

Fill in this information to identify the case:Debtor 1 Fox Ortega Enterprises, Inc.Debtor 2
(Spouse, if filing) _____

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7
FILED

SEP - 7 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?	<u>Michael R Iburg</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>Michael R Iburg</u> Name <u>952 Ellis Ave</u> Number Street <u>San Jose</u> <u>CA</u> <u>95125</u> City State ZIP Code Contact phone <u>408-299-0289</u> Contact email <u>kmiburg@pacbell.net</u>	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?	<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? \$ 1,244.24. 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.

Amount paid in advance with no goods or services delivered

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)?

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).

☐ 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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.

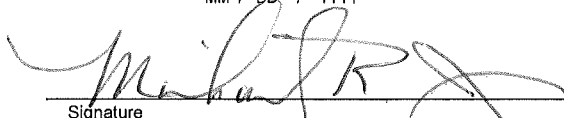
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 01/25/2016
MM / DD / YYYY


Signature

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

Name Michael R Iburg
First name Middle name Last name

Title _____

Company _____

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

Address 952 Ellis Ave
Number Street

San Jose CA 95125
City State ZIP Code

Contact phone 408-299-0289 Email kmiburg@pacbell.net

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ORDER DETAILS

Order No.: SO-0000427360

Order Date.: Nov 9, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Calon Segur, 750 ml	6	0	6	0	\$74.99	\$449.94
2010 Malescot St Exupery, 750 ml	6	0	6	0	\$79.99	\$479.94

Subtotal: \$929.88

Tax: \$83.69

Total: \$1,013.57

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Calon Segur, 750 ml	6	0	6
2010 Malescot St Exupery, 750 ml	6	0	6

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ORDER DETAILS

Order No.: SO-0000427178

Order Date.: Nov 6, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Clos des Jacobins, 750 ml	3	3	0	0	\$29.99	\$89.97
2009 La Lagune, 750 ml	6	6	0	0	\$69.99	\$419.94
2009 Fleur Cardinale, 750 ml	3	0	3	0	\$45.00	\$135.00

Subtotal: \$644.91

Tax: \$58.04

Total: \$702.95

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Clos des Jacobins, 750 ml	3	3	0
2009 La Lagune, 750 ml	6	6	0
2009 Fleur Cardinale, 750 ml	3	0	3

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ACCOUNT ACTIVITY

(CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
10/21	AMAZON MKTPPLACE PMTS AMZN.COM/BILL WA	23.00
10/22	TARGET 00003244 SAN JOSE CA	50.02
10/22	BENNINGTON PROPERTIES 541-5936300 OR	893.27
10/24	KL *WINEMERCHANTS-RWC Redwood City CA	129.67
10/24	PREMIER CRU BERKELEY CA	54.48
10/25	MARSHALLS #0529 CAMPBELL CA	35.47
10/29	TARGET 00003244 SAN JOSE CA	17.03
10/29	PENINSULA BEAUTY-SAN JOSE SAN JOSE CA	42.35
10/29	PAYLESSSHOESOU00041186 SAN JOSE CA	14.12
10/30	LULULEMON GILROY OUTL 604-732-6124 CA	85.91
11/03	MARSHALLS #0529 CAMPBELL CA	185.22
11/04	APPLEJACK WINE & SPIRITS WHEAT RIDGE CO	434.48
11/06	MICHAELS STORES 8701 SAN JOSE CA	44.51
11/07	TARGET 00003244 SAN JOSE CA	120.70
11/06	GRAND VIN WINE MERCHANT I 360-3504896 WA	275.56
11/06	PREMIER CRU 510-6449463 CA	735.52
11/07	ESI MAIL PHARMACY S 800-332-5455 MO	127.66
11/06	PARTY AMERICA SAN JOSE CA	27.32
11/09	APL*APPLE ITUNES STORE 866-712-7753 CA	1.29
11/08	TARGET 00003244 SAN JOSE CA	28.70
11/08	ATHLETIC PERFORMANCE 408-2970100 CA	67.43
11/08	ICING ON THE CAKE LOS GATOS CA	34.00
11/08	BEVERLY'S FABRICS SAN JOSE CA	34.13
11/09	APL*APPLE ITUNES STORE 866-712-7753 CA	10.32
11/08	TJMAXX #0401 SAN JOSE CA	103.28
11/09	PREMIER CRU 510-6449463 CA	1,013.57
11/09	SUSANN MARTINES SAN JOSE CA	36.98
11/11	MACY'S EAST #360 SAN JOSE CA	138.21
11/10	MCI*W 7GM28093 NOV 13 800-4443333 CO	22.86
11/11	OPA AUTHENTIC GREEK CUISI 408-8664570 CA	41.00
11/13	APL*APPLE ITUNES STORE 866-712-7753 CA	2.28
11/11	PENINSULA BEAUTY-SAN JOSE SAN JOSE CA	34.79
11/12	ESI MAIL PHARMACY S 800-332-5455 MO	65.88
11/12	BODYWORK BY ROGER SAN JOSE CA	140.00
11/13	KL *WINEMERCHANTS-RWC Redwood City CA	251.67
11/13	GEAUX VINTAGE ANTIQUES 318-8619292 LA	2,899.00

includes shipping but
goods never shipped

2013 Totals Year-to-Date

Total fees charged in 2013	\$0.00
Total interest charged in 2013	\$0.00

Year-to-date totals reflect all charges minus any refunds
applied to your account.

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	11.24% (v)	-0-	-0-
CASH ADVANCES			
Cash Advances	19.24% (v)	-0-	-0-
BALANCE TRANSFERS			
Balance Transfer	11.24% (v)	-0-	-0-

(v) = Variable Rate

31 Days in Billing Period

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.

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ORDER DETAILS

Order No.: SO-0000462622

Order Date.: Nov 29, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2004 Rioja Gran Reserva 904, La Rioja Alta, 750 ml	6	0	6	0	\$29.89	\$179.36

Subtotal: \$179.36

Tax: \$16.14

Total: \$195.50

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2004 Rioja Gran Reserva 904, La Rioja Alta, 750 ml	6	0	6

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Saturday: 10am-5pm

Sunday: Closed

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ACCOUNT ACTIVITY

(CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
11/16	MERRY MART - SANTA CLARA 408-296-0423 CA	26.08
11/16	MERRY MART - SANTA CLARA SANTA CLARA CA	111.40
11/17	MARSHALLS #0529 CAMPBELL CA	218.94
11/18	THE HOME DEPOT #1009 SAN JOSE CA	42.28
11/22	NIKE.COM 800-806-6453 OR	103.31
11/22	NASCHMARKT CAMPBELL CA	167.88
11/25	TARGET 00003244 SAN JOSE CA	153.79
11/25	LUCKYBRAND.COM 866-975-5825 PA	86.78
11/30	PREMIER CRU -INTERNET 510-644-9463 CA	195.50
12/01	TARGET 00003244 SAN JOSE CA	33.69
12/02	TOYS R US #5818 SAN JOSE CA	23.89
12/04	TARGET 00003244 SAN JOSE CA	135.97
12/08	WWW.FLEUROP.DE BERLIN	44.44
	12/08 EURO	
	36.00 X 1.234444444 (EXCHG RATE)	
12/08	TGI'S SUSHI CAMPBELL CA	41.47
12/08	LUCKY BRAND DUNGRAEES#636 SANTA CLARA CA	31.97
12/09	STARBUCKS #06696 SAN JOSE San Jose CA	83.15
12/08	THE LEGO STORE SANTA CLARA CA	386.14
12/08	ABERCROMBIE KIDS #0285 SANTA CLARA CA	121.71
12/09	PENINSULA BEAUTY-SAN JOSE SAN JOSE CA	60.88
12/09	TJMAXX #0401 SAN JOSE CA	125.69
12/09	BELLA JAMES SAN JOSE CA	121.37
12/10	TARGET 00003244 SAN JOSE CA	21.67
12/13	BRADLEY A. GREENE, MD, A PORTOLA VALLE CA	80.00

FEES CHARGED

12/09	FOREIGN TRANSACTION FEE	1.33
	WWW.FLEUROP.DE BERLIN \$44.44	
	TOTAL FEES FOR THIS PERIOD	\$1.33

2014 Totals Year-to-Date

Total fees charged in 2014	\$26.75
Total interest charged in 2014	\$0.00

Year-to-date totals do not reflect any fee or interest refunds you may have received.

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	11.24% (v)	-0-	-0-
CASH ADVANCES			
Cash Advances	19.24% (v)	-0-	-0-
BALANCE TRANSFERS			
Balance Transfer	11.24% (v)	-0-	-0-

(v) = Variable Rate

30 Days in Billing Period

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.

Michael R Iburg
952 Ellis Ave
San Jose, CA 95125
408-299-0289

Subject: Fox Ortega Enterprises, Inc. Bankruptcy 16-40050 WJL 7

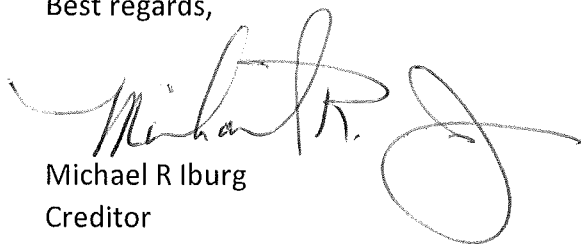
Dear Court,

Attached is my Proof of Claim form and supporting documents for the above reference bankruptcy. I have requested reimbursement for the cost of good undelivered excluding sales tax as summarized below.

Order Number: SO-0000427360	\$ 929.88
SO-0000427178	\$ 135.00
SO-0000462622	<u>\$ 179.36</u>
	\$1,244.24

If the court requires any additional information please let me know.

Best regards,



Michael R Iburg
Creditor