

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>Albert Osterheld</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>Albert Osterheld</u> Name <u>264 North Murrieta</u> <u>Livermore, CA 94551</u> Contact phone <u>925-449-6145</u> Contact email <u>alo@ksyrah.org</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?	<div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____</div>
7. How much is the claim?	<div><div>\$ 479.79</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>Goods sold, not delivered, 9 bottles of wine to be shipped Tuesday after filing</p>
9. Is all or part of the claim secured?	<div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <div><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>.</div><div><input type="checkbox"/> Motor vehicle</div><div><input type="checkbox"/> Other. Describe: _____</div></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>Value of property: \$ _____</div> <div>Amount of the claim that is secured: \$ _____</div> <div>Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</div> <div>Amount necessary to cure any default as of the date of the petition: \$ _____</div> <div>Annual Interest Rate (when case was filed) _____ % <div><input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div></div>
10. Is this claim based on a lease?	<div><input checked="" type="checkbox"/> No</div> <div><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</div> <div><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 checked="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)(_) 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/ Albert Loughton Osterheld
Signature

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

Name Albert Loughton Osterheld
First name Middle name Last name

Title _____

Company _____

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

264 N Murrieta

Number Street

Livermore, CA 94551-3077

City State ZIP Code

Contact phone 925-449-6145 Email alo@ksyrah.org



Sales Order

Page: 1

5890 CHRISTIE AVENUE
EMERYVILLE, CA 94608
(510)655-6691 FAX(510)547-5405

Order Number: 0000260550
Order Date: 3/29/2007
Change Order: 0
Confirm No:
Salesperson: DRB
Customer: 12741
Customer PO: 26079

Sold To	Ship To
Albert Osterheld 264 North Murrieta Livermore, CA 94551 USA	Albert Osterheld 264 North Murrieta Livermore, CA 94551 USA

Phone: (925) 449-6145

Item		Ordered	Quantity Shipped	Unit Price	Amount
35147	05 St. Joseph Granits Blanc, Chapoutier	3.00	0.00	39.95	119.85
36718	05 Chateauneuf Cuvee Reservee, Pegau	6.00	0.00	59.99	359.94

Payments: 521.77				Net Order:	479.79
				Discount:	0.00
				Freight:	0.00
				Sales Tax:	41.98
3/29/2007	VUJE0EFC50F1	*****9411	521.77		
				USD	521.77

From: Yeshe Wingerd Yeshe@premiercru.net
Subject: RE: Ship Request # 189937 from Albert Loughton Osterheld
Date: January 8, 2016 at 11:36 AM
To: alo@ksyrah.org

YW

Hello Albert,

I have scheduled your shipment as follows:

Shipping address: Albert Osterheld 264 North Murrieta
Livermore CA 94551
Shipping method: GSO
Shipping card: MasterCard xxxxxxxxxxxx8705 0517
Shipping date: 1/12/16

As a disclaimer we cover box loss and bottle breakage though are not responsible for any weather related issues once the wine leaves our warehouse. We will send an email confirmation with the tracking number once the wine leaves our warehouse. Thank you.

Yeshe Wingerd
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
fax (510) 647-3833
yeshe@premiercru.net

Yeshe Wingerd
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
fax (510) 647-3833
yeshe@premiercru.net

-----Original Message-----

From: Premier Cru
Sent: Thursday, December 31, 2015 12:00 PM
To: Premier Cru
Subject: Ship Request # 189937 from Albert Loughton Osterheld

Order Number: 189937
Placed: Dec 31 2015 4:11PM
Cust Name: Albert Loughton Osterheld
Email Address: alo@ksyrah.org
Cust Id: 12741

Billing Address:

Albert Loughton Osterheld
264 N Murrieta

Livermore, CA 94551

Day Phone: 925-449-6145

Eve Phone: 925-449-6145

Cel Phone:

Shipping Address:

Albert Osterheld

849 E. Stanley Blvd # 166

Livermore, CA 94551

Day Phone: 925-449-6145

Eve Phone:

Cel Phone:

Ship On or After: ASAP

Ship Via: Ground

Payment: 8705 exp: 05 17

Name on Card: Albert L Osterheld

qty	item	Wine
6	36718	2005 Chateauneuf Cuvee Reservee, Pegau
3	35147	2005 St. Joseph Granits Blanc, Chapoutier

Bottles : 9

Shipping: 18.00

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

Premier Cru

1011 University Avenue

Berkeley, CA 94710

(510) 644-9463

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

FILED
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04/16

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3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? <u>Albert Osterheld</u> Name 264 North Murrieta Livermore, CA 94551 Contact phone <u>925-449-6145</u> Contact email <u>alo@ksyrah.org</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 _____ <div style="text-align: right;">MM / DD / YYYY</div>	
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? _____	

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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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply.</i>	Amount entitled to priority
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* 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).

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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/ Albert Loughton Osterheld
 Signature

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

Name Albert Loughton Osterheld
 First name Middle name Last name

Title _____

Company _____

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

264 N Murrieta
 Number Street
Livermore, CA 94551-3077

City State ZIP Code
 Contact phone 925-449-6145 Email alo@ksyrah.org



Sales Order

Page: 1

5890 CHRISTIE AVENUE
EMERYVILLE, CA 94608
(510)655-6691 FAX(510)547-5405

Order Number: 0000260550
Order Date: 3/29/2007
Change Order: 0
Confirm No:
Salesperson: DRB
Customer: 12741
Customer PO: 26079

Sold To	Ship To
Albert Osterheld 264 North Murrieta Livermore, CA 94551 USA	Albert Osterheld 264 North Murrieta Livermore, CA 94551 USA

Phone: (925) 449-6145

Item		Ordered	Quantity Shipped	Unit Price	Amount
35147	05 St. Joseph Granits Blanc, Chapoutier	3.00	0.00	39.95	119.85
36718	05 Chateauneuf Cuvee Reservee, Pegau	6.00	0.00	59.99	359.94

Payments: 521.77				Net Order:	479.79
				Discount:	0.00
				Freight:	0.00
				Sales Tax:	41.98
3/29/2007	VUJE0EFC50F1	*****9411	521.77		
				USD	521.77

From: Yeshe Wingerd Yeshe@premiercru.net
Subject: RE: Ship Request # 189937 from Albert Loughton Osterheld
Date: January 8, 2016 at 11:36 AM
To: alo@ksyrah.org

YW

Hello Albert,

I have scheduled your shipment as follows:

Shipping address: Albert Osterheld 264 North Murrieta
Livermore CA 94551
Shipping method: GSO
Shipping card: MasterCard xxxxxxxxxxxx8705 0517
Shipping date: 1/12/16

As a disclaimer we cover box loss and bottle breakage though are not responsible for any weather related issues once the wine leaves our warehouse. We will send an email confirmation with the tracking number once the wine leaves our warehouse. Thank you.

Yeshe Wingerd
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
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yeshe@premiercru.net

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-----Original Message-----

From: Premier Cru
Sent: Thursday, December 31, 2015 12:00 PM
To: Premier Cru
Subject: Ship Request # 189937 from Albert Loughton Osterheld

Order Number: 189937
Placed: Dec 31 2015 4:11PM
Cust Name: Albert Loughton Osterheld
Email Address: alo@ksyrah.org
Cust Id: 12741

Billing Address:

Albert Loughton Osterheld
264 N Murrieta

Livermore, CA 94551

Day Phone: 925-449-6145

Eve Phone: 925-449-6145

Cel Phone:

Shipping Address:

Albert Osterheld

849 E. Stanley Blvd # 166

Livermore, CA 94551

Day Phone: 925-449-6145

Eve Phone:

Cel Phone:

Ship On or After: ASAP

Ship Via: Ground

Payment: 8705 exp: 05 17

Name on Card: Albert L Osterheld

qty	item	Wine
6	36718	2005 Chateauneuf Cuvee Reservee, Pegau
3	35147	2005 St. Joseph Granits Blanc, Chapoutier

Bottles : 9

Shipping: 18.00

If you have any questions, please email us at info@premiercru.net or
call us at 510-644-9463.

Premier Cru

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Berkeley, CA 94710

(510) 644-9463

