

LM
FILED 11:22
APR 25 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA
A.M.

Fill in this information to identify the case:

Debtor 1 FOX ORTEGA ENTERPRISES, INC.
Debtor 2 _____
(Spouse, if filing) NORTH
United States Bankruptcy Court for the: DISTRICT District of CALIFORNIA
Case number 16-40050

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>SHERMAN MICHAEL CHIN</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>SHERMAN MICHAEL CHIN</u> Name <u>1322 CARRILLO AVE.</u> Number Street <u>BURLINGAME CA 94010</u> City State ZIP Code Contact phone <u>(916) 502-2773</u> Contact email _____	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?		Filed on _____
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____		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? \$ 15069.68 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 SOLD AND 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: VINTAGE WINE

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 22 2016
MM / DD / YYYY


Signature

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

Name

SHERMAN
First name

MICHAEL
Middle name

CHIN
Last name

Title

Company

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

Address

1322 CARRILLO AVE.
Number Street

BURLINGAME
City

CA
State

94010
ZIP Code

Contact phone

(510) 502-2173

Email PARALLAXARLSECOND@GMAIL.COM

Order No	Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	Subtotal	Tax	Total	Order Date
SO-000047159	2002 Salon le Mesnil Blanc de Blancs, 750 ml	3	0	3	0	\$325.00	\$975.00		\$87.75	\$1,062.75	6/13/2014
SO-000045082	2011 Musigny V.V., Vogue, 750 ml	3	0	3	0	\$399.99	\$1,199.97		\$108.00	\$1,307.97	7/28/2014
SO-000045083	2011 Taylor, 750 ml	3	0	3	3	\$59.99	\$179.97		\$16.20	\$196.17	7/28/2014
SO-0000456223	1998 Dom Perignon P2 (Oenothèque), 750 ml	3	0	3	0	\$243.75	\$731.25		\$65.81	\$797.06	9/25/2014
SO-0000458614	2004 Philipponnat Clos des Goisses, 750 ml	3	0	3	0	\$135.00	\$405.00		\$36.45	\$441.45	10/19/14
	2011 Chamberlin, Jadot, 750 ml	2	0	2	0	\$149.99	\$299.98				
SO-0000461352	2011 Clos de la Roche V.V., Magnum, Ponsot, 1.5 L	1	0	1	0	\$899.99	\$899.99	\$1,199.97	\$108.00	\$1,307.97	11/15/2014
	2011 Cote Rotie La Landonne, Guigal, 750 ml	2	0	2	0	\$217.49	\$434.99				
SO-0000469612	2011 Barolo Brunate, Vietti, 750 ml	2	0	2	0	\$127.49	\$254.99	\$689.98	\$62.10	\$752.08	2/9/2015
SO-0000470962	2011 Beaucastel Hommage a Jacques Perrin, 750 ml	2	0	2	0	\$249.99	\$499.98		\$45.00	\$544.98	2/21/15
SO-0000474555	2011 Langhe Sort San Lorenzo, Gaja, 750 ml	2	0	2	0	\$219.99	\$439.98		\$39.60	\$479.58	3/29/15
SO-0000478402	2012 Grands Echezeaux, DRC, 750 ml	2	0	2	0	\$699.99	\$1,399.98		\$133.00	\$1,532.98	5/9/15
	Billot Cuvee Laetitia, 750 ml	2	0	2	2	\$69.99	\$139.98				
SO-0000481926	2011 Ciments, 750 ml	2	0	2	2	\$89.99	\$179.99	\$319.97	\$30.40	\$350.37	6/20/15
SO-0000482032	1988 Cote Rotie La Mouline, Guigal, 750 ml	1	0	1	0	\$475.00	\$475.00		\$45.13	\$520.13	6/21/15
SO-0000482945	2011 Chevalier Montrachet Demeiselles, Jadot, 750 ml	2	0	2	0	\$175.00	\$350.00		\$33.25	\$383.25	7/2/15
	2011 Romanee St Vivant, DRC, 750 ml	2	0	2	0	\$699.99	\$1,399.98				
SO-0000484634	2011 Grands Echezeaux, DRC, 750 ml	2	0	2	0	\$599.99	\$1,199.98	\$2,599.96	\$247.00	\$2,846.96	7/19/15
SO-0000489346	2009 Haut Brion Blanc, 750 ml	2	0	2	0	\$450.00	\$900.00		\$85.50	\$985.50	9/5/15
SO-0000493621	2011 d'Yquem, 750 ml	2	0	2	0	\$227.99	\$455.99		\$43.32	\$499.31	11/1/15
SO-0000493953	2011 Clos des Beze, Jadot, 750 ml	2	0	2	0	\$159.99	\$319.98		\$30.40	\$350.38	11/7/15
SO-0000494121	Krug Magnum, 1.5 L	2	0	2	0	\$194.99	\$389.99		\$37.05	\$427.04	11/9/15
SO-0000494855	Clicquot Brut, 750 ml	12	0	12	0	\$21.59	\$259.13		\$24.62	\$283.75	11/18/15
									Grand Total	\$15,069.68	

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SO-0000450983	2011 Taylor, 750 ml	3	0	3	3	\$59.99	\$179.97		\$16.20	\$196.17	7/28/2014
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SO-0000461352	2011 Clos de la Roche V.V. Magnun, Ponsot, 1.5 L	1	0	1	0	\$899.99	\$899.99	\$1,199.97	\$108.00	\$1,307.97	11/15/2014
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	Billiot Cuvee Laetitia, 750 ml	2	0	2	2	\$69.99	\$139.98				
SO-0000481926	2011 Cimens, 750 ml	2	0	2	2	\$89.99	\$179.99	\$319.97	\$30.40	\$350.37	6/20/15
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