

**Fill in this information to identify the case:**

Debtor 1 Premier Cru

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the Northern District of California

Case number 16-40050

LM 9:42 am  
FILED  
AUG 17 2016  
BANKRUPTCY COURT  
OAKLAND, CALIFORNIA

## 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>Atherton Wine Imports</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>Atherton Wine Imports</u> Name <u>P.O. Box 2305</u> Number Street <u>Menlo Park, CA 94026</u> City State ZIP Code Contact phone <u>(650) 328-6639</u> Contact email <u>george@awiwine.com</u> <u>george@awiwine.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 _____ Number Street _____ City State ZIP Code _____ 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? ☒ 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? \$ 151,379.<sup>00</sup> 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.  
Goods Sold

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:

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.

☐ 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)(5).

\$ \_\_\_\_\_

☐ 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 8/15/2016  
MM / DD / YYYY

Signature

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

Name

George  
First name

Derbalian  
Middle name

Derbalian  
Last name

Title

President

Company

Atherton Wine Imports

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

Address

PO Box 2305

Number

Street

Menlo Park,

CA

94026

City

State

ZIP Code

Contact phone

(650)328-6639

Email

george@awine.com

0. \*

473.00 +  
22,782.00 +  
4,392.00 +  
1,384.00 +  
32,536.00 +  
15,852.00 +  
44,160.00 +  
151,379.00 \*

0. \*

0. \*

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# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

TEL: 650.328.6639 FAX: 650.323.4926

5 issues

46 boxes

46cs

DBL + COL

\$44,883.00

INVOICE DATE 03/30/15  
INVOICE NO. 208467  
CUSTOMER NO. PREMIER

INVOICE

709

SENDER

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

SHIP TO

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

COOL D

PAGE 1

DESCRIPTION

SHIP VIA

TERMS

SALESPERSON

ORDER NO.

COCHE

COD

1

101195

DESCRIPTION

UNIT

ORDERED

QUANTITY  
ORDERED

SHIPPED

UNIT PRICE

EXTENDED PRICE

BNWE1996236

1996 MEURSAULT ROUGEOT'S COCHE - BTL  
DURY

1.00

0.00

1.00

473.000

473.00

- bin soiled

2% INTEREST PER MONTH WILL BE CHARGED FOR DELAYED PAYMENTS!

NON INVENTORY

CHGD APR 01 2015

Sales Total 473.00  
Trade Discount 0.00  
Freight 0.00  
Misc. Charges 0.00  
Tax Total 0.00

RECEIVED BY:

DATE: 3/31/15

101195

473.00

# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

TEL: 650.328.6639 FAX: 650.323.4926

INVOICE DATE 03/30/15  
INVOICE NO. 208468

CUSTOMER NO. PREMIER

INVOICE

C.O.D.

SOLD TO:

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

SHIPPED TO:

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

PAGE 1

TO BE BOUND	PO/INSTRUCTIONS	SHIP VIA	TERMS	SALSPERSON	ORDER NO.
SHIPPING	DESCRIPTION	UNIT	QUANTITY	SHIPPED	UNIT PRICE
			ORDERED	BACKORDERED	EXTENDED PRICE

3NWE2012188	2012 MONTRACHET FONTAINE GAGNA RD	BTL	3.00	0.00	3.00	497.000	1491.00
3NWE2012165	2012 CHASSAGNE LA ROMANEE FONT AINE GAGNARD	BTL	48.00	0.00	48.00	79.000	3792.00
3NWE2012199	2012 CHASSAGNE CLOS DE MUREES FONTAINE GAGNARD	BTL	24.00	0.00	24.00	57.000	1368.00
3NWE2012161	2012 CHASSAGNE MORGEOT FONTAIN E GAGNARD	BTL	30.00	0.00	30.00	57.000	1710.00
3NWE2012200	2012 CHASSAGNE VERGERS FONTAIN E GAGNARD	BTL	102.00	0.00	102.00	57.000	5814.00
3NWE2012163	2012 CHASSAGNE GRANDE MONTAGNE FONTAINE GAGNARD	BTL	31.00	0.00	31.00	57.000	1767.00
3NWE2012201	2012 CHASSAGNE CLOS ST-JEAN FO NTAINE GAGNARD	BTL	120.00	0.00	120.00	57.000	6840.00

TOTAL

CONTINUED

RECEIVED BY:

DATE: 3/31/14





# ATHERTON WINE IMPORTS

P.O. BOX 2305  
MENLO PARK CA 94026  
TEL: 650.328.6639 FAX: 650.323.4926

INVOICE DATE 03/30/15  
INVOICE NO. 208468  
CUSTOMER NO. PREMIR

**INVOICE**

## SOLD TO:

PREMIER CRU  
1011 UNIVERSITY AVE  
BERKELEY, CA 94710

## SHIPPED TO:

PREMIER CRU  
1011 UNIVERSITY AVE  
BERKELEY, CA 94710

PAGE 2

POB POINT	PO/INSTRUCTIONS	SHIP VIA	TERMS	SALSPERSON	ORDER NO.
HEMVNO	DISCREPTION	UNIT	QUANTITY ORDERED	QUANTITY BACKORDERED	SHIPPED
	FONTAINE GAGNAR		COD	1	101514
			UNIT PRICE	EXTENDED PRICE	

% INTEREST PER MONTH WILL BE CHARGED FOR DELAYED PAYMENTS!

Sales Total 22782.00  
Trade Discount 0.00  
Freight 0.00  
Misc. Charges 0.00  
Tax Total 0.00

**TOTAL**

22782.00

RECEIVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

TEL: 650.328.6639 FAX: 650.323.4926

**Co. D.**

INVOICE DATE 03/30/15  
INVOICE NO. 208470

CUSTOMER NO. PREMIER

**INVOICE**

**SOLD TO:**

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

**SHIPPED TO:**

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

PAGE 1

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED PRICE
12/3 OFFER					

BNWE2009117MAG	2009 CHASSAGNE CAILLERETS FONT MAG	6.00	0.00	128.000	768.00
	— AINE GAGNARD (1.5L)				
BNWE2010091	2010 CHASSAGNE CAILLERETS FONT BTL	54.00	0.00	60.000	3240.00
	— AINE-GAGNARD				
BNWE2010091HALF	2010 CHASSAGNE CAILLERETS FONT HALF	12.00	0.00	32.000	384.00
	— AINE-GAGNARD (375ML)				

2% INTEREST PER MONTH WILL BE CHARGED FOR DELAYED PAYMENTS!

RECEIVED BY: [Signature]  
DATE: 3/31/15



Sales Total 4392.00  
Trade Discount 0.00  
Freight 0.00  
Misc. Charges 0.00  
Tax Total 0.00

**TOTAL**

4392.00



# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

TEL: 650.328.6639 FAX: 650.323.4926

**C.O.D.**

INVOICE DATE 03/30/15  
INVOICE NO. 208471  
CUSTOMER NO. PREMIER

**INVOICE**

**SHIPPED TO:**

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

**SHIPPED TO:**

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

PAGE 1

ITEM NO.	DESCRIPTION	UNIT	QUANTITY ORDERED	QUANTITY BACKORDERED	QUANTITY SHIPPED	UNIT PRICE	EXTENDED PRICE
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BNWE2010214	2010 BATARD MONTRACHET BLAIN G BTL AGNARD		5.00	0.00	5.00	197.000	985.00
BNWE2011210MAG	2011 CRIOTS BATARD MONTRACHET MAG BLAIN GAGNARD (1.5L)		1.00	0.00	1.00	399.000	399.00

2% INTEREST PER MONTH WILL BE CHARGED FOR DELAYED PAYMENTS!

Sales Total 1384.00  
Trade Discount 0.00  
Freight 0.00  
Misc. Charges 0.00  
Tax Total 0.00

**TOTAL**

1384.00

RECEIVED BY:   
DATE: 3/31/15



# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

TEL: 650.328.6639 FAX: 650.323.4926

INVOICE DATE 02/18/15  
INVOICE NO. 207890

CUSTOMER NO. PREMIR

INVOICE

**SOLD TO:**

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

**SHIPPED TO:**

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

TO: B. POINT

P.O. INSTRUCTIONS

SHIP VIA

TERMS

SALESPERSON

ORDER NO.

SHIP ASAP

COD

1

102727

ITEM NO.

DESCRIPTION

UNIT

ORDERED

QUANTITY  
BACKORDERED

SHIPPED

UNIT PRICE

EXTENDED PRICE

PLEASE DELIVER THURSDAY MORNING

BXRE20110003	2010 MARGAUX MARGAUX	BTL	12.00	0.00	12.00	1172.000	14064.00
BXRE20110005	2010 HAUT BRION PESSAC-LEOGNAN	BTL	12.00	0.00	12.00	1235.000	14820.00
BXRE20110111	2010 COS D'ESTOURNEL ST-ESTEPH E	BTL	12.00	0.00	12.00	330.000	3960.00
BXRE20111087	2011 CHEVAL BLANC ST-EMILLION	BTL	12.00	0.00	12.00	660.000	7920.00
BXRE20111005	2011 HAUT BRION PESSAC-LEOGNAN	BTL	12.00	0.00	12.00	539.000	6468.00
BXRE20111025	2011 LA MISSION HAUT BRION PES SAC-LEOGNAN	BTL	12.00	0.00	12.00	329.000	3948.00
BXRE20111002	2011 LATOUR PAUILLAC	BTL	12.00	0.00	12.00	675.000	8100.00
BXRE20111003	2011 MARGAUX MARGAUX	BTL	12.00	0.00	12.00	549.000	6588.00
BXRE20111004	2011 MOUTON ROTHSCHILD PAUILLA C	BTL	12.00	0.00	12.00	539.000	6468.00

RECEIVED BY: *[Signature]* **EMD MAR - 2 2015**

DATE: 2/19/15



10

TOTAL

CONTINUED

# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

TEL: 650.328.6639 FAX: 650.323.4926

INVOICE DATE 02/18/15  
INVOICE NO. 207890

CUSTOMER NO. PREMIER

**INVOICE**

## SOLD TO:

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

## SHIPPED TO:

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

FOB POINT POLYMER INSTRUCTIONS

SHIP VIA

TERMS

SALESPERSON

ORDER NO.

PAGE 2

SHIP ASAP

COD

1

102727

ITEM NO.

DESCRIPTION

UNIT

ORDERED

QUANTITY  
BACKORDERED

SHIPPED

UNIT PRICE

EXTENDED PRICE

2% INTEREST PER MONTH WILL BE CHARGED FOR DELAYED PAYMENTS!

RECEIVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



Sales Total	72336.00
Trade Discount	0.00
Freight	0.00
Misc. Charges	0.00
Tax Total	0.00

**TOTAL**

72336.00

Less: Post Paid 7/1/05 <10,000.00>

Bal 62,336.00



# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

TEL: 650.328.6639 FAX: 650.323.4926

**C.O.D.**

INVOICE DATE 03/30/15  
INVOICE NO. 208472  
CUSTOMER NO. PREMIER

**INVOICE**

**SOLD TO:**

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

**SHIPPED TO:**

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

**FOR POINT P.O. INSTRUCTIONS**

**SHIP VIA**

**TERMS**

**SALESPERSON**

**ORDER NO.**

RAVENEAU

COD

1

102453

PAGE 1

ITEM NO.	DESCRIPTION	UNITS	QUANTITY ORDERED	QUANTITY BACKORDERED	QUANTITY SHIPPED	UNIT PRICE	EXTENDED PRICE
BNWE2006213	2006 CHABLIS BUTTEAUX RAVENEAU BTL <i>1 of 2 shipped</i>	12.00	0.00		12.00	129.000	1548.00
BNWE2006210	2006 CHABLIS MONTEE DE TONNERR BTL <i>1 of 2 shipped</i>	9.00	0.00		9.00	138.000	1242.00
BNWE2006237	2006 CHABLIS VAILLONS RAVENEAU BTL <i>1 of 3 shipped</i>	3.00	0.00		3.00	133.000	399.00
BNWE2007112	2007 CHABLIS BUTTEAUX RAVENEAU BTL	2.00	0.00		2.00	133.000	266.00
BNWE2009162	2009 CHABLIS BLANCHOT RAVENEAU BTL <i>1 of 16 shipped</i>	16.00	0.00		16.00	327.000	5232.00
BNWE2009160	2009 CHABLIS BUTTEAUX RAVENEAU BTL	15.00	0.00		15.00	135.000	2025.00
BNWE2009175	2009 CHABLIS FORET RAVENEAU BTL	21.00	0.00		21.00	135.000	2835.00
BNWE2009161	2009 CHABLIS MONTEE DE TONNERR BTL <i>1 of 10 shipped</i>	10.00	0.00		10.00	164.000	1640.00
BNWE2009183	2009 CHABLIS VAILLONS RAVENEAU BTL	5.00	0.00		5.00	133.000	665.00

RECEIVED BY: *[Signature]*

DATE: 3/31/15



**TOTAL**

CONTINUED

# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

Tel: 650.328.6639 FAX: 650.323.4926

INVOICE DATE 03/30/15  
INVOICE NO. 208472  
CUSTOMER NO. PREMIER

**INVOICE**

## SOLD TO:

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

## SHIPPED TO:

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

PAGE 2

POB POINT	P.O. INSTRUCTIONS	SHIP VIA	TERMS	SALESPERSON	ORDER NO.
TEVENO	RAVENEAU		COD	1	102453
DESCRIPTION	UNIT	QUANTITY	ORDERED	BACKORDERED	SHIPPED
					UNIT PRICE EXTENDED PRICE

% INTEREST PER MONTH WILL BE CHARGED FOR DELAYED PAYMENTS!

RECEIVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



Sales Total 15852.00  
Trade Discount 0.00  
Freight 0.00  
Misc. Charges 0.00  
Tax Total 0.00

**TOTAL**

15852.00



# ATHERTON WINE IMPORTS

P.O. BOX 2305

MENLO PARK CA 94026

TEL: 650.328.6639 FAX: 650.323.4926

INVOICE DATE 03/02/15  
INVOICE NO. 208039

CUSTOMER NO. PREMIR

**INVOICE**

## SHIPPED TO:

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

## SHIPPED TO:

PREMIER CRU

1011 UNIVERSITY AVE  
BERKELEY, CA 94710

PAGE 1

RUSH!

COD

1

102894

ITEM NO.	DESCRIPTION	UNIT	QUANTITY ORDERED	QUANTITY BACKORDERED	SHIPPED	UNIT PRICE	EXTENDED PRICE
----------	-------------	------	------------------	----------------------	---------	------------	----------------

DELIVER TUESDAY!

8XRE2010004

2010 MOUTON ROTHSCHILD PAUILLA CASE

1.00

0.00

1.00

14520.000

14520.00

8XRE2010005

2010 HAUT BRION PESSAC-LEOGNAN CASE

2.00

0.00

2.00

14820.000

29640.00

CHSD MAR 04 2015

3 Boxes

2% INTEREST PER MONTH WILL BE CHARGED FOR DELAYED PAYMENTS!

RECEIVED BY:

Michael Tok

DATE: 3/03/15

Sales Total 44160.00  
Trade Discount 0.00  
Freight 0.00  
Misc. Charges 0.00  
Tax Total 0.00

**TOTAL**

44160.00