58.99	\$ 176.97
2012	Cos d'Estournel	2	10/20/2013	0000425941	\$ 124.99	\$ 249.98
2006	Roederer Cristal	2	4/12/2014	0000442175	\$ 129.99	\$ 259.98
2012	Beucastel	6	11/1/2014	0000459918	\$ 49.99	\$ 299.94
2010	Beucastel - Magnum	2	2/21/2015	0000470984	\$ 129.99	\$ 259.98
2014	Fiegac	3	5/29/2015	0000479850	\$ 74.99	\$ 224.97
2014	l'evangile	6	5/29/2015	0000479850	\$ 99.99	\$ 599.94
2014	Grand Puy Lacoste	6	5/29/2015	0000479850	\$ 47.99	\$ 287.94
2014	Pontet Canet	3	5/29/2015	0000479850	\$ 79.99	\$ 239.97
2014	Canon	6	5/29/2015	0000479850	\$ 47.99	\$ 287.94
2014	Lynch Bages	12	9/20/2015	0000490571	\$ 41.99	\$ 503.93
72					\$	6,772.35

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000377278

Order Date: 3/16/2012

Web Order No: 93699

Salesperson: JG

Customer: kaso

Customer PO:

Sold To	Ship To
Ken Aso 668 Clarkson Denver, CO 80218 USA	Ken Aso 668 Clarkson Denver, CO 80218 USA

Contact: Kenneth Aso
Phone: (617) 943-5218

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
42752 09 Chateauneuf Reservee, Pegau	12.00	0.00	59.99	719.88
39363 07 Beaucastel	12.00	0.00	79.99	959.88
41565 09 Lynch Bages	12.00	0.00	179.99	2,159.88

Payments: 3,839.64

3/17/2012	VKME3F323945	*****3001	3,839.64
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Net Order: 3,839.64

Freight: 0.00

Sales Tax: 0.00

USD 3,839.64

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000425941

Order Date: 10/20/2013

Web Order No: 135714

Salesperson: MR

Customer: kaso

Customer PO:

Sold To	Ship To
Ken Aso 668 Clarkson Denver, CO 80218 USA	Ken Aso 668 Clarkson Denver, CO 80218 USA

Contact: Kenneth Aso
Phone: (720) 552-0092

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
46049 2011 Cos d'Estournel	2.00	0.00	129.99	259.98
46056 2011 Le Gay	3.00	0.00	76.99	230.97
File - 48757 97 Beringer Cabernet Reserve Sbragia	2.00	0.00	99.99	199.98
46060 2011 Lynch Bages	2.00	0.00	89.99	179.98
47734 2012 Margaux	1.00	0.00	275.00	275.00
47657 2012 Mouton Rothschild	1.00	0.00	275.00	275.00
47903 2012 Gazin	3.00	0.00	58.99	176.97
File - 47560 2010 Montelena Cabernet Napa	3.00	0.00	42.99	128.97
47895 2012 Cos d'Estournel	2.00	0.00	124.99	249.98

Payments: 1,976.83

Net Order: 1,976.83

Freight: 0.00

Sales Tax: 0.00

10/21/2013	VUYEB10E4066	*****4009	1,976.83
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USD 1,976.83

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000442175

Order Date: 4/12/2014

Web Order No: 148316

Salesperson: SA

Customer: kaso

Customer PO:

Sold To

Ken Aso
33248 139th Terrace SE
Auburn, WA 98092 USA

Ship To

Ken Aso
13536 E Cochise Rd
Scottsdale, AZ 85259 USA

Contact: Kenneth Aso
Phone: (720) 552-0092

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
49087 06 Roederer Cristal	2.00	0.00	129.99	259.98

Payments: 259.98

Net Order: 259.98

Freight: 0.00

Sales Tax: 0.00

4/14/2014 VRCEAA877872 *****4009 259.98

USD 259.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000459918

Order Date: 11/1/2014

Web Order No: 161530

Salesperson: PB

Customer: kaso

Customer PO:

Sold To

Ken Aso
33248 139th Terrace SE
Auburn, WA 98092 USA

Ship To

Ken Aso
33248 139th Terrace SE
Auburn, WA 98092 USA

Contact: Kenneth Aso
Phone: (720) 552-0092

Item		Ordered	Quantity Shipped	Unit Price	Amount
49043	2012 Beaucastel	6.00	0.00	49.99	299.94

Payments: 299.94

Net Order: 299.94

Freight: 0.00

Sales Tax: 0.00

11/2/2014	VXYAC6ECD72F	*****4009	299.94
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USD 299.94

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000470984

Order Date: 2/21/2015

Web Order No: 170033

Salesperson: PB

Customer: kaso

Customer PO:

Sold To	Ship To
Ken Aso 33248 139th Terrace SE Auburn, WA 98092 USA	Ken Aso 33248 139th Terrace SE Auburn, WA 98092 USA

Contact: Kenneth Aso
Phone: (720) 552-0092

Item	Ordered	Quantity Shipped	Unit Price	Amount
44763 2010 Beaucastel Magnum	2.00	0.00	129.99	259.98

				Net Order:	259.98
Payments:		259.98		Freight:	0.00
2/22/2015	VTYACE024AB9	*****4009	259.98	Sales Tax:	0.00
				USD	259.98

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000479850

Order Date: 5/29/2015

Web Order No: 177043

Salesperson: KR

Customer: kaso

Customer PO:

Sold To	Ship To
Ken Aso 33248 139th Terrace SE Auburn, WA 98092 USA	Ken Aso 33248 139th Terrace SE Auburn, WA 98092 USA

Contact: Kenneth Aso
Phone: (720) 552-0092

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
52207 2014 Figeac	3.00	0.00	74.99	224.97
52208 2014 l'Evangile	6.00	0.00	99.99	599.94
52209 2014 Grand Puy Lacoste	6.00	0.00	47.99	287.94
52222 2014 Pontet Canet	3.00	0.00	79.99	239.97
52200 2014 Canon	6.00	0.00	47.99	287.94

				Net Order:	1,640.76
Payments:		1,640.76		Freight:	0.00
5/30/2015	AQ3AC1DC45D4	*****5006	1,640.76	Sales Tax:	0.00
				USD	1,640.76

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000490571
Order Date: 9/20/2015
Web Order No: 185679
Salesperson: KR
Customer: kaso
Customer PO:

Sold To	Ship To
Ken Aso 33248 139th Terrace SE Auburn, WA 98092 USA	Ken Aso 33248 139th Terrace SE Auburn, WA 98092 USA

Contact: Kenneth Aso
Phone: (720) 552-0092

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
52214 2014 Lynch Bages	12.00	0.00	41.99	503.93

Payments:	503.93	Net Order:	503.93
9/21/2015	AS3AD79F87E7	*****5006	503.93
		Freight:	0.00
		Sales Tax:	0.00
		USD	503.93