

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
5/25/2016
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>Thomas Kobylarz</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor <u>Tom Kobylarz, Thomas J. Kobylarz</u>	
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>Thomas Kobylarz</u> Name <u>2 Patterson Ave, Apt 5A</u> Hoboken, NJ 07030 Contact phone <u>1-917-374-1184</u> Contact email <u>tkoby11@yahoo.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) <u>2 Paterson Avenue, Apt 5A</u> Name Hoboken, NJ 07030 Contact phone <u>1-917-374-1184</u> Contact email <u>tkoby11@yahoo.com</u>
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>\$ 46452.95</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>Wine purchased that was sold to me as purchased wine by the debtor that was never delivered to me (creditor).</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>\$ _____</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>

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

<p>The person completing this proof of claim must sign and date it. FRBP 9011(b).</p> <p style="font-size: small;">If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</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>5/25/2016</u></p> <p style="text-align: center;">MM / DD / YYYY</p> <p><u>/s/ Thomas J. Kobylarz</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: 50%;">Name</td> <td colspan="3">Thomas J. Kobylarz</td> </tr> <tr> <td></td> <td style="width: 25%;">First name</td> <td style="width: 25%;">Middle name</td> <td style="width: 25%;">Last name</td> </tr> <tr> <td>Title</td> <td colspan="3">_____</td> </tr> <tr> <td>Company</td> <td colspan="3">_____</td> </tr> <tr> <td rowspan="4">Address</td> <td colspan="3">Identify the corporate servicer as the company if the authorized agent is a servicer</td> </tr> <tr> <td colspan="3">2 Paterson Avenue, Apt 5A</td> </tr> <tr> <td colspan="3">Number Street</td> </tr> <tr> <td colspan="3">Hoboken, NJ 07030</td> </tr> <tr> <td rowspan="2">Contact phone</td> <td>City</td> <td>State</td> <td>ZIP Code</td> </tr> <tr> <td colspan="3">1-917-374-1184</td> </tr> <tr> <td></td> <td>Email</td> <td colspan="2">tkoby11@yahoo.com</td> </tr> </table>	Name	Thomas J. Kobylarz				First name	Middle name	Last name	Title	_____			Company	_____			Address	Identify the corporate servicer as the company if the authorized agent is a servicer			2 Paterson Avenue, Apt 5A			Number Street			Hoboken, NJ 07030			Contact phone	City	State	ZIP Code	1-917-374-1184				Email	tkoby11@yahoo.com	
Name	Thomas J. Kobylarz																																								
	First name	Middle name	Last name																																						
Title	_____																																								
Company	_____																																								
Address	Identify the corporate servicer as the company if the authorized agent is a servicer																																								
	2 Paterson Avenue, Apt 5A																																								
	Number Street																																								
	Hoboken, NJ 07030																																								
Contact phone	City	State	ZIP Code																																						
	1-917-374-1184																																								
	Email	tkoby11@yahoo.com																																							

	<u>Disputed</u>	<u>Refunded</u>	<u>BK Claim</u>
Schwab Visa:	\$21,957.57	\$3,049.76	\$18,907.81
Chase Visa:	\$11,853.96	\$10,675.06	\$1,178.90
Citi MC:	\$7,548.66	\$7,548.66	\$0.00
Amex:	\$26,366.24	0	\$26,366.24
	<hr/>		
	\$ 67,726.43	\$ 21,273.48	\$46,452.95

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date	Credit Card	Adjustments for Partial Delivery	Adj \$
SO-0000470592 (Open)	\$539.96	6	0	6	0	2/18/2015	Schwab 4844		
SO-0000469217 (Open)	\$89.97	3	0	3	0	2/7/2015	Schwab 4844		
SO-0000465445 (Open)	\$479.94	6	0	6	0	12/26/2014	Schwab 4844		
SO-0000455130 (Open)	\$319.98	2	0	2	0	9/13/2014	Schwab 4844		
SO-0000454667 (Open)	\$299.97	3	0	3	0	9/7/2014	Schwab 4844		
SO-0000453946 (Open)	\$1,134.00	6	0	6	0	8/29/2014	Schwab 4844		
SO-0000446832 (Open)	\$356.98	3	0	3	0	6/8/2014	Schwab 4844		
SO-0000445513 (Open)	\$569.94	6	3	3	0	5/23/2014	Schwab 4844	Subtract 209.97 as received wine	(209.97)
SO-0000444641 (Open)	\$457.92	8	0	8	0	5/10/2014	Schwab 4844		
SO-0000444204 (Open)	\$359.94	6	0	6	0	5/3/2014	Schwab 4844		
SO-0000444195 (Open)	\$179.97	3	0	3	0	5/3/2014	Schwab 4844		
SO-0000441130 (Open)	\$2,100.00	6	0	6	0	4/3/2014	Schwab 4844		
SO-0000440861 (Open)	\$989.97	4	0	4	0	3/29/2014	Schwab 4844		
SO-0000440844 (Open)	\$494.99	2	0	2	0	3/29/2014	Schwab 4844		
SO-0000440486 (Open)	\$479.94	6	0	6	0	3/25/2014	Schwab 4844		
SO-0000431365 (Open)	\$619.95	5	0	5	0	12/18/2013	Schwab 4844		
SO-0000431282 (Open)	\$1,379.93	7	0	7	0	12/18/2013	Schwab 4844		
SO-0000428469 (Open)	\$239.94	6	0	6	0	11/23/2013	Schwab 4844		
SO-0000427857 (Open)	\$749.91	9	3	6	0	11/12/2013	Schwab 4844	Subtract 299.97 as received wine	(299.97)
SO-0000427438 (Open)	\$1,170.00	6	0	6	0	11/9/2013	Schwab 4844		
SO-0000427393 (Open)	\$629.94	12	6	6	0	11/9/2013	Schwab 4844	Subtract 314.97 as received wine	(314.97)
SO-0000427375 (Open)	\$95.00	1	0	1	0	11/9/2013	Schwab 4844		Robin Young (Indy Schwab Rep) or Brian in Denver
SO-0000425907 (Open)	\$139.98	2	0	2	0	10/19/2013	Schwab 4844		
SO-0000422749 (Open)	\$738.89	12	11	1	0	9/13/2013	Schwab 4844	Subtract 583.89 as received wine	(583.89)
SO-0000421530 (Open)	\$479.94	6	0	6	0	8/24/2013	Schwab 4844		
SO-0000417964 (Open)	\$279.94	6	0	6	0	7/13/2013	Schwab 4844		
SO-0000417452 (Open)	\$299.94	6	0	6	0	7/6/2013	Schwab 4844		
SO-0000417447 (Open)	\$719.88	12	0	12	0	7/6/2013	Schwab 4844		
SO-0000416192 (Open)	\$1,727.88	12	6	6	0	6/22/2013	Schwab 4844	Subtract 167.97 as received wine	(167.94)
SO-0000415153 (Open)	\$74.97	3	0	3	0	6/8/2013	Schwab 4844		
SO-0000412288 (Open)	\$599.94	6	0	6	0	5/8/2013	Schwab 4844		
SO-0000411745 (Open)	\$519.96	4	0	4	0	5/3/2013	Schwab 4844		
SO-0000386675 (Open)	\$449.97	3	0	3	0	7/16/2012	Schwab 4844		
SO-0000385418 (Open)	\$869.94	6	0	6	0	6/29/2012	Schwab 4844		
SO-0000377209 (Open)	\$449.97	3	0	3	0	3/16/2012	Schwab 4844		
SO-0000377004 (Open)	\$509.97	3	0	3	0	3/15/2012	Schwab 4844		
SO-0000376569 (Open)	\$2,385.00	15	3	12	0	3/10/2012	Schwab 4844	Subtract 450.00 as received wine	(450.00)
Paid and undelivered \$:		\$21,957.57	Bottles:		183	Adjustment total: (\$2,026.74)			

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date	Credit Card	Adjustments for Partial Delivery	Adj \$
SO-0000450144 (Open)	\$56.97	3	0	3	0	7/19/2014	Amex 4005		
SO-0000443192 (Open)	\$479.94	6	0	6	0	4/22/2014	Amex 4005		
SO-0000442491 (Open)	\$180.00	4	0	4	0	4/16/2014	Amex 4005		
SO-0000442037 (Open)	\$579.92	12	3	12	0	4/12/2014	Amex 4005	Subtract 180.00 as received wine	(180.00)
SO-0000441399 (Open)	\$335.93	10	0	10	0	4/5/2014	Amex 4005		
SO-0000441392 (Open)	\$440.96	6	0	6	0	4/5/2014	Amex 4005		
SO-0000441128 (Open)	\$183.94	6	0	6	0	4/3/2014	Amex 4005		
SO-0000440842 (Open)	\$269.97	4	0	4	0	3/29/2014	Amex 4005		
SO-0000440339 (Open)	\$419.94	6	0	6	0	3/25/2014	Amex 4005		
SO-0000436661 (Open)	\$313.45	6	0	6	0	2/7/2014	Amex 4005		
SO-0000435670 (Open)	\$115.96	4	0	4	0	1/25/2014	Amex 4005		
SO-0000434620 (Open)	\$643.46	12	0	12	0	1/18/2014	Amex 4005		
SO-0000433375 (Open)	\$382.45	6	0	6	0	1/7/2014	Amex 4005		
SO-0000432915 (Open)	\$107.94	6	0	6	0	1/4/2014	Amex 4005		
SO-0000432109 (Open)	\$311.94	6	0	6	0	12/26/2013	Amex 4005		
SO-0000430843 (Open)	\$344.97	4	1	3	0	12/14/2013	Amex 4005	Subtract 45.00 as received wine	(45.00)
SO-0000429847 (Open)	\$5,999.88	12	0	12	0	12/2/2013	Amex 4005		
SO-0000429845 (Open)	\$5,999.94	6	0	6	0	12/2/2013	Amex 4005		
SO-0000429347 (Open)	\$5,999.94	6	0	6	0	11/28/2013	Amex 4005		
SO-0000428701 (Open)	\$2,759.88	12	0	12	0	11/23/2013	Amex 3007		
SO-0000423542 (Open)	\$33.98	2	0	2	0	9/21/2013	Amex 3007		
SO-0000385168 (Open)	\$149.94	6	0	6	0	6/27/2012	Amex 3007		
SO-0000373988 (Open)	\$479.94	6	0	6	0	2/7/2012	Amex 3007		

Paid and undelivered \$: \$26,366.24

Bottles: 150

Adjustment total: (225.00)

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date	Credit Card	Notes	Adjustments for Partial Delivery	Adj \$
SO-0000468704 (Open)	\$174.00	2	0	2	0	2/1/2015	United Visa 7873	disputed 12/17 with Chase		
SO-0000468462 (Open)	\$299.94	6	0	6	0	1/31/2015	United Visa 7873	disputed 12/17 with Chase		
SO-0000468335 (Open)	\$695.96	6	0	6	0	1/30/2015	United Visa 7873	disputed 12/17 with Chase		
SO-0000464349 (Open)	\$428.94	6	0	6	0	12/14/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000463983 (Open)	\$239.96	4	0	4	0	12/12/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000463512 (Open)	\$155.98	3	0	3	0	12/7/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000462388 (Open)	\$557.52	12	4	8	0	11/28/2014	United Visa 7873	disputed 12/17 with Chase	Subtract 194.87 as received wine	(194.87)
SO-0000460755 (Open)	\$272.96	6	0	6	0	11/9/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000460556 (Open)	\$314.97	3	0	3	0	11/8/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000460548 (Open)	\$224.97	3	0	3	0	11/8/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000460542 (Open)	\$149.94	6	0	6	0	11/8/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000460076 (Open)	\$839.98	3	0	3	0	11/3/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000459851 (Open)	\$299.94	6	0	6	0	11/1/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000459057 (Open)	\$239.93	7	0	7	0	10/26/2014	United Visa 7873	disputed 12/17 with Chase	50.93 charged instead of full amount	
SO-0000459013 (Open)	\$599.94	6	0	6	0	10/26/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000457190 (Open)	\$299.96	4	0	4	0	10/4/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000455987 (Open)	\$175.48	3	0	3	0	9/23/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000455719 (Open)	\$3,329.94	9	6	3	3	9/21/2014	United Visa 7873	disputed 12/17 with Chase	Subtract 2,549.97 as received wine	(2,549.97)
SO-0000451555 (Open)	\$659.94	6	0	6	0	8/2/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000451550 (Open)	\$689.91	9	0	9	0	8/2/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000450776 (Open)	\$863.94	6	0	6	0	7/26/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000450768 (Open)	\$464.94	11	0	11	0	7/26/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000450657 (Open)	\$167.97	4	0	4	0	7/25/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000450109 (Open)	\$268.96	4	0	4	0	7/19/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000450039 (Open)	\$239.98	4	0	4	0	7/19/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000449734 (Open)	\$139.99	1	0	1	0	7/16/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000449558 (Open)	\$269.97	3	0	3	0	7/13/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000449445 (Open)	\$299.95	5	0	5	0	7/12/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000449414 (Open)	\$449.94	6	0	6	0	7/12/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000447506 (Open)	\$222.00	2	0	2	0	6/14/2014	United Visa 7873	disputed 12/17 with Chase		
SO-0000447274 (Open)	\$956.90	15	4	5	0	6/14/2014	United Visa 7873	disputed 12/17 with Chase	Subtract 395.90 as received wine	(395.90)

Paid and undelivered \$: \$11,853.96

Bottles: 151

Adjustment total: (\$3,140.74)