

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>William Savitt</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>William Savitt</u> Name <u>685 West End Avenue</u> <u>New York, NY 10025</u> Contact phone <u>9176790701</u> Contact email <u>bsavitt@gmail.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>\$ 2731.66</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).</p> <p>Limit disclosing information that is entitled to privacy, such as healthcare information.</p> <p>Debtor held wine that was creditors and owed other wine to creditor that had been paid for</p> <p>_____</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: _____ 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>\$ _____</div><div style="text-align: right;">(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> |

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|---|---|--|
| 12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)? | <input checked="" type="checkbox"/> No <input 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 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). <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)(<u> </u>) 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 5/24/2016
 MM / DD / YYYY

/s/ William Savitt
 Signature

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

Name William Savitt
 First name Middle name Last name

Title _____

Company _____

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

685 West End Avenue
 Number Street
New York, NY 10025
 City State ZIP Code

Contact phone 9176790701 Email bsavitt@gmail.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000370945
Order Date: 1/3/2012
Web Order No: 89763
Salesperson: MR
Customer: 42233
Customer PO:

| Sold To | Ship To |
|--|--|
| William Savit 685 West End Avenue New York, NY 10025 USA | William Savit 685 West End Avenue New York, NY 10025 USA |

Contact: William Savit
Phone: (212) 666-2812

This order has been paid by MasterCard - Thank You!

| Item | | Ordered | Quantity Shipped | Unit Price | Amount |
|-------|--------------------|---------|------------------|------------|--------|
| 43142 | 09 Nenin | 2.00 | 0.00 | 59.99 | 119.98 |
| 41552 | 09 Branaire Ducru | 2.00 | 0.00 | 64.99 | 129.98 |
| 41541 | 09 Calon Segur | 2.00 | 0.00 | 79.99 | 159.98 |
| 41606 | 09 Leoville Barton | 2.00 | 0.00 | 89.99 | 179.98 |
| 41431 | 09 Faugeres | 2.00 | 0.00 | 31.99 | 63.98 |
| 41565 | 09 Lynch Bages | 2.00 | 0.00 | 129.99 | 259.98 |

| | | | |
|------------------|------------------------|------------|------------|
| Payments: 913.88 | | Net Order: | 913.88 |
| | | Freight: | 0.00 |
| | | Sales Tax: | 0.00 |
| 1/3/2012 | VWNE3CBB7E73 *****1009 | 913.88 | |
| | | | USD 913.88 |

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000430823
Order Date: 12/14/2013
Web Order No: 139572
Salesperson: JG
Customer: 42233
Customer PO:

Sold To

William Savit
685 West End Avenue
New York, NY 10025 USA

Ship To

William Savit
685 West End Avenue
New York, NY 10025 USA

Contact: William Savit
Phone: (212) 666-2812

This order has been paid by MasterCard - Thank You!

| Item | | Ordered | Quantity Shipped | Unit Price | Amount |
|-------|-------------------------|---------|------------------|------------|--------|
| 43924 | 2010 Leoville Barton | 2.00 | 0.00 | 114.99 | 229.98 |
| 43880 | 2010 Calon Segur | 4.00 | 0.00 | 74.99 | 299.96 |
| 43942 | 2010 Lynch Bages | 2.00 | 0.00 | 155.00 | 310.00 |
| 43954 | 2010 Branaire Ducru | 2.00 | 0.00 | 67.99 | 135.98 |
| 43919 | 2010 Smith Haut Lafitte | 2.00 | 0.00 | 129.99 | 259.98 |

Payments: 1,235.90

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|------------|--------------|-----------|----------|
| 12/14/2013 | VUYEB3E52224 | *****1009 | 1,235.90 |
|------------|--------------|-----------|----------|

Net Order: 1,235.90

Freight: 0.00

Sales Tax: 0.00

USD 1,235.90

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000451858
Order Date: 8/6/2014
Web Order No: 155522
Salesperson: PB
Customer: 42233
Customer PO:

| Sold To | Ship To |
|--|--|
| William Savit 685 West End Avenue New York, NY 10025 USA | William Savit 685 West End Avenue New York, NY 10025 USA |

Contact: William Savit
Phone: (212) 666-2812

This order has been paid by MasterCard - Thank You!

| Item | Ordered | Quantity Shipped | Unit Price | Amount |
|---------------------|---------|------------------|------------|--------|
| 50384 2010 de Sales | 9.00 | 0.00 | 21.99 | 197.91 |

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|------------------|--|--|--|-------------------|--|
| Payments: 197.91 | | | | Net Order: 197.91 | |
| | | | | Freight: 0.00 | |
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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: 0000458002
Order Date: 10/15/2014
Web Order No: 160018
Salesperson: PB
Customer: 42233
Customer PO:

| Sold To | Ship To |
|--|--|
| William Savit 685 West End Avenue New York, NY 10025 USA | William Savit 685 West End Avenue New York, NY 10025 USA |

Contact: William Savit
Phone: (212) 666-2812

This order has been paid by MasterCard - Thank You!

| Item | Ordered | Quantity Shipped | Unit Price | Amount |
|----------------------------|---------|---------------------|------------|--------|
| 43924 2010 Leoville Barton | 3.00 | 0.00 | 114.99 | 344.97 |

| | | | | | |
|------------------|--------------|-----------|--------|------------|--------|
| Payments: 344.97 | | | | Net Order: | 344.97 |
| | | | | Freight: | 0.00 |
| 10/15/2014 | VREAB4C2AFF6 | *****7434 | 344.97 | Sales Tax: | 0.00 |
| | | | | | |
| | | | | USD | 344.97 |

Savitt, William D.

From: Lillyth Quillan <lillyth@premiercru.net>
Sent: Monday, November 23, 2015 7:38 PM
To: bill savitt
Subject: RE: orders

Hi Bill,

So sorry for the delay. This is typically our busiest time of year, and this year we have been unseasonably busy. We deeply regret not having been able to respond sooner.

You have the following wines in stock available to be shipped:

- 2 bottles of the '09 Ducru
- 2 bottles of the '10 Ducru
- 9 bottles of the '10 de Sales
- 2 bottles of the '09 Faugeres
- 2 bottles of the '09 Nenin

I would be more than happy to arrange shipping on these times if you would like. If you would like for me to do this, please confirm the following information:

- Address you would like us to ship your wines
- When you would like us to ship your wines
- Method of Shipping, i.e.: UPS Ground, GSO Overnight, etc.
- Card you would like charged for your shipping

I look forward to assisting you with your account, and thank you for your continued patronage.

Lillyth Quillan
[Premier Cru](#) - The World's Finest Wines
1011 University Avenue
Berkeley, CA 94710
Phone (510) 644-9463 Ext. 11
lillyth@premiercru.net

From: bill savitt [<mailto:bsavitt@gmail.com>]
Sent: Sunday, November 22, 2015 5:30 PM
To: Premier Cru
Subject: Re: orders

Hello. This is now my fourth message. I would really appreciate the courtesy of a response.

Thank you.

On Sun, Nov 8, 2015 at 8:14 PM, bill savitt <bsavitt@gmail.com> wrote:

Hi. I made a number of orders from James Gillerman a couple years back but James doesn't seem to be at the store anymore. I had wanted to confirm that my wines was available and arrange for delivery. My account is under this email address, bsavitt@gmail.com.

It would be great if someone could get back to me. I've sent a couple of previous messages but have had no response. Thanks and best regards.

Bill