

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc. dba Premier Cru

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050

LM 1:50 p.m.
FILED
MAY 17 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

Official Form 410

Proof of Claim

12/15

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?

Kurt Burdack

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?

☒ No

☐ 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?

Kurt Burdack c/o CBRE, Inc.

Name

250 Pehle Avenue, Suite 600

Number Street

Saddle Brook

NJ

07663

City

State

ZIP Code

Contact phone (201) 965-5000

Contact email kurt.burdack@cbre.com

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?

☒ No

☐ 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?

☒ No

☐ 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? \$ 3,079.86. 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.
Futures Bordeaux Ordered 5/1/13, 14 Bottles, 2010 Chateau Pavie

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: \$ 3,079.86
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ 3,079.86 (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: \$ 3,079.86
Annual Interest Rate (when case was filed) 0.00 %
☐ 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 all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ Up to \$2,775* 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 \$12,475*) 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.

\$ _____

* Amounts are subject to adjustment on 4/01/16 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 05/13/2016
MM / DD / YYYY



Signature

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

Name Kurt Arthur Burdack
First name Middle name Last name

Title _____

Company _____

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

Address 250 Pehle Avenue, Suite 600
Number Street

City _____ State _____ ZIP Code 07663

Contact phone (201) 965-5000 Email Kurt.Burdack@cbre.com



Park 80 West, Plaza Two
250 Pehle Avenue
Suite 600
Saddle Brook, NJ 07663

201 712 5807 Tel
201 712 5650 Fax
201 965 5000 Cell

kurt.burdack@cbre.com
www.cbre.com

Kurt A. Burdack
Senior Vice President

CBRE, Inc.
Global Corporate Services

May 16, 2016

U.S. Bankruptcy Court
1300 Clay Street, #300 (94612)
Post Office Box 2070
Oakland, CA 94604-2070

Case # 16-40050

I am submitting my Proof Of Claim (Form 410) and am attaching two (2) proof of purchase;

- 1) American Express Receipt for \$3079.86 paid to Premier Cru..
- 2) Kurt Burdack's Wine Statistics obtained from Wendel, Rosen, Black & Dean. Also showing \$3,079.86 was paid to Premier Cru.

My last conversation with Premier Cru was on 11/17/15. I was told by a Tony that my wine had not yet been shipped from Europe and would be arriving the end of the winter.

Please confirm receipt of this Proof Of Claim and attachments.

Regards,

A handwritten signature in black ink that reads "Kurt A. Burdack". The signature is fluid and cursive.

Kurt Burdack

(201) 965-5000

CustID	CustName	Saleorder	OrderDate	ItemID	Description	Total (Burdack)			
						14	100.00%	3,080	
						0	0.00%	\$0	
						0	0.00%	\$0	
Kbur	Kurt Burdack	SO-0000412027	05/01/13	44203	2010 Pavie	14	100.00%	\$3,080	
						14	100.00%		
						14	219.99	0	
						14		3,079.86	None

**American Express® Gold Card**

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KURT BURDACK
Closing Date 05/21/13

Account Ending 2-92000

New Balance **\$3,750.52****Please Pay By** **06/05/13****Membership Rewards® Points**

Available and Pending as of 04/30/13

25,947For up to date point balance and full program details, visit [membershipeards.com](http://membershipewards.com)

See page 2 for important information about your account.

See Page 5 for Changes to the Equinox Fitness Club Program

i Notice of Changes to Your Membership Rewards Program® Account
Effective August 1, 2013 Jumeirah Hotels and Resorts will no longer be a point transfer hotel partner in the Membership Rewards program. Any Membership Rewards point transfer redemptions for Sirius Points must be made by July 31, 2013. These redemptions will be considered final, non-refundable, and subject to the Sirius program terms and conditions. You can continue to transfer points into other frequent guest programs, including Best Western Rewards®, Choice Privileges®, Hilton HHonors® and Starwood Preferred Guest®.
To use points for hotel stays, please visit membershipeards.com/travel.

Account Summary**Pay In Full Portion**

Previous Balance	\$426.00
Payments/Credits	-\$426.00
New Charges	+\$3,750.52
Fees	+\$0.00
New Balance	= \$3,750.52

Pay Over Time Portion

Previous Balance	\$0.00
Payments/Credits	-\$0.00
New Charges	+\$0.00
Fees	+\$0.00
Interest Charged	+\$0.00
New Balance	= \$0.00
Minimum Due	\$0.00

Account Total

Previous Balance	\$426.00
Payments/Credits	-\$426.00
New Charges	+\$3,750.52
Fees	+\$0.00
Interest Charged	+\$0.00

New Balance **\$3,750.52**

Days in Billing Period: 32

Customer Care**Pay by Computer**
americanexpress.com/pbc**Customer Care** **Pay by Phone**
1-800-639-1202 1-800-472-9297

See page 2 for additional information.

↓ Please fold on the perforation below, detach and return with your payment ↓

**Payment Coupon**
Do not staple or use paper clips**Pay by Computer**
americanexpress.com/pbc**Pay by Phone**
1-800-472-9297**Account Ending 2-92000**Enter account number on all documents.
Make check payable to American Express.KURT BURDACK
250 PEHLE AVE
STE 600
SADDLE BROOK NJ 07663-5837Please Pay By
06/05/13Amount Due
\$3,750.52Check here if your address or
phone number has changed.
Note changes on reverse side.AMERICAN EXPRESS
P.O. BOX 1270
NEWARK NJ 07101-1270

0000349991489534222 000375052000375052 17 H

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KURT BURDACK
Closing Date 05/21/13

Account Ending 2-92000

Payments and Credits**Summary**

	Pay In Full	Pay Over Time ♦	Total
Payments	-\$426.00	\$0.00	-\$426.00
Credits	\$0.00	\$0.00	\$0.00
Total Payments and Credits	-\$426.00	\$0.00	-\$426.00

Detail

*Indicates posting date

Payments	Amount
05/05/13* PAYMENT RECEIVED ACH - THANK YOU	-\$426.00

New Charges**Summary**

	Pay In Full	Pay Over Time ♦	Total
Total New Charges	\$3,750.52	\$0.00	\$3,750.52

DetailKURT BURDACK
Card Ending 2-92000

			Amount
04/19/13	SHADE TREE GARAGE 02MORRISTOWN NJ		\$194.76
	973-540-9880		
	Description		
	SHADY TREE GARAGE		
04/19/13	OMEGA DINER & CAFE 5NORTH BRUNSWI NJ		\$33.60
	7327452628		
	TIP	\$5.60	
04/24/13	HIGHLAWN PAVILION 65WEST ORANGE NJ		\$110.30
	9737313463		
	TIP	\$18.00	
04/24/13	HIGHLAWN PAVILION 65WEST ORANGE NJ		\$49.00
	9737313463		
	TIP	\$8.61	
04/26/13	ROCKAWAY RIVER BARN ROCKAWAY NJ		\$33.00
	973-598-9988		
	Description		
	FOOD/BEVERAGE		
05/01/13	DARLINGTON GOLF CENTMAHWAH NJ		\$250.00
	2018180777		
05/04/13	PREMIER CRU 510-655-6691 CA		\$3,079.86
	5106449463		

Fees

	Amount
Total Fees for this Period	\$0.00