

Fill in this information to identify the case:

Debtor 1 VICTOR E. PRICOLA
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the: NORTHERN District of CALIFORNIA
Case number 16-40050

FILED *OB*

AUG 30 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>VICTOR E. PRICOLA</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>VICTOR PRICOLA</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>VICTOR E. PRICOLA</u> Name <u>53 ADAMS POINT ROAD</u> Number Street <u>BARRINGTON RI 02806</u> City State ZIP Code Contact phone <u>(401) 578-8228</u> Contact email <u>vepricola@gmail.com</u>	Where should payments to the creditor be sent? (if different) <u>VICTOR E. PRICOLA</u> Name <u>53 ADAMS POINT ROAD</u> Number Street <u>BARRINGTON RI 02806</u> City State ZIP Code Contact phone <u>(401) 578-8228</u> Contact email <u>vepricola@gmail.com</u>
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
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? \$ 3,854.88 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).

PLEASE SEE ENCLOSED DOCUMENTS WITH DATES OF PAYMENTS FOR INTEREST

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 (WINE)

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:

- ☐ 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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 08/20/2016
MM / DD / YYYY

Signature

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

Name

VICTOR EDOARDO PRICOLA
First name Middle name Last name

Title

Company

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

Address

53 ADAMS POINT ROAD
Number Street

BARRINGTON R.I. 02806
City State ZIP Code

Contact phone

(401) 578-8228 vepricola@gmail.com
Email

[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)**ORDER HISTORY**

All Time

Sort By Order No

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
(Open)	\$359.70	6	0	6	0	8/9/15
(Open)	\$719.88	12	0	12	0	6/9/15
(Open)	\$50.69	2	0	2	0	3/15/15
(Open)	\$268.95	5	0	5	0	3/14/15
(Open)	\$43.98	2	0	2	2	12/19/14
(Open)	\$501.93	7	0	7	1	12/18/14
(Open)	\$97.98	2	0	2	0	12/6/14
(Open)	\$419.96	6	0	6	0	3/13/14
(Open)	\$74.99	1	0	1	0	2/3/14
(Open)	\$389.94	6	0	6	0	9/4/13
(Open)	\$169.98	4	0	4	0	10/6/12
(Open)	\$774.91	10	5	5	0	1/26/12
(Open)	\$639.90	10	8	2	2	3/5/11

TOTAL = \$3,854.88

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We source the world's finest wines at unbeatable competitive prices to provide exceptional experiences for both our casual and everyday wine lovers.

<https://www.premiercru.net/premier/order/AccountOrderHist.do>

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VICTOR E. PRICCOLLO

8.12.2016

Bankruptcy case. Fox Ortega Enterprises Inc. - Case # 16-40050
Case 16-40050 Claim 2310 Filed 08/30/16 Desc Main Document Page 4 of 9

[MY ACCOUNT](#)[EDIT PROFILE](#)[ADDRESS BOOK](#)[BILLING INFORMATION](#)**ORDER HISTORY**

All Time

Sort By Order No

GO

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO-0000422305 (Open)	\$359.70	6	0	6	0	8/9/15
SO-0000420115 (Open)	\$719.88	12	0	12	0	6/9/15
SO-0000417148 (Open)	\$50.69	2	0	2	0	3/15/15
SO-0000417141 (Open)	\$268.95	5	0	5	0	3/14/15
SO-0000416157 (Open)	\$43.98	2	0	2	2	12/19/14
SO-0000416171 (Open)	\$501.93	7	0	7	1	12/18/14
SO-0000416154 (Open)	\$97.98	2	0	2	0	12/6/14
SO-0000415244 (Open)	\$419.96	6	0	6	0	3/13/14
SO-0000414170 (Open)	\$74.99	1	0	1	0	2/3/14
SO-0000412157 (Open)	\$389.94	6	0	6	0	9/4/13
SO-0000411111 (Open)	\$169.98	4	0	4	0	10/6/12
SO-0000411182 (Open)	\$774.91	10	5	5	0	1/26/12
SO-0000411040 (Open)	\$639.90	10	8	2	2	3/5/11

TOTAL = \$ 3854.88

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We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

[Premier Cru](#)[Store Hours](#)[1001 University Ave](#)[Monday-Friday: 10am-6pm](#)[Berkeley, CA 94702](#)[Saturday: 10am-5pm](#)<https://www.premiercru.net/premier/order/AccountOrderHist.do>

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Whicolo

8.12.2016

VICTOR E. PRICOLLO

Bankruptcy case. Fox Ortega Enterprises Inc. - Case # 16-40050
Case 16-40050 Claim 2310 Filed 08/30/16 Desc Main Document Page 5 of 9

From: Premier Cru <shipping@premiercru.net>
Subject: Premier Cru Order Acknowledgement
Date: February 3, 2014 6:48:11 PM EST
To: Victor Pricolo <vepricolo@gmail.com>

Thank you for your order. Premier Cru has received your web order request. Your web order number is SO-0000436370-143849. Sales are processed in the order they are received. Once we have determined that the wines you requested are available, we will confirm and process your order. Our online inventory is updated every minute. However since many wines are in high demand and limited supply, we cannot guarantee that the wines you requested were still available at the time your order was submitted. Once we determine this, process your order and bill you, your order is confirmed and we will e-mail you a confirmed copy. 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

From: Premier Cru <shipping@premiercru.net>
Subject: Premier Cru Order Acknowledgement
Date: March 13, 2014 6:04:08 AM EDT
To: Victor Pricolo <vepricolo@gmail.com>

Thank you for your order. Premier Cru has received your web order request. Your web order number is SO-0000439344-146105. Sales are processed in the order they are received. Once we have determined that the wines you requested are available, we will confirm and process your order. Our online inventory is updated every minute. However since many wines are in high demand and limited supply, we cannot guarantee that the wines you requested were still available at the time your order was submitted. Once we determine this, process your order and bill you, your order is confirmed and we will e-mail you a confirmed copy. 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

8.12.2016

Whicolo

VICTOR E. PRICOLLO

Bankruptcy case. Fox Ortega Enterprises. case # 16-40050

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8.12.2016

U. Pricolo

VICTOR E. PRICOLLO

Bankruptcy case. Fox Ortega Enterprises. case # 16-40050

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000463139
Order Date: 12/6/2014
Web Order No: 164021
Salesperson: JG
Customer: 4793
Customer PO:

Sold To	Ship To
Victor Pricolo 53 Adams Point Road Barrington, RI 02806 USA	Victor Pricolo 53 Adams Point Road Barrington, RI 02806 USA

Contact: Victor E. Pricolo
Phone: (401) 246-2749

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51299 2010 Brunello di Montalcino, Argiano	2.00	0.00	48.99	97.98

Payments:	97.98	Net Order:	97.98
12/6/2014 VXJAC92499C1 *****7763 97.98		Freight:	0.00
		Sales Tax:	0.00
		USD	97.98

8.12.2016

Victor Pricolo

VICTOR E. PRICOLA

Bankruptcy case - Fox Ortega Enterprises. case # 16-40050

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

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			Freight:		0.00
			Sales Tax:		0.00
<hr/>					
		USD	97.98		

8.12.2016

Victor Pricolo

VICTOR E. PRICOLA

Bankruptcy case - Fox Ortega Enterprises. case # 16-40050