

**Fill in this information to identify the case:**

Debtor 1 Fox Ortega Enterprises

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California ☐

Case number 16-40050

CP-5150

2016 MAY 16 AM 11:13

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO, CA

## 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?	<b>SIMON PHARR</b> 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?	<b>Where should notices to the creditor be sent?</b> <b>SIMON PHARR</b> Name _____ <b>7 THE COURTYARD</b> Number Street _____ <b>LOCUST VALLEY NY 11560</b> City State ZIP Code _____ Contact phone <u>516-759-1472</u> Contact email <u>SIMON.PHARR@GMAIL.COM</u>	<b>Where should payments to the creditor be sent? (if different)</b> 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?	<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? \$ 21,000.00. 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 (WINE) AND NEVER 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 05/14/2016  
MM / DD / YYYY

  
Signature

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

Name SIMON PETER PHARR  
First name Middle name Last name

Title \_\_\_\_\_

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

Address 7 THE COURTYARD  
Number Street  
LOCUST VALLEY NY 11560  
City State ZIP Code

Contact phone 516-759-1472 Email SIMON.PHARR@GMAIL.COM

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000404461  
Order Date: 2/7/2013  
Web Order No: 119929  
Salesperson: PB  
Customer: 6777  
Customer PO:

Sold To	Ship To
Simon Pharr 7 The Courtyard siimon.pharr@gmail.com Locust Valley, NY 11560 USA	Simon Pharr 7 The Courtyard siimon.pharr@gmail.com Locust Valley, NY 11560 USA

Contact: Simon Pharr  
Phone: (516) 759-1472

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
44854 2010 Bordeaux Potential 100 Pointers Special Set	18.00	0.00	875.00	15,750.00

Payments:	15,750.00	Net Order:	15,750.00
2/7/2013	VQEEBA3595CF *****1573	Freight:	0.00
		Sales Tax:	0.00
		USD	15,750.00

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## ORDER DETAILS

Order No.: SO-0000404461  
 Order Date.: Feb 7, 2013  
 Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Pontet Canet, 750 ml	18	0	18	0	\$150.00	\$2,700.00
2010 Montrose, 750 ml	18	0	18	0	\$145.00	\$2,610.00
2010 Pichon Baron, 750 ml	18	0	18	0	\$150.00	\$2,700.00
2010 Beausejour Duffau, 750 ml	18	0	18	0	\$265.00	\$4,770.00
2010 l'Eglise Clinet, 750 ml	18	0	18	0	\$165.00	\$2,970.00
2010 Bordeaux Potential 100 Pointers Special Set, 750 ml	0	0	0	0	\$0.00	\$0.00

**Subtotal:** \$15,750.00  
**Tax:** \$0.00  
**Total:** \$15,750.00

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Pontet Canet, 750 ml	18	0	18
2010 Montrose, 750 ml	18	0	18
2010 Pichon Baron, 750 ml	18	0	18
2010 Beausejour Duffau, 750 ml	18	0	18
2010 l'Eglise Clinet, 750 ml	18	0	18
2010 Bordeaux Potential 100 Pointers Special Set, 750 ml	0	0	0

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### Premier Cru

1011 University Ave

Berkeley, CA 94710

Chateau Ardouin

### Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-6pm

Sunday: Closed

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000405031  
Order Date: 2/14/2013  
Web Order No: 120334  
Salesperson: JG  
Customer: 6777  
Customer PO:

Sold To	Ship To
Simon Pharr 7 The Courtyard siimon.pharr@gmail.com Locust Valley, NY 11560 USA	Simon Pharr 7 The Courtyard siimon.pharr@gmail.com Locust Valley, NY 11560 USA

Contact: Simon Pharr  
Phone: (516) 759-1472

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
44854 2010 Bordeaux Potential 100 Pointers Special Set	6.00	0.00	875.00	5,250.00

				Net Order:	5,250.00
Payments: 5,250.00				Freight:	0.00
				Sales Tax:	0.00



## ORDER DETAILS

Order No.: SO-0000405031  
 Order Date.: Feb 14, 2013  
 Status: Open

## PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Pontet Canet, 750 ml	6	0	6	0	\$150.00	\$900.00
2010 Montrose, 750 ml	6	0	6	0	\$145.00	\$870.00
2010 Pichon Baron, 750 ml	6	0	6	0	\$150.00	\$900.00
2010 Beausejour Duffau, 750 ml	6	0	6	0	\$265.00	\$1,590.00
2010 l'Eglise Clinet, 750 ml	6	0	6	0	\$165.00	\$990.00
2010 Bordeaux Potential 100 Pointers Special Set, 750 ml	0	0	0	0	\$0.00	\$0.00

**Subtotal:** \$5,250.00  
**Tax:** \$0.00  
**Total:** \$5,250.00



## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Pontet Canet, 750 ml	6	0	6
2010 Montrose, 750 ml	6	0	6
2010 Pichon Baron, 750 ml	6	0	6
2010 Beausejour Duffau, 750 ml	6	0	6
2010 l'Eglise Clinet, 750 ml	6	0	6
2010 Bordeaux Potential 100 Pointers Special Set, 750 ml	0	0	0

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1001 University Ave

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Berkeley, CA 94710

Saturday: 10am-5pm

1001 University Ave

Sunday: Closed