

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: northern District of california ☒

Case number 16-40050 WJL 7

LM 3:43 PM
FILED
APR 11 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>Kirby D. Behre</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 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>Kirby D. Behre</u> Name <u>6401 Bradley Blvd.</u> Number Street <u>Bethesda, MD 20817</u> City State ZIP Code Contact phone <u>2026265960</u> Contact email <u>kirbybehre@gmail.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? \$ 3,494.36. 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.
undelivered wine

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

4/2/16
MM / DD / YYYY

Signature

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

Name

Kirby D. Behre

First name

Middle name

Last name

Title

Company

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

Address

6401 Bradley Blvd.

Number

Street

Bethesda, MD 20817

City

State

ZIP Code

Contact phone

2026265960

Email kirbybehre@gmail.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000410427

Order Date: 4/17/2013

Web Order No: 124260

Salesperson: PB

Customer: kbeh

Customer PO:

Sold To

Kirby Behre
6401 Bradley Blvd.
Bethesda, MD 20817 USA

Ship To

Kirby Behre
875 15th Street, N.W.
10th Floor
(202) 551-1719
Washington, DC 20005 USA

Contact: Kirby D Behre
Phone: (202) 294-8406

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
43885 2010 Leoville Poyferre	3.00	0.00	134.99	(404.97)
44145 2010 Dames de Montrose	3.00	0.00	44.99	134.97
43808 2010 Cantemerle	6.00	0.00	39.99	(239.94)
44069 2010 Troplong Mondot	3.00	0.00	145.00	435.00
43942 2010 Lynch Bages	3.00	0.00	155.00	465.00
44120 2010 Duhart Milon	3.00	0.00	119.99	359.97
43967 2010 Haut Bailly	3.00	0.00	145.00	(435.00)

\$1,394.94

Payments: 2,474.85

Net Order: 2,474.85

Freight: 0.00

Sales Tax: 0.00

4/17/2013 VXHEA8C89B22 *****8579 2,474.85

USD 2,474.85

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000411987

Order Date: 5/4/2013

Web Order No: 125462

Salesperson: JG

Customer: kbeh

Customer PO:

Sold To	Ship To
Kirby Behre 6401 Bradley Blvd. Bethesda, MD 20817 USA	Kirby Behre 875 15th Street, N.W. 10th Floor (202) 551-1719 Washington, DC 20005 USA

Contact: Kirby D Behre
Phone: (202) 294-8406

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
44110 2010 Leoville las Cases	3.00	0.00	169.99	509.97
44048 2010 Cos d'Estournel	3.00	0.00	149.99	449.97

Payments: 959.94

Net Order: 959.94

Freight: 0.00

Sales Tax: 0.00

5/4/2013	VUYEA8DCE3E7	*****8579	959.94
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USD 959.94

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

ORDER HISTORY

All Time

Sort By Order No

GO

Item	Unit Price	Qty	Shipped	Remain	Avail	Order Number (Status)	Date
✓ 2010 Leoville Poyferre, 750 ml	\$109.99	6	0	6	0	SO-0000451505 (Open)	8/2/14
✓ 2010 Chianti Classico Riserva Rancia, Felsina, 750 ml	\$34.99	6	0	6	0	SO-0000451505 (Open)	8/2/14
2009 Gigondas Les Racines, Pallieres, 750 ml	\$21.74	6	0	6	0	SO-0000438098 (Open)	2/22/14
2010 Cos d'Estournel, 750 ml	\$149.99	3	0	3	0	SO-0000411987 (Open)	5/4/13
2010 Leoville las Cases, 750 ml	\$169.99	3	0	3	0	SO-0000411987 (Open)	5/4/13
2010 Duhart Milon, 750 ml	\$119.99	3	0	3	0	SO-0000410427 (Open)	4/17/13
2010 Lynch Bages, 750 ml	\$155.00	3	0	3	0	SO-0000410427 (Open)	4/17/13
2010 Troplong Mondot, 750 ml	\$145.00	3	0	3	0	SO-0000410427 (Open)	4/17/13
✓ 2009 Tignanello, 750 ml	\$45.00	6	0	6	0	SO-0000383860 (Open)	6/15/12

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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
Monday-Friday: 10am-6pm (PST)
Saturday: 10am-5pm (PST)
Sunday: Closed

UNITED STATES BANKRUPTCY COURT
Northern District of California

In	Fox Ortega Enterprises, Inc.	Case No.: 16-40050 WJL 7
Re:		
dba Premier Cru	Chapter: 7	
Debtor(s)		

NOTICE OF POSSIBLE DIVIDEND

TO THE DEBTOR AND ALL INTERESTED PARTIES:

Notice is given that the notice of meeting of creditors advised you that there were no assets in this case. It now appears that a payment of a dividend may be possible.

Pursuant to Federal Rule of Bankruptcy Procedure 3002(c)(5), creditors may file proofs of claim on or before 4/8/16.

A proof of claim form, in blank with instructions for completion, is available from the Court at the address listed below, or online at: <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

In order to receive a copy of your proof of claim you must:

1. Enclose with your proof of claim one (1) original and one (1) copy of your proof of claim.
2. You must also enclose a self-addressed, postage paid envelope large enough to accommodate your conformed copy of the claim.
3. Please sign and print or type your name clearly underneath your signature.

Unless all of the above steps are completed, no return conformed copy of your claim will be sent out.

NO FEE FOR FILING CLAIMS

MAIL CLAIMS TO:

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

Dated: 1/10/16

For the Court:

Edward J. Emmons
Clerk of Court
United States Bankruptcy Court

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