

CP ED

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

2016 MAY 10 AM 9:58
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CAL.
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

<p>1. Who is the current creditor?</p>	<p><u>THOMAS FERENCHAK</u> Name of the current creditor (the person or entity to be paid for this claim)</p> <p>Other names the creditor used with the debtor <u>THOMAS S. FERENCHAK</u></p>	
<p>2. Has this claim been acquired from someone else?</p>	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____</p>	
<p>3. Where should notices and payments to the creditor be sent?</p> <p>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</p>	<p>Where should notices to the creditor be sent?</p> <p><u>THOMAS FERENCHAK</u> Name <u>100 PIPER LANE</u> Number Street <u>FAIRFAX</u> <u>CA</u> <u>94930</u> City State ZIP Code Contact phone <u>415-456-4120</u> Contact email <u>thomasferenchak@sbcglobal.net</u></p>	<p>Where should payments to the creditor be sent? (if different)</p> <p>_____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____</p>
<p>Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</p>		
<p>4. Does this claim amend one already filed?</p>	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____</p>	
		<p>Filed on _____ MM / DD / YYYY</p>
<p>5. Do you know if anyone else has filed a proof of claim for this claim?</p>	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____</p>	

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? \$ 2,258.04 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 PURCHASED

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 05/05/2016
MM DD YYYY

Thomas S. Ferenczak

Signature

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

Name

THOMAS

STEVEN

FERENCZAK

First name

Middle name

Last name

Title

Company

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

Address

100 PIPER LANE

Number

Street

FAIRFAX

City

CA

State

94930

ZIP Code

Contact phone

415-456-6120

Email

thomasferenczak@sbcglobal.net

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ORDER DETAILS

Order No.: SO-0000474844

Order Date.: Apr 1, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Tour Mailliet, 750 ml	3	0	3	3	\$34.99	\$104.97

Subtotal: \$104.97**Tax:** \$9.45**Total:** \$114.42

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Tour Mailliet, 750 ml	3	0	3

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ORDER DETAILS

Order No.: SO-0000473728

Order Date: Mar 18, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Savigny-les-Beaune 'Dominode', J.M. & H. Pavelot, 750 ml	1	0	1	1	\$54.99	\$54.99
2012 Savigny-les-Beaune 'Gravains', J.M. & H. Pavelot, 750 ml	1	0	1	1	\$49.99	\$49.99
2012 Savigny-les-Beaune 'Guettes', J.M. & H. Pavelot, 750 ml	1	0	1	1	\$45.99	\$45.99

Subtotal: \$150.97

Tax: \$13.59

Total: \$164.56

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Savigny-les-Beaune 'Dominode', J.M. & H. Pavelot, 750 ml	1	0	1
2012 Savigny-les-Beaune 'Gravains', J.M. & H. Pavelot, 750 ml	1	0	1
2012 Savigny-les-Beaune 'Guettes', J.M. & H. Pavelot, 750 ml	1	0	1

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ORDER DETAILS

Order No.: SO-0000467446

Order Date.: Jan 21, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Brunello di Montalcino Pianrosso, Piccolomini, 750 ml	1	0	1	0	\$59.99	\$59.99
2010 Brunello di Montalcino, Pacenti, 750 ml	1	0	1	0	\$79.99	\$79.99
2010 Brunello di Montalcino, Sassetti, 750 ml	1	0	1	0	\$74.99	\$74.99

Subtotal: \$214.97

Tax: \$19.35

Total: \$234.32

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Brunello di Montalcino Pianrosso, Piccolomini, 750 ml	1	0	1
2010 Brunello di Montalcino, Pacenti, 750 ml	1	0	1
2010 Brunello di Montalcino, Sassetti, 750 ml	1	0	1

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ORDER DETAILS

Order No.: SO-0000466226

Order Date.: Jan 4, 2015

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2003 Clos Vougeot, Jadot, 750 ml	1	0	1	1	\$129.99	\$129.99
2005 Sanctus, 750 ml	1	0	1	1	\$59.99	\$59.99
2004 Ramey Cabernet Larkmead, 750 ml	1	0	1	1	\$75.00	\$75.00
2004 Pintia, Vega Sicilia, 750 ml	1	0	1	1	\$64.99	\$64.99
2012 Muscadet Gneiss, Domaine de l'Ecu, 750 ml	1	0	1	1	\$20.99	\$20.99
2012 Muscadet Orthogneiss, Domaine de l'Ecu, 750 ml	1	0	1	1	\$20.99	\$20.99
2012 Muscadet Granite, Domaine de l'Ecu, 750 ml	1	0	1	1	\$21.99	\$21.99

Subtotal: \$393.94

Tax: \$35.45

Total: \$429.39

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2003 Clos Vougeot, Jadot, 750 ml	1	0	1
2005 Sanctus, 750 ml	1	0	1
2004 Ramey Cabernet Larkmead, 750 ml	1	0	1
2004 Pintia, Vega Sicilia, 750 ml	1	0	1
2012 Muscadet Gneiss, Domaine de l'Ecu, 750 ml	1	0	1
2012 Muscadet Orthogneiss, Domaine de l'Ecu, 750 ml	1	0	1
2012 Muscadet Granite, Domaine de l'Ecu, 750 ml	1	0	1

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ORDER DETAILS

Order No.: SO-0000465456

Order Date.: Dec 26, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2003 Branaire, 750 ml	2	0	2	0	\$64.99	\$129.98
2003 Pontet Canet, 750 ml	2	0	2	0	\$79.99	\$159.98

Subtotal: \$289.96

Tax: \$26.10

Total: \$316.06

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2003 Branaire, 750 ml	2	0	2
2003 Pontet Canet, 750 ml	2	0	2

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ORDER DETAILS

Order No.: SO-0000464239

Order Date.: Dec 13, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2001 Tirant, Rotllan Torra, 750 ml	1	0	1	1	\$79.99	\$79.99
2001 Vendimia Seleccionada, Mauro, 750 ml	1	0	1	1	\$84.99	\$84.99

Subtotal: \$164.98

Tax: \$14.85

Total: \$179.83

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2001 Tirant, Rotllan Torra, 750 ml	1	0	1
2001 Vendimia Seleccionada, Mauro, 750 ml	1	0	1

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ORDER DETAILS

Order No.: SO-0000407269

Order Date.: Mar 10, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Dames de Montrose, 750 ml	2	0	2	2	\$44.99	\$89.98
2010 Petit Lion, 750 ml	1	0	1	0	\$39.99	\$39.99
2009 Laforge, 750 ml	1	0	1	1	\$45.00	\$45.00
2010 Fleur Cardinale, 750 ml	1	0	1	1	\$47.99	\$47.99
2010 Marojallia, 750 ml	1	0	1	0	\$59.99	\$59.99

Subtotal: \$282.95

Tax: \$25.47

Total: \$308.42

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Dames de Montrose, 750 ml	2	0	2
2010 Petit Lion, 750 ml	1	0	1
2009 Laforge, 750 ml	1	0	1
2010 Fleur Cardinale, 750 ml	1	0	1
2010 Marojallia, 750 ml	1	0	1

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ORDER DETAILS

Order No.: SO-0000401168

Order Date.: Dec 30, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Chateauneuf Reservee, Pegau, 750 ml	1	0	1	1	\$59.99	\$59.99
2010 Leoville Poyferre, 750 ml	1	0	1	1	\$89.99	\$89.99
2010 Le Dome, 750 ml	1	0	1	1	\$79.99	\$79.99
2010 Clos Fourtet, 750 ml	1	0	1	1	\$69.99	\$69.99
2006 Brunello di Montalcino, Tenuta Brunelli (Martoccia), 750 ml	1	0	1	1	\$34.99	\$34.99
2009 Cornas Terrasse du Serre, Domaine du Coulet, 750 ml	1	0	1	1	\$59.99	\$59.99
2008 Saffredi, Le Pupille, 750 ml	1	0	1	1	\$34.99	\$34.99
2010 Oreno, Sette Ponti, 750 ml	1	0	1	1	\$39.99	\$39.99

Subtotal: \$469.92

Tax: \$41.12

Total: \$511.04

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Chateauneuf Reservee, Pegau, 750 ml	1	0	1
2010 Leoville Poyferre, 750 ml	1	0	1
2010 Le Dome, 750 ml	1	0	1
2010 Clos Fourtet, 750 ml	1	0	1
2006 Brunello di Montalcino, Tenuta Brunelli (Martoccia), 750 ml	1	0	1
2009 Cornas Terrasse du Serre, Domaine du Coulet, 750 ml	1	0	1
2008 Saffredi, Le Pupille, 750 ml	1	0	1
2010 Oreno, Sette Ponti, 750 ml	1	0	1

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U.S. Bankruptcy Court

1300 Clay Street #300 (94612)

Post Office Box 2070

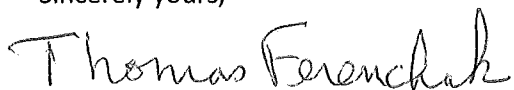
Oakland, CA 94604-2070

May 5, 2016

Dear Sir:

Attached is my Proof of Claim for Case 16-40050. The total amount of the claim is \$2,258.04, which includes \$1,598.68 for the value of the wine which should be in the warehouse. The Proof of claim includes purchase orders supporting the claim. Also included is a copy with self addressed stamped envelope.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas Ferenchak". The signature is written in a cursive, flowing style.

Thomas Ferenchak

100 Piper Lane

Fairfax, CA 94930

415-456-6120

thomasferenchak@sbcglobal.net