

**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

LM 10:22am  
**FILED**  
MAY 6 2016  
BANKRUPTCY COURT  
OAKLAND, CALIFORNIA

Official Form 410

**Proof of Claim**

12/15

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>DAVID COWLES</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?  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?		Where should payments to the creditor be sent? (if different)
	Name <u>DAVID COWLES</u>		Name _____
	Number Street <u>16000 NE 26TH CT</u>		Number Street _____
	City State ZIP Code <u>Ridgfield, WA 98642</u>		City State ZIP Code _____
	Contact phone <u>360-546-1916</u>		Contact phone _____
	Contact email <u>sa/cowles@yahoo.com</u>		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?

\$ 1,339.74

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).

$549.88 + 319.96 + 469.90 = 1339.74$

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).  $\rightarrow$

Limit disclosing information that is entitled to privacy, such as health care information.

Deposit toward wine not delivered.

See Premier Cru  
Account statement  
Dated 1/15/16

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 all that apply:

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 \$2,775\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ 1339.74

☐ Wages, salaries, or commissions (up to \$12,475\*) 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 4/01/16 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 05/02/2016  
MM DD YYYY

David E. Cowles  
Signature

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

Name David Eugene Cowles  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_

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

Address 16000 NE 26TH CT  
Number Street

Ridgely WA 98642  
City State ZIP Code

Contact phone 360-546-1916 Email salcowles@yahoo.com

# Premier Cru Account Statement - Dated Lower Right

My Account Hi David Log Out Shopping Cart wine, region, varietal, producer

SEARCH

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

## MY ACCOUNT

### RECENT ORDERS

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
<a href="#">SO-0000460176</a> (Open)	\$549.88	12	0	12	0	11/4/14
<a href="#">SO-0000433252</a> (Open)	\$319.96	4	0	4	0	1/6/14
<a href="#">SO-0000415392</a> (Open)	\$1,369.78	22	12	10	0	6/11/13

[View all orders](#)

See attached statement for 10 bottles  
not delivered - cost \$469.90  
Two above orders also  
not delivered.

### VIEW ORDERS

☒ Open ☐ Closed ☐ All

VIEW

### VIEW ITEMS

☒ Open ☐ Closed ☐ All

☐ Ready to Ship

VIEW

### RECENT SHIPMENTS

Ship Tran ID	Ship Method	Ship Date	Shipped
<a href="#">0000336402-SH</a>	UPS Ground	Oct 5, 2015	
<a href="#">0000329295-SH</a>	UPS Ground	Nov 5, 2014	
<a href="#">0000323681-SH</a>	UPS Ground	Jan 8, 2014	
<a href="#">0000319025-SH</a>	Customer Pickup	Jun 7, 2013	

[View all shipments](#)

[View all shipment details](#)

#### Browse Wines

#### Featured Wines

What's New  
Newsletters

#### Learn About Wine

Regions

#### Customer Service

Pre-Arrival vs. In-Stock  
Shipping Info  
Terms and Conditions  
RSS Center  
My Account  
Contact Customer Service

#### About Us

Company History  
Our Staff  
We Buy Wine  
Retail Store  
Contact Us

#### FIND A WINE

Enter Wine

SEARCH

#### GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

#### About Us

MY ACCOUNT EDIT PROFILE ADDRESS BOOK BILLING INFORMATION

## ORDER DETAILS

Order No.: SO-0000415392 *Warre 12/15*  
 Order Date.: Jun 11, 2013  
 Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2011 Taylor, 750 ml	12	12	0	0	\$74.99	\$899.88
2011 Warre, 750 ml	10	0	10	0	\$46.99	\$469.90

Subtotal: \$1,369.78

Tax: \$0.00

Total: \$1,369.78

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2011 Taylor, 750 ml	12	12	0
2011 Warre, 750 ml	10	0	10

Browse Wines  
 Featured Wines  
 What's New  
 Recommendations  
 Learn About Wines  
 Regions  
 Premiums  
 Award-Winning  
 Wine & Food Pairings

Customer Service  
 Pre-Order & Backlist  
 Shipping Info  
 Terms and Conditions  
 RSS Center  
 My Account  
 Contact Customer Service

About Us  
 Company History  
 Our Staff  
 We Buy Wine  
 Retail Store  
 Contact Us  
 RSS Center

### FIND A WINE

Enter Wine

SEARCH

### GET OUR NEWSLETTER

Enter Email

SUBSCRIBE

### About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Be wine smart.

Premier Cru  
 100 University Ave  
 Berkeley, CA 94704  
 415.863.6666

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