

LM 12:40PM
FILED
MAY 9 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

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: _____ District of _____
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?

NEIL GOLDSCHMIDT
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?

☒ No

☐ 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?

NEIL GOLDSCHMIDT
Name
1150 S.W. King Ave.
Number Street
PORTLAND OR 97205
City State ZIP Code

Contact phone 503-221-5700
Contact email neil.goldschmidt@msh.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

Where should payments to the creditor be sent? (if different)

Same as on left
Name
Number Street
City State ZIP Code

Contact phone _____
Contact email _____

4. Does this claim amend one already filed?

☒ No

☐ 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?

☒ No

☐ 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? \$ 1,276.93. Does this amount include interest or other charges?
See enclosed premium CPU sales receipt for items not delivered to me ☐ 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 from Premier CPU

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:

- ☐ 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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

MAY 3 2016
MM / DD / YYYY


Signature

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

Name NEIL EDWARD GOLDSCHMIDT
First name Middle name Last name

Title _____

Company _____

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

Address 1150 SW King Avenue
Number Street

Portland Oregon 97205
City State ZIP Code

Contact phone 503-221-5760 Email neilgoldschmidt@msr.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Page: 1
Order Number: 0000430226
Order Date: 12/7/2013

Salesperson: MR
Customer: 39331
Customer P :

Sold To

eil oldschmidt
1150 SW King Avenue
Portland, OR 97205 USA

Ship To

eil oldschmidt
1150 SW King Avenue
Portland, OR 97205 USA

Contact: eil oldschmidt
Phone: (503) 221-5700

This order has been paid by MasterCard - Thank You!

delivered or not

Item	Ordered	Quantity Shipped	Unit Price	Amount
47235 2011 Beaune du Chateau 1/2, Bouchard <i>NO</i>	8.00	0.00	14.99	119.92
47239 2011 Beaune Greves l'Enfant Jesus 1/2, Bouchard <i>NO</i>	10.00	0.00	45.00	450.00
47271 2011 Chambolle Musigny Sentiers Magnum, Jadot <i>NO</i>	1.00	0.00	139.99	139.99
47246 2011 Volnay Santenots Magnum, Jadot <i>NO</i>	2.00	0.00	99.99	199.98
48175 2011 Beaune Reversees, Nicolas Rossignol <i>YES</i>	6.00	0.00	31.99	191.94
48118 2011 Volnay Fremiets, N. Rossignol <i>NO</i>	2.00	0.00	59.99	119.98
47630 2011 Volnay Clos de la Bousse d'Or Magnum, Pousse d'Or <i>NO</i>	1.00	0.00	159.99	159.99
48177 2011 Savigny Lavieres, Nicolas Rossignol <i>YES</i>	3.00	0.00	27.99	83.97
48176 2011 Savigny Fourneaux, Nicolas Rossignol <i>NO</i>	3.00	0.00	28.99	86.97

Payments: 1,552.74

Net Order: 1,552.74

12/7/2013 VTJEB40D9634 *****3504 1,552.74

Freight: 0.00
Sales Tax: 0.00

USD 1,552.74

APRIL 15, 2016

MR. MICHAEL G. KASOLAS
P.O. BOX 26650
SAN FRANCISCO, CALIFORNIA
94126

DEAR TRUSTEE/MR. KASOLAS,

I AM WRITING YOU CONCERNING THE FILING BY FOX ORTEGA ENTERPRIZES, INC., dba PREMIER CRU, FOR BANKRUPTCY. I AM WHAT APPEARS TO BE ONE OF MANY FORMER CUSTOMERS OF PREMIER CRU WHO MADE PURCHASES, BUT HAS BEEN LEFT WITH WINES PURCHASED AND UNDELIVERED.

I HAVE ENCLOSED A COPY OF MY PURCHASE RECEIPT & AS YOU CAN SEE, TWO OF THE NINE PURCHASES WERE DELIVERED TO MY HOME IN PORTLAND, OREGON. THESE TWO ITEMS TOTALLED \$275.81 OF MY \$1,552.74 PURCHASE, LEAVING A BALANCE OF \$1,276.93 PAID AND NOT DELIVERED ITEMS.

I TAKE IT FROM THE ARTICLES I HAVE BEEN ABLE TO READ THAT THERE IS A LARGE GROUP OF PEOPLE WHO ARE OWED DELIVERY AND THERE IS NOT ENOUGH INVENTORY TO MEET THESE CLAIMS. I HAVE NO IDEA WHERE THIS WILL PLACE MY REQUEST, BUT I WOULD APPRECIATE IT IF MY SHORTFALL IS LOGGED ON THE MASTER LISTS OF UNDELIVERED ITEMS.

LASTLY, IS THERE A LIST FROM PREMIER CRU THAT LISTS THE ITEMS OWED AND, IF SO, IS IT AVAILABLE FOR PERSONS LIKE ME TO ACCESS AND READ?

THANK YOU FOR YOUR ATTENTION.

SINCERELY YOURS,



NEIL GOLDSCHMIDT
1150 S.W. KING AVENUE
PORTLAND, OREGON 97205

✓ COPY TO CLERK'S OFFICE AT 1300 CLAY STREET, #300
P.O. BOX 2070
OAKLAND, CA. 994604-2070