

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

CP FILED

2016 APR 15 AM 10:09

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

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>Leland G. Dobbs</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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<u>Leland Dobbs</u> Name <u>6150 Estates Drive</u> Number Street <u>Oakland</u> <u>CA</u> <u>94611</u> City State ZIP Code Contact phone <u>510-339-2363</u> Contact email <u>LDOBBS@LMI.NET</u>	_____ 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? \$ 4,675.54 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.

Wine purchased, paid for, and 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 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 04/01/2016
MM / DD / YYYY

Signature

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

Name	Leland G. Dobbs		
	First name	Middle name	Last name
Title			
Company			
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	6150 Estates Drive		
	Number	Street	
	Oakland	CA	94611
	City	State	ZIP Code
Contact phone	510-339-2363		Email LDOBBS@LMI.NET

Subject: RE: Regarding transfer to Subterraneum
Date: Saturday, February 21, 2015 at 4:16 PM
From: michael@premiercru.net <michael@premiercru.net>
To: Leland Dobbs <ldobbs@lmi.net>

Leland, we're trying to make it more efficient by grouping a few of you together. sorry for the delay. I have talked to Joe and put it on the calendar for this week.
I have forwarded John that short-list of missing wines. If they are not forthcoming perhaps he can issue a credit or refund?
I have to tell you that after 19 years I am parting ways with PC and going in another direction. I will be checking for messages and keeping in touch but today is my last day here. I'll hope to run into you in my new life... all the best,
- Michael

From: Leland Dobbs [mailto:ldobbs@lmi.net]
Sent: Saturday, February 14, 2015 4:31 PM
To: Michael Glasby
Subject: FW: Regarding transfer to Subterraneum

2.14.15

Dear Michael,

I don't think the transfer occurred this week as planned. Can you let me know when it will occur?

I will pick up the wines I asked you to hold for me in 2-3 weeks, since I will be out of town intermittently before then.

Also, can you let me know the status of the 5 wines not marked "here" on the list (see list below)

Thanks,

Leland

----- Forwarded Message

From: Leland Dobbs <ldobbs@lmi.net>
Date: Mon, 09 Feb 2015 20:05:43 -0800
To: "michael@premiercru.net" <michael@premiercru.net>
Conversation: Regarding transfer to Subterraneum
Subject: Regarding transfer to Subterraneum

2.9.2015

Dear Michael,

Joe emailed me that the transfer will take place this week--thank you!

A couple of clarifications.

LELAND DOBBS PREMIER CRU

1) I assume that you got the list of things I would like you to hold out for me to pick up in the next few weeks.

2) I am still uncertain about the status of wines on the spread sheet that are not marked "here":

These include:

06/27/2012 0000385169 45340 2010 Clos Vougeot, Boillot \$69.99 9

*this was found
later*

03/10/2007 0000258141 36510 05 Corton Dr Peste (Hospices de Beaune), Meo Camuzet \$225.00 6

05/13/2014 0000444890 48840 2012 Puligny Clos de la Mouchere, Boillot \$99.99 6

never

05/13/2014 0000444890 48842 2012 Puligny Montrachet, Boillot \$45.00 16

delivered

01/21/2012 0000372484 45254 2010 Chevalier Montrachet, Leflaive \$399.99 4

Thanks,

Leland

> I'm sorry I meant to attach it. I have now.

>

> -----Original Message-----

> From: ldobbs@lmi.net [mailto:ldobbs@lmi.net]

> Sent: Thursday, January 22, 2015 4:46 PM

> To: Michael Glasby

> Subject: question

>

> Dear Michael,

>

> Email trashed the format and it's hard to decipher. Can you send as an

> Excel spreadsheet or word attachment?

>

> Leland

>

>> Leland, here's that list below and attached... Maybe we can make a run

>

>> to Sub for you?

>>

>>

>>

>>

>>

>>

>>

>>

>> Open

Label Dicks

Wine not received by 10/15/12 in yellow

French Red Burgundy

Ooen

03/22/2011	0000352990	42708	08 Bourgogne Rouge, Bachelet	\$24.99	12	here	
04/15/2011	0000354134	42709	08 Cotes de Nuits Villages, Bachelet	\$29.99	12	here	
03/22/2011	0000352990	42710	08 Gevrey Chambertin V.V., Bachelet	\$45.00	6	here	
04/15/2011	0000354134	42710	08 Gevrey Chambertin V.V., Bachelet	\$49.99	9	here	
06/27/2012	0000385169	45340	2010 Clos Vougeot, Boillot	\$69.99	9	O	
06/27/2012	0000385169	45343	2010 Volnay Chevrès, Boillot	\$39.99	12	here	
05/21/2007	0000266107	36982	05 Gevrey Chambertin Coeur de Roy, Dugat-Py	\$159.95	5	here	
11/06/2007	0000280894	36817	05 Laticieres Chambertin, Camille-Giroud	\$129.95	7	here	<i>Value</i>
01/18/2011	0000348914	40791	09 Gevrey Petite Chapelle, Jadot	\$55.00	9	here	
01/18/2011	0000348914	40802	09 Vosne Romanee Petits Monks, Jadot	\$79.99	12	here	
05/25/2012	0000382408	44993	2010 Laticieres Chambertin, Jadot	\$99.99	9	here	
06/06/2007	0000258143	36508	05 Clos Vougeot, Meo Camuzet	\$225.00	12	here	
03/10/2007	0000258141	36510	05 Corton Dr Peste (Hospices de Beaune), Meo Camuzet	\$225.00	6	here	\$1350.00
06/07/2007	0000268133	36506	05 Vosne Romanee Brulées, Meo Camuzet	\$450.00	6	here	
06/28/2012	0000385537	46259	2010 Clos Vougeot, Meo Camuzet	\$199.99	7	here	

French White Burgundy

06/27/2009	0000319929	39133	07 Corton Charlemagne, Boillot	\$109.99	3	here	
06/19/2009	0000319405	40147	07 Puligny Clos de la Mouchere, Boillot	\$69.99	12	here	
05/13/2014	0000444890	48840	2012 Puligny Clos de la Mouchere, Boillot	\$99.99	6		\$599.99
05/13/2014	0000444890	48842	2012 Puligny Montrachet, Boillot	\$45.00	16		\$720.00
02/07/2009	0000312234	39509	07 Chevalier Montrachet, Leflaive	\$279.99	3	here	
01/21/2012	0000372484	45254	2010 Chevalier Montrachet, Leflaive	\$399.99	4		\$1599.96
04/22/2010	0000336145	39132	07 Chablis Clos, Fevre	\$59.99	12	here	

Total 4269.90
Total 0.695 405.64
Total due (4675.54)