

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 11:44
11:44 a.m.
FILED
MAY 9 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>EVAN AKSELRAD</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? <u>EVAN AKSELRAD</u> Name <u>16 JAY STREET APT 3</u> Number Street <u>NEW YORK NY 10013</u> City State ZIP Code Contact phone <u>917-689-0301</u> Contact email <u>eakselrad@live.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____	
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: 0341

7. How much is the claim? \$ 4167 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 - NOT 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.

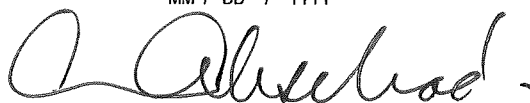
I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

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

05/01/2016
MM / DD / YYYY



Signature

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

Name

EVAN

First name

AICSERAP

Middle name

Last name

Title

Company

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

Address

16 JAY STREET

Number

Street

NEW YORK

City

NY

State

10013

ZIP Code

Contact phone

917-689-0301

Email

eakselradelive.com

Information to identify the case:

Debtor **Fox Ortega Enterprises, Inc.** EIN **94-3660341**
 Name
 United States Bankruptcy Court Northern District of California Date case filed for chapter **7** **1/8/16**
 Case number: **16-40050**

Official Form 309D (For Corporations or Partnerships)

Notice of Chapter 7 Bankruptcy Case -- Proof of Claim Deadline Set

12/15

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	Fox Ortega Enterprises, Inc.		
2. All other names used in the last 8 years	dba Premier Cru		
3. Address	1011 University Ave. Berkeley, CA 94710		
4. Debtor's attorney Name and address	Stephen D. Finestone Law Offices of Stephen D. Finestone 456 Montgomery St. 20th Fl. San Francisco, CA 94104	Contact phone	(415) 421-2624
5. Bankruptcy trustee Name and address	Michael G. Kasolas P.O. Box 26650 San Francisco, CA 94126	Contact phone	(415) 504-1926 Email: trustee@kasolas.net
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	1300 Clay Street #300 (94612) Post Office Box 2070 Oakland, CA 94604-2070	Hours open: 9:00 am to 4:30 pm, Monday – Friday Contact phone	510-879-3600 Date: 1/12/16
7. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	February 24, 2016 at 08:30 AM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.		Location: Office of the U.S. Trustee, 1301 Clay St. Room 680N, Oakland, CA 94612
Important Notice to Individual Debtors: The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors			

For more information, see page 2 >

<p>8. Deadlines The bankruptcy clerk's office must receive proofs of claim by the following deadlines.</p> <p>For a bankruptcy case pending in the Northern District of California, a Proof of Claim may be filed electronically online at www.canb.uscourts.gov in the Quick Links section, click on "File an Electronic Proof of Claim."</p>	<p>Deadline for all creditors to file a proof of claim Filing deadline: <u>5/24/16</u> (except governmental units):</p> <p>Deadline for governmental units to file a proof of claim: _____</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>
<p>9. Creditors with a foreign address</p>	<p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>
<p>10. Liquidation of the debtor's property and payment of creditors' claims</p>	<p>The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To ensure you receive any share of that money, you must file a proof of claim, as described above.</p>

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000404320

Order Date: 2/4/2013

Salesperson: JG

Customer: 44143

Customer PO:

Sold To	Ship To
Evan Akselrad 16 Jay St 3rd Floor New York, NY 10013 USA	Evan Akselrad 16 Jay St 3rd Floor New York, NY 10013 USA

Contact: Evan Akselrad
Phone: (917) 689-0301

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
45349 2010 Chateauneuf du Pape, Clos St Jean ✓	6.00	0.00	29.99	179.94
45366 2010 Chateauneuf Les Origines, Grand Veneur	6.00	0.00	45.00	270.00
45407 2010 Chateauneuf Cuvee Prestige, Sabon	6.00	0.00	56.99	341.94
44972 2010 Chateauneuf Cuvee Reservee, Pegau	6.00	0.00	74.99	449.94
45364 2010 Chateauneuf Cuvee Chaupin, Janasse ✓	6.00	0.00	89.99	539.94
46879 2010 Chateauneuf Cuvee Lucile Avril, Durieu ✓	6.00	0.00	39.99	239.94

Payments: 2,021.70

Net Order: 2,021.70

Freight: 0.00

Sales Tax: 0.00

2/4/2013 VTYEA57B6737 *****3019 2,021.70

USD 2,021.70

From: Premier Cru shipping@premiercru.net
Subject: Premier Cru - Your wine has arrived
Date: July 10, 2015 at 2:00 PM
To: eakselrad@live.com



Please see your summary below of your New Arrivals and a summary of all of your Previous Arrivals in our warehouse.

- Shipping information is required before we ship your wines. We do not ship until requested
- Pickup information is noted below

Shipping Information required:

1. Ship to address – Adult signature is required.
2. Credit Card information – Please note the last 4 digits of your credit card for your shipping fees. You may update your card under My Account (<https://www.premiercru.net/premier/user/ShowAccount.do>).
3. Ship Method - Please provide shipping speed (ground, 2 day, overnight). UPS is our preferred provider.

Shipping Information: <http://www.premiercru.net/premier/company/ShippingInfo.do>

Weather resource: http://www.weather.com/maps/activity/travel/users/athertoday_large.html

4. Ship Date – Please provide your ship date and allow, at least, 48 hours for us to prepare your shipment.

Please note: We do not advise shipping in warmer or freezing temperatures and if so, recommend Next Day morning delivery. We are not responsible for any wines damaged by weather once they have left our warehouse.

Pickups:

- Please allow 72 hours for us to gather your wines.

For further assistance, please email us at shipping@premiercru.net or call us at 510-644-9463.

Pick Up Address:
1011 University Ave
Berkeley, CA 94710

Premier Cru
510-644-9463 ext. 0
shipping@premiercru.net
www.premiercru.net

Store Hours – 10am-6pm Monday-Friday | 10am-5pm Saturday | Closed Sunday |

Id: 44143
Name: Evan Akselrad

The items listed below are your wines currently in our warehouse.

OrderNumber	OrderDate	WineName	Qty
0000415088	06/08/2013	04 Rioja Gran Reserva Ygay, Murrieta	2
0000415088	06/08/2013	01 Rioja Reserva Vina Tondoni, Lopez de	2
0000415088	06/08/2013	05 Lealtanza Club Reserva, Bodegas Altan	2
0000415088	06/08/2013	08 Malbec Vina Jorge Miralles, Trapiche	2
0000404320	02/04/2013	2010 Chateauneuf Cuvee Lucile Av, Durieu	6
0000415088	06/08/2013	09 Chateauneuf Reservee, Pegau	2
0000415088	06/08/2013	09 Nic, Calvo Casajus	2
0000415088	06/08/2013	2010 Vendimia Seleccionada, Calvo Casaju	2
0000415088	06/08/2013	09 Antiguos Vinedos, Calvo Casajus	2
0000404320	02/04/2013	2010 Chateauneuf Prestige, Sabon	6
0000407664	03/15/2013	2010 La Tour Garnet	2

0000415088	06/08/2013	09 Branaire Ducru	2
0000404320	02/04/2013	2010 Chateauneuf Les Origines, Grand Ven 6	2
0000407664	03/15/2013	2010 Dames de Montrose	2
0000404320	02/04/2013	2010 Chateauneuf du Pape, Clos St Jean	6

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000407664

Order Date: 3/15/2013

Salesperson: MR

Customer: 44143

Customer PO:

Sold To	Ship To
Evan Akselrad 16 Jay St 3rd Floor New York, NY 10013 USA	Evan Akselrad 16 Jay St 3rd Floor New York, NY 10013 USA

Contact: Evan Akselrad
Phone: (917) 689-0301

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
43891 2010 La Lagune	2.00	0.00	65.99	131.98 C
43892 2010 La Tour Carnet	2.00	0.00	36.99	73.98 C
43947 2010 Larcis Ducasse	2.00	0.00	98.99	197.98 C
47429 2010 Marojallia	2.00	0.00	79.99	159.98 C
43895 2010 Croix de Labrie	2.00	0.00	68.99	137.98 C
44145 2010 Dames de Montrose	2.00	0.00	44.99	89.98 C

Payments: 791.88

Net Order: 791.88

Freight: 0.00
Sales Tax: 0.00

3/15/2013 VUYEA69BF3AC *****3019 791.88

USD 791.88

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000415088

Order Date: 6/8/2013

Web Order No: 127713

Salesperson: MR

Customer: 44143

Customer PO:

Sold To	Ship To
Evan Akselrad 16 Jay St 3rd Floor New York, NY 10013 USA	Evan Akselrad 16 Jay St 3rd Floor New York, NY 10013 USA

Contact: Evan Akselrad
Phone: (917) 689-0301

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
42752 09 Chateauneuf Reservee, Pegau	2.00	0.00	69.99	139.98
41552 09 Branaire Ducru	2.00	0.00	74.99	149.98
47505 04 Rioja Gran Reserva Castillo Ygay, Marques de Murrieta	2.00	0.00	49.99	99.98
47787 01 Rioja Reserva Vina Tondonia, Lopez de Heredia	2.00	0.00	37.99	75.98
43947 2010 Larcis Ducasse	2.00	0.00	114.99	229.98
45806 05 Lealtanza Club Reserva, Bodegas Altanza	2.00	0.00	39.99	79.98
41426 09 Larcis Ducasse	2.00	0.00	79.99	159.98
46534 08 Malbec Vina Jorge Miralles, Trapiche	2.00	0.00	36.99	73.98
47722 2010 Vendimia Seleccionada, Calvo Casajus	2.00	0.00	24.99	49.98
47721 09 Antiguos Vinedos, Calvo Casajus	2.00	0.00	31.99	63.98
47720 09 Nic, Calvo Casajus	2.00	0.00	79.99	159.98
47711 09 Eneo, Montepeloso	2.00	0.00	34.99	69.98

			Net Order:	1,353.76
Payments: 1,353.76			Freight:	0.00
			Sales Tax:	0.00
6/8/2013	VXHEAB120618	*****0629	1,353.76	
			USD	1,353.76

From: "Premier Cru" <shipping@premiercru.net>
Subject: Premier Cru Order Acknowledgement
Date: June 8, 2013 3:01:14 PM EDT
To: <eakselrad@live.com>

Thank you for your order!

We have received your order request SO-0000415088-127713.

qty	item	Wine	price	ext	status
2	42752	2009 Chateauneuf Reservee, Pegau	69.99	139.98	pre-arrival
2	41552	2009 Branaire Ducru	74.99	149.98	pre-arrival
2	47505	2004 Rioja Gran Reserva Castillo Ygay, Marque	49.99	99.98	in stock
2	47787	2001 Rioja Reserva Vina Tondonia, Lopez de He	37.99	75.98	in stock
2	43947	2010 Larcis Ducasse	114.99	229.98	pre-arrival
2	45806	2005 Lealtanza Club Reserva, Bodegas Altanza	39.99	79.98	in stock
2	41426	2009 Larcis Ducasse	79.99	159.98	pre-arrival
2	46534	2008 Malbec Vina Jorge Miralles, Trapiche	36.99	73.98	in stock
2	47722	2010 Vendimia Seleccionada, Calvo Casajus	24.99	49.98	pre-arrival
2	47721	2009 Antiguos Vinedos, Calvo Casajus	31.99	63.98	pre-arrival
2	47720	2009 Nic, Calvo Casajus	79.99	159.98	pre-arrival
2	47711	2009 Eneo, Montepeloso	34.99	69.98	pre-arrival

Bottles : 24

Subtotal: 1353.76

Shipping: 0.00

Tax : 0.00

Total : 1353.76

Hold everything until the order is complete. No Vintage Substitutions Please.

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

Premier Cru
1011 University Avenue
Berkeley, CA 94710
(510) 644-9463