

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

FILED

2016 MAY 17 AM 9:50

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CAL.
OAKLAND, CALIF.

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>Joseph P. Micho and Sindy Micho</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>Joseph P. Micho</u> Name <u>9319 Meadowsweet Drive</u> Number Street <u>Belvidere</u> <u>IL</u> <u>61008</u> City State ZIP Code Contact phone <u>815-978-7224</u> Contact email <u>wineguyjpm@aol.com</u>	Where should payments to the creditor be sent? (if different) 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? \$ 29,925.26 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.

Payments to the Debtor for the purchase of goods for personal use.

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)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ 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

\$ _____

\$ 5,550.00

\$ _____

\$ _____

\$ _____

\$ _____

* 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

Signature

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

Name Joseph P. Micho
First name Middle name Last name

Title _____

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

Address 9319 Meadowsweet Drive
Number Street
Belvidere IL 61008
City State ZIP Code

Contact phone 815-978-7224 Email wineguyjpm@aol.com

Available:	0	/
In Transit:	0	
On Order:	89	

Open

Italy

09/10/2013	0000422632	48209	2010 Tignanello, Antinori	\$79.99	4
10/03/2012	0000393353	45369	07 Brunello di Montalcino Tenuta Nuova, de Neri	\$59.99	6
10/03/2012	0000393353	45376	07 Brunello di Montalcino, Fanti	\$39.99	4
09/10/2013	0000422632	48356	2010 Torrone, Petrolo	\$19.99	4
09/10/2013	0000422632	48367	2010 Flaccianello, Fontodi	\$89.99	4
02/22/2010	0000333560	39454	04 Brunello Castelgiocondo, Frescobaldi	\$49.99	4
09/10/2013	0000422632	48208	2010 Ornellaia, Tenuta dell'Ornellaia	\$169.99	6
09/10/2013	0000422631	48363	2011 Redigaffi, Tua Rita	\$175.00	3

Red Bordeaux

03/15/2012	0000376991	41707	09 Cos d'Estournel	\$349.99	6
02/13/2013	0000405023	44063	2010 Ducru Beaucaillou	\$219.99	4
03/15/2012	0000376991	41706	09 Haut Brion	\$899.99	6
02/13/2013	0000405023	44101	2010 La Mission Haut Brion	\$699.99	3
02/13/2013	0000405023	44188	2010 Lafleur	\$1,299.00	2
02/13/2013	0000405023	44123	2010 Latour	\$1,199.00	2
03/15/2012	0000376991	41544	09 l'Evangile	\$375.00	3
03/15/2012	0000376991	41772	09 Margaux	\$899.99	3
02/13/2013	0000405023	44042	2010 Margaux	\$799.99	3
03/15/2012	0000376991	41762	09 Mouton Rothschild	\$799.99	3
03/15/2012	0000376991	41687	09 Pavie	\$284.95	3
03/15/2012	0000376991	41728	09 Vieux Chateau Certan	\$259.99	3
02/13/2013	0000405023	44079	2010 Vieux Ch Certan	\$279.99	4

Red Rhone Valley

12/01/2011	0000368243	43468	2010 Chateauneuf Barbe Rac, Chapoutier	\$79.99	3
12/01/2011	0000368243	44970	2010 Chateauneuf Mon Aieul, P. Usseglio	\$79.99	3

White Bordeaux

03/26/2012	0000377844	43545	09 Smith Haut Lafitte Blanc	\$95.00	3
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THIS LIST WAS SENT TO ME BY PREMIERCRU.
IT DETAILS THE WINES PURCHASED BY
ME BUT NEVER DELIVERED.

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000376991

Order Date: 3/15/2012

Salesperson: PB

Customer: jmic

Customer PO:

Sold To	Ship To
Joseph Micho 9319 Meadowsweet Dr. Belvidere, IL 61008 USA	Joseph Micho 9319 Meadowsweet Dr. (815)971-5494 Belvidere, IL 61008 USA
Contact: Joseph Micho Phone: (815) 971-5494	Declined. PB

Item	Ordered	Quantity Shipped	Unit Price	Amount
41706 09 Haut Brion	6.00	0.00	899.99	5,399.94
41687 09 Pavis	3.00	0.00	284.95	854.85
41772 09 Margaux	3.00	0.00	899.99	2,699.97
41762 09 Mouton Rothschild	3.00	0.00	799.99	2,399.97
41707 09 Cos d'Estoumel	6.00	0.00	349.99	2,099.94
41544 09 l'Evangile	3.00	0.00	375.00	1,125.00
41728 09 Vieux Chateau Certan	3.00	0.00	259.99	779.97

Net Order: 15,359.64

Payments:

Freight: 0.00

Sales Tax: 0.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000368243
Order Date: 12/1/2011

Salesperson: JG
Customer: jmic
Customer PO:

Sold To

Joseph Micho
9319 Meadowsweet Dr.
Belvidere, IL 61008 USA

Ship To

Joseph Micho
9319 Meadowsweet Dr.
(815)971-5494
Belvidere, IL 61008 USA

Contact: Joseph Micho
Phone: (815) 971-5494

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
44968	2010 Chateauneuf Cuvee Imperiale, R. Usseglio	3.00	0.00	79.99	239.97 ✓
43468	2010 Chateauneuf Barbe Rac, Chapoutier	3.00	0.00	79.99	239.97
44972	2010 Chateauneuf Cuvee Reservee, Pegau	3.00	0.00	69.99	209.97 ✓
44970	2010 Chateauneuf Mon Aieul, P. Usseglio	3.00	0.00	79.99	239.97

Payments: 929.88

Net Order: 929.88

Freight: 0.00

Sales Tax: 0.00

12/1/2011 VXHE8AC13940 *****4471 929.88

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PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000422632

Order Date: 9/10/2013

Salesperson: JG

Customer: jmic

Customer PO:

Sold To

Joseph Micho
9319 Meadowsweet Dr.
Belvidere, IL 61008 USA

Ship To

Joseph Micho
9319 Meadowsweet Dr.
(815)971-5494
Belvidere, IL 61008 USA

Contact: Joseph Micho
Phone: (815) 971-5494

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
48209	2010 Tignanello, Antinori	4.00	0.00	79.99	319.96
48356	2010 Torrone, Petrolo	4.00	0.00	19.99	79.96
48367	2010 Flaccianello, Fontodi	4.00	0.00	89.99	359.96
48208	2010 Ornellaia, Tenuta dell'Ornellaia	6.00	0.00	169.99	1,019.94

Net Order: 1,779.82

Payments: 1,779.82

Freight: 0.00

Sales Tax: 0.00

9/10/2013 VTAEAF701F18 *****4471 1,779.82

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PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000422631

Order Date: 9/10/2013

Salesperson: JG

Customer: jmic

Customer PO:

Sold To

Joseph Micho
9319 Meadowsweet Dr.
Belvidere, IL 61008 USA

Ship To

Joseph Micho
9319 Meadowsweet Dr.
(815)971-5494
Belvidere, IL 61008 USA

Contact: Joseph Micho
Phone: (815) 971-5494

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
48363	2011 Redigaffi, Tua Rita	3.00	0.00	175.00	525.00

Payments: 525.00

Net Order: 525.00

9/10/2013 VQEE9E1A974A *****4471 525.00

Freight: 0.00

Sales tax: 0.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000405023
Order Date: 2/13/2013

Salesperson: JG
Customer: jmic
Customer PO:

Sold To

Joseph Micho
9319 Meadowsweet Dr.
Belvidere, IL 61008 USA

Ship To

Joseph Micho
9319 Meadowsweet Dr.
(815)971-5494
Belvidere, IL 61008 USA

Contact: Joseph Micho
Phone: (815) 971-5494

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
44063	2010 Ducru Beaucaillou	4.00	0.00	219.99	879.96
44079	2010 Vieux Ch Certan	4.00	0.00	279.99	1,119.96
44101	2010 La Mission Haut Brion	3.00	0.00	699.99	2,099.97
44042	2010 Margaux	3.00	0.00	799.99	2,399.97
44188	2010 Lafleur	2.00	0.00	1,299.00	2,598.00
44123	2010 Latour	2.00	0.00	1,199.00	2,398.00

Payments: 11,495.86

Net Order: 11,495.86

2/13/2013

VLCE8C023203

*****4471

11,495.86

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Freight:
Sales Tax:

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0.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000377844

Order Date: 3/26/2012

Salesperson: JG

Customer: jmic

Customer PO:

Sold To

Joseph Micho
9319 Meadowsweet Dr.
Belvidere, IL 61008 USA

Ship To

Joseph Micho
9319 Meadowsweet Dr.
(815)971-5494
Belvidere, IL 61008 USA

Contact: Joseph Micho
Phone: (815) 971-5494

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
43545	09 Smith Haut Lafitte Blanc	3.00	0.00	95.00	285.00

Payments: 285.00

Net Order: 285.00

3/26/2012

VKNE3F8633F1

*****4471

285.00

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Freight:
Sales Tax:

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0.00
0.00

1011 University Avenue
Berkeley, CA 94710

Order Number: 0000405023
Order Date: 2/13/2013

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

Salesperson: JG
Customer: jmic
Customer PO:

Sold To

Ship To

Joseph Micho
9319 Meadowsweet Dr.
Belvidere, IL 61008 USA

Joseph Micho
9319 Meadowsweet Dr.
(815)971-5494
Belvidere, IL 61008 USA

Contact: Joseph Micho
Phone: (815) 971-5494

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
44063	2010 Ducru Beaucaillou	4.00	0.00	219.99	879.96
44079	2010 Vieux Ch Certan	4.00	0.00	279.99	1,119.96
44101	2010 La Mission Haut Brion	3.00	0.00	699.99	2,099.97
44042	2010 Margaux	3.00	0.00	799.99	2,399.97
44188	2010 Lafleur	2.00	0.00	1,299.00	2,598.00
44123	2010 Latour	2.00	0.00	1,199.00	2,398.00

Payments: 11,495.86

Net Order: 11,495.86

Freight: 0.00
Sales Tax: 0.00

USD 11,495.86