

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc.
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court Northern District of California
Case number: 16-40050

FILED
U.S. Bankruptcy Court
Northern District of California
5/24/2016
Edward J. Emmons, Clerk

**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>Jeff Kavy</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>Jeff Kavy</u> Name <u>210 Box Oak</u> <u>San Antonio, TX 78230</u> Contact phone <u>210-601-5333</u> Contact email <u>JKavy@satx.rr.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 _____ 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	<div style="display: flex; justify-content: space-between;"><div>\$ 36861.92</div><div>Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).</div></div>
8. What is the basis of the claim?	<p>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 healthcare information.</p> <p style="text-align: center;">purchased wines</p>
9. Is all or part of the claim secured?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</div> <div>Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>. <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____</div> <div>Basis for perfection: _____</div> <div>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.)</div> <div><div>Value of property:</div><div>\$ _____</div><div>Amount of the claim that is secured:</div><div>\$ _____</div><div>Amount of the claim that is unsecured:</div><div>\$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div> <div><div>Amount necessary to cure any default as of the date of the petition:</div><div>\$ _____</div><div>Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div></div>
10. Is this claim based on a lease?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</div>
11. Is this claim subject to a right of setoff?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div>

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. <i>Check all that apply.</i>	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.	<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
	<input checked="" type="checkbox"/> 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).	\$ 2850.00
	<input type="checkbox"/> 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).	\$ _____
	<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
	<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
	<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies	\$ _____
<small>* 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.</small>		

Part 3: Sign Below

<p>The person completing this proof of claim must sign and date it. FRBP 9011(b).</p> <p><small>If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</small></p> <p>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.</p>	<p>Check the appropriate box:</p> <p><input checked="" type="checkbox"/> I am the creditor.</p> <p><input type="checkbox"/> I am the creditor's attorney or authorized agent.</p> <p><input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.</p> <p><input type="checkbox"/> I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.</p> <p>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.</p> <p>I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on date <u>5/24/2016</u></p> <p style="text-align: center;">MM / DD / YYYY</p> <p><u>/s/ Jeff Kavy</u></p> <p>Signature</p> <p>Print the name of the person who is completing and signing this claim:</p> <table style="width: 100%;"> <tr> <td style="width: 20%;">Name</td> <td style="width: 80%;">Jeff Kavy</td> </tr> <tr> <td></td> <td style="text-align: center;">First name Middle name Last name</td> </tr> <tr> <td>Title</td> <td>_____</td> </tr> <tr> <td>Company</td> <td>_____</td> </tr> <tr> <td rowspan="4">Address</td> <td>Identify the corporate servicer as the company if the authorized agent is a servicer</td> </tr> <tr> <td>210 Box Oak</td> </tr> <tr> <td>Number Street</td> </tr> <tr> <td>Shavano Park, TX 78230</td> </tr> <tr> <td></td> <td>City State ZIP Code</td> </tr> <tr> <td>Contact phone</td> <td>210-601-5333</td> </tr> <tr> <td></td> <td>Email JKavy@satx.rr.com</td> </tr> </table>	Name	Jeff Kavy		First name Middle name Last name	Title	_____	Company	_____	Address	Identify the corporate servicer as the company if the authorized agent is a servicer	210 Box Oak	Number Street	Shavano Park, TX 78230		City State ZIP Code	Contact phone	210-601-5333		Email JKavy@satx.rr.com
Name	Jeff Kavy																			
	First name Middle name Last name																			
Title	_____																			
Company	_____																			
Address	Identify the corporate servicer as the company if the authorized agent is a servicer																			
	210 Box Oak																			
	Number Street																			
	Shavano Park, TX 78230																			
	City State ZIP Code																			
Contact phone	210-601-5333																			
	Email JKavy@satx.rr.com																			

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

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. § 603.

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>Jeff Kavy</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>Jeff Kavy</u> Name <u>210 Box Oak</u> Number Street <u>Shavano Park TX 78230</u> City State ZIP Code Contact phone <u>210-601-5333</u> Contact email <u>JKavy@satx.rr.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 amount one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on: ____/____/____	
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? \$ 36,861.92 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.
purchased wines

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:

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)(6).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ 2,850.00

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/18 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 5011(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.

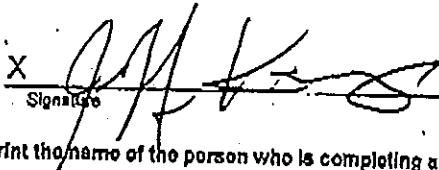
I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

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 05/24/2016

MM / DD / YYYY

X 

Signature

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

Name

Jeff

First name

Middle name

Kavy

Last name

Title

Company

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

Address

210 Box Oak

Number Street

Shavano Park

City

TX

78230

State

ZIP Code

Contact phone

210-601-5333

Email JKavy@sattx.rr.com

The claim asserted is based on the wines claimant has purchased which are or were being stored for claimant by the Debtor/Trustee. To the extent claimant's wines are returned to him, the amount of this claim may be reduced accordingly. Claimant objects to the Trustee disbursing or selling claimant's wines to any entity or person other than claimant.

CustID	CustName	Saleorder	OrderDate	ItemID
jkav	Jeff Kavy	SO-0000245933	12/08/06	21085
jkav	Jeff Kavy	SO-0000245933	12/08/06	24308
jkav	Jeff Kavy	SO-0000239201	09/29/06	32439
jkav	Jeff Kavy	SO-0000245933	12/08/06	29700
jkav	Jeff Kavy	SO-0000239201	09/29/06	33104
jkav	Jeff Kavy	SO-0000245933	12/08/06	30449
jkav	Jeff Kavy	SO-0000239201	09/29/06	33567
jkav	Jeff Kavy	SO-0000245933	12/08/06	29726
jkav	Jeff Kavy	SO-0000245933	12/08/06	33103
jkav	Jeff Kavy	SO-0000297512	06/09/08	38840
jkav	Jeff Kavy	SO-0000293554	04/18/08	38677
jkav	Jeff Kavy	SO-0000293554	04/18/08	38678
jkav	Jeff Kavy	SO-0000293554	04/18/08	38679
jkav	Jeff Kavy	SO-0000297512	06/09/08	38841
jkav	Jeff Kavy	SO-0000297512	06/09/08	38843
jkav	Jeff Kavy	SO-0000297512	06/09/08	38845
jkav	Jeff Kavy	SO-0000371705	01/12/12	43785
jkav	Jeff Kavy	SO-0000371705	01/12/12	42962
jkav	Jeff Kavy	SO-0000293554	04/18/08	38681
jkav	Jeff Kavy	SO-0000297512	06/09/08	38842
jkav	Jeff Kavy	SO-0000297512	06/09/08	38844
jkav	Jeff Kavy	SO-0000371705	01/12/12	43457
jkav	Jeff Kavy	SO-0000293554	04/18/08	36476

Total (Kavy)	239	100.00%	26,138	100.00%
General Inventory	141	59.00%	\$9,056	34.65%
OverSubscribed	80	33.47%	\$9,102	34.82%
None	18	7.53%	\$7,980	30.53%

Description	QtyOpen	PricePaid	Discount	ExtPrice	StdPrice
2000 La Mission Haut Brion	5	450	0	2,250.00	575
01 Suduiraut	24	109.95	0	2,638.80	139.99
04 Pavle	8	100	0	800.00	129.99
03 Rieussec	24	49.99	0	1,199.76	49.99
01 d'Yquem 1/2	12	240	0	2,880.00	239.99
02 Chablis Butteaux, Raveneau	12	79.99	0	959.88	129.99
04 Gimmeldinger Schlossel Rieslaner BA 1/2,	22	65	0	1,430.00	75
03 Lafaurie Peyraguey	12	46.99	0	563.88	46.99
01 d'Yquem	12	475	0	5,700.00	699.99
07 Suduiraut	12	73.99	0	887.88	77.99
06 Chassagne Boudriottes, Ramonet	6	64.99	0	389.94	64.99
06 Chassagne Morgeots, Ramonet	2	64.99	0	129.98	64.99
06 Chassagne Vergers, Ramonet	2	64.99	0	129.98	64.99
07 Suduiraut 1/2	12	37.99	0	455.88	37.99
07 Rieussec 1/2	12	41.99	0	503.88	47.99
07 Climens 1/2	24	75.99	0	1,823.76	75.99
09 Beaune Clos de la Mousse, Bouchard	4	43.99	0	175.96	43.99
09 Volnay Clos des Chenes, Bouchard	4	45	0	180.00	45
06 Puligny Enseignerres, Ramonet	1	64.99	0	64.99	64.99
07 Rieussec	12	82.99	0	995.88	89.99
07 Climens	12	149.99	0	1,799.88	159.99
09 Beaune du Chateau 1er Cru, Bouchard	4	36.99	0	147.96	36.99
05 Bourgogne Chardonnay, Anne Gros	1	29.95	0	29.95	29.95

31,568	30,555
9,600	8,756
10,663	10,597
11,305	11,202

ExtStdPric	LastCost	ExtLastCost	Status
2,875.00	615	3,075.00	None
3,359.76	91.33	2,191.92	OverSubscribed
1,039.92	300.110	880.00	OverSubscribed 2,400
1,199.76	39,528.75	75,948.69	General Inventory 1,800
2,879.88	313.06	3,756.72	OverSubscribed
1,559.88	250.104	1,248.00	OverSubscribed 3,000
1,650.00	62.76849	1,380.91	General Inventory 2,160.00
563.88	41.33333	496.00	General Inventory
8,399.88	800.675	8,100.00	None 9,600
935.88	69	828.00	General Inventory
389.94	83.25	499.50	General Inventory
129.98	44	88.00	General Inventory
129.98	44	88.00	General Inventory
455.88	37.25	447.00	General Inventory
575.88	41	492.00	General Inventory
1,823.76	105	2,520.00	OverSubscribed
175.96	39.69	158.76	General Inventory
180.00	53.97	215.88	General Inventory
64.99	44	44.00	General Inventory
1,079.88	79	948.00	General Inventory
1,919.88	225.168	2,016.00	General Inventory 2,700
147.96	26.38	105.52	General Inventory
29.95	26.71	26.71	None

36,861.92