Case 09-03706-TBB11 Doc 1 Filed 06/25/09 Entered 06/25/09 09:13:48 Desc Main Document Page 1 of 10 B1 (Official Form 1)(1/08) United States Bankruptcy Court Voluntary Petition Northern District of Alabama Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): KNG, LLC, d/b/a Indigo Joe's All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No/Complete EIN (if more than one, state all) 26-0367366 Street Address of Debtor (No. and Street, City, and State): Street Address of Joint Debtor (No. and Street, City, and State): 5299 Valleydale Road, #101 Birmingham, AL ZIP Code ZIP Code 35242 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Shelby Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): ZIP Code ZIP Code 5299 Valleydale Road, #101 Location of Principal Assets of Business Debtor (if different from street address above): Birmingham, AL 35242 Nature of Business Type of Debtor Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box) ☐ Health Care Business ☐ Chapter 7 Single Asset Real Estate as defined ☐ Chapter 15 Petition for Recognition ☐ Chapter 9 ☐ Individual (includes Joint Debtors) in 11 U.S.C. § 101 (51B) of a Foreign Main Proceeding Chapter 11 See Exhibit D on page 2 of this form. □ Railroad ☐ Chapter 15 Petition for Recognition ☐ Chapter 12 Stockbroker Corporation (includes LLC and LLP) ☐ Chapter 13 of a Foreign Nonmain Proceeding Commodity Broker □ Partnership Clearing Bank Other (If debtor is not one of the above entities. Other Nature of Debts check this box and state type of entity below.) (Check one box) Tax-Exempt Entity Debts are primarily consumer debts. (Check box, if applicable) Debts are primarily defined in 11 U.S.C. § 101(8) as Debtor is a tax-exempt organization business debts. "incurred by an individual primarily for under Title 26 of the United States Code (the Internal Revenue Code). a personal, family, or household purpose." Filing Fee (Check one box) Chapter 11 Debtors Check one box: Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Full Filing Fee attached Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must Check all applicable boxes: attach signed application for the court's consideration. See Official Form 3B. A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY Debtor estimates that funds will be available for distribution to unsecured creditors. ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors 200-999 1,000-5,000 5,001-25,001-50,000 50,001-50. 100 10,001-OVER io 99 25,000 199 100,000 Estimated Assets

\$100,001 to

\$100,001 to \$500,000 \$500,001

to \$1

\$500,001

to \$1

\$50,001 to

\$50,001 to

\$100,000

\$100,000

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\$0 to \$50,000

\$0 to \$50,000

Estimated Liabilities

\$1,000,001 to \$10 million

\$1,000,001

to \$10

\$10,000,001 to \$50 million

\$10,000,001

to \$50

\$50,000,001 to \$100 million

\$50,000,001

to \$100

\$100,000,001 to \$500 million

\$100,000,001

to \$500 million \$500,000,001 to \$1 billion

\$500,000,001 More than to \$1 billion \$1 billion

More than

Page 2 of 10 Document B1 (Official Form 1)(1/08) Page 2 Name of Debtor(s): **Voluntary Petition** KNG, LLC, d/b/a Indigo Joe's (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Date Filed: Location Where Filed: - None -Case Number: Date Filed: Location Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Case Number: Date Filed: Name of Debtor: - None -Relationship: Judge: District: Exhibit B **Exhibit A** (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, forms 10K and 10Q) with the Securities and Exchange Commission 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) (Date) Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) ☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. П There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

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1 / ~ '	untary Datition	Page 3 of 10 Pa
	untary Petition	KNG, LLC, d/b/a Indigo Joe's
This	page must be completed and filed in every case)	
	Signature(s) of Debtor(s) (Individual/Joint)	tures Signature of a Foreign Representative
p l h c a l p	declare under penalty of perjury that the information provided in this etition is true and correct. If petitioner is an individual whose debts are primarily consumer debts and ass chosen to file under chapter 7] I am aware that I may proceed under hapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief vailable under each such chapter, and choose to proceed under chapter 7. If no attorney represents me and no bankruptcy petition preparer signs the etition] I have obtained and read the notice required by 11 U.S.C. §342(b). request relief in accordance with the chapter of title 11, United States Code, pecified in this petition.	I declare under penalty of perjury that the information provided in this petiti is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. (Check only one box.) I request relief in accordance with chapter 15 of title 11. United States Concertified copies of the documents required by 11 U.S.C. §1515 are attached. Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.
		X
$\mathbf{X}_{\frac{1}{5}}$	Signature of Debtor	Signature of Foreign Representative
X.	Signature of Joint Debtor	Printed Name of Foreign Representative
		Date
7	Celephone Number (If not represented by attorney)	Signature of Non-Attorney Bankruptcy Petition Preparer
X (5)	Signature of Atterney* Signature of Atterney* Signature of Atterney* ANDRE' M. TOFFEL ASB-5175-T41A Printed Name of Attomey for Debtor(s) ANDRE' M. TOFFEL, PC Firm Name 1929 3RD AVE. NORTH 4TH FLOOR FARLEY BLDG. BIRMINGHAM, AL 35203 Address Email: ATOFFEL@WWISP.COM 205-252-7115 Fax: 205-252-0181 Felephone Number	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached. Printed Name and title, if any, of Bankruptcy Petition Preparer Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)
7	June 24, 2009	Address
*	Quic In a case in which § 707(b)(4)(D) applies, this signature also constitutes a ertification that the attorney has no knowledge after an inquiry that the normation in the schedules is incorrect.	X
	Signature of Debtor (Corporation/Partnership)	Date
p o T S	declare under penalty of perjury that the information provided in this etition is true and correct, and that I have been authorized to file this petition in behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United tates Code, specified in this petition. Signature of Authorized Individual	Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above. Names and Social-Security numbers of all other individuals who prepared assisted in preparing this document unless the bankruptcy petition preparer not an individual:
Ī	Ashraf A. Kapidya Printed Name of Authorized Individual President Fitle of Authorized Individual	If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in

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United States Bankruptcy Court Northern District of Alabama

in re KNG, LLC, d/b/a Indigo Joe's	Debtor(s)	Case No. Chapter	11
VERIFICATI	ON OF CREDITOR	·	
I, the President of the corporation named as the debtor the best of my knowledge.	in this case, hereby verify tha	t the attached list of	creditors is true and correct to
Date: 6/94/69	Ashraf A. Kapidya/Presiden	<u>t</u>	

Signer/Title

City of Hoover Revenue Dept. PO Box 360628 Birmingham, AL 35236-0628

Radiant Systems, Inc. 3925 Brookside Pkwy. Alpharetta, GA 30022

INTERNAL REVENUE SERVICE DEPARTMENT OF TREASURY Memphis, TN 38101-0249 Shannon Stringer c/o David J. Dodd PO Box 681109 Fort Payne, AL 35968

AAA Commercial Ice Sys., LLC 1788 Horsecreek Blvd. Dora, AL 35062 Steed Investments, LLC 5299 Valleydale Road #111 Birmingham, AL 35242

Alabama Power 2721 Pelham Pkwy. Pelham, AL 35124 Sysco Central Alabama 1000 Sysco Drive Calera, AL 35040

Alagasco PO Box 2224 Birmingham, AL 35246-0022 Yellow Book c/o RMS 305 Fellowship Rd., Ste.100 Mount Laurel, NJ 08054

GEM Alarm Systems c/o Zarzaur & Schwartz, PC PO Box 11366 Birmingham, AL 35202

Highline Capital Corp. Attn: Jared Emery 2930 Center Green Court S. Boulder, CO 80301-5419

Joshua Karnes c/o Katrina Washington PO Box 11881 Birmingham, AL 35202

NSPC, INC. 23412 Moulton Pkwy. Ste.131 Laguna Hills, CA 92653 Case 09-03706-TBB11 Doc 1 Filed 06/25/09 Entered 06/25/09 09:13:48 Desc Main Document Page 6 of 10

B4 (Official Form 4) (12/07)

United States Bankruptcy Court Northern District of Alabama

In re	KNG, LLC, d/b/a Indigo Joe's		_ Case No.	
		Debtor(s)	Chapter	11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
AAA Commercial Ice Sys., LLC 1788 Horsecreek Blvd. Dora, AL 35062	AAA Commercial Ice Sys., LLC 1788 Horsecreek Blvd. Dora, AL 35062			693.00
Alabama Power 2721 Pelham Pkwy. Pelham, AL 35124	Alabama Power 2721 Pelham Pkwy. Pelham, AL 35124			6,000.00
Alagasco PO Box 2224 Birmingham, AL 35246-0022	Alagasco PO Box 2224 Birmingham, AL 35246-0022			3,021.27
City of Hoover Revenue Dept. PO Box 360628 Birmingham, AL 35236-0628	City of Hoover Revenue Dept. PO Box 360628 Birmingham, AL 35236-0628	Bus. Lic. and Taxes		2,000.00
GEM Alarm Systems c/o Zarzaur & Schwartz, PC PO Box 11366 Birmingham, AL 35202	GEM Alarm Systems c/o Zarzaur & Schwartz, PC PO Box 11366 Birmingham, AL 35202			1,096.03
Highline Capital Corp. Attn: Jared Emery 2930 Center Green Court S. Boulder, CO 80301-5419	Highline Capital Corp. Attn: Jared Emery 2930 Center Green Court S. Boulder, CO 80301-5419			118,000.00
INTERNAL REVENUE SERVICE DEPARTMENT OF TREASURY Memphis, TN 38101-0249	INTERNAL REVENUE SERVICE DEPARTMENT OF TREASURY Memphis, TN 38101-0249	941 Taxes for 12/31/07, 3/31/08, 6/30/08 and 9/30/08		67,836.17
INTERNAL REVENUE SERVICE DEPARTMENT OF TREASURY Memphis, TN 38101-0249	INTERNAL REVENUE SERVICE DEPARTMENT OF TREASURY Memphis, TN 38101-0249	941 Taxes		12,120.16
Joshua Karnes c/o Katrina Washington PO Box 11881 Birmingham, AL 35202	Joshua Karnes c/o Katrina Washington PO Box 11881 Birmingham, AL 35202			700.00

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B4 (Offi	cial Form 4) (12/07) - Cont.	
In re	KNG, LLC, d/b/a Indigo Joe's	Case No.
	Debtor(s)	

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
NSPC, INC. 23412 Moulton Pkwy. Ste.131 Laguna Hills, CA 92653	NSPC, INC. 23412 Moulton Pkwy. Ste.131 Laguna Hills, CA 92653			7,000.00
Radiant Systems, Inc. 3925 Brookside Pkwy. Alpharetta, GA 30022	Radiant Systems, Inc. 3925 Brookside Pkwy. Alpharetta, GA 30022			1,295.00
Shannon Stringer c/o David J. Dodd PO Box 681109 Fort Payne, AL 35968	Shannon Stringer c/o David J. Dodd PO Box 681109 Fort Payne, AL 35968			305,000.00
Steed Investments, LLC 5299 Valleydale Road #111 Birmingham, AL 35242	Steed Investments, LLC 5299 Valleydale Road #111 Birmingham, AL 35242	Steed Invest. v. KNG, LLC		31,000.00
Sysco Central Alabama 1000 Sysco Drive Calera, AL 35040	Sysco Central Alabama 1000 Sysco Drive Calera, AL 35040			7,846.01
Yellow Book c/o RMS 305 Fellowship Rd., Ste.100 Mount Laurel, NJ 08054	Yellow Book c/o RMS 305 Fellowship Rd., Ste.100 Mount Laurel, NJ 08054			1,755.00

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date _	6/24/09	Signature	AA/	
	, , ,		Ashfaf A. Kapidya President	

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.

18 U.S.C. §§ 152 and 3571.

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Resolution of Board of Directors of KNG, LLC, d/b/a Indigo Joe's

Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Ashraf A. Kapidya, President of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Ashraf A. Kapidya, President of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Ashraf A. Kapidya, President of this Corporation is authorized and directed to employ ANDRE' M. TOFFEL ASB-5175-T41A, attorney and the law firm of ANDRE' M. TOFFEL, PC to represent the corporation in such bankruptcy case.

Date 6/24/09	Signed
Date	Signed

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United States Bankruptcy Court Northern District of Alabama

In re	KNG, LLC, d/b/a Indigo Joe's		Case No.		
		Debtor(s)	Chapter	11	

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, Ashraf A. Kapidya, declare under penalty of perjury that I am the President of KNG, LLC, d/b/a Indigo Joe's, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 2004.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Ashraf A. Kapidya, President of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Ashraf A. Kapidya, President of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Ashraf A. Kapidya, President of this Corporation is authorized and directed to employ ANDRE' M. TOFFEL ASB-5175-T41A, attorney and the law firm of ANDRE' M. TOFFEL, PC to represent the corporation in such bankruptcy case."

Date 6/24/09

Achraf A Kanidum

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United States Bankruptcy Court Northern District of Alabama

In re	KNG, LLC, d/b/a Indigo Joe's	Case No.			
		Debtor(s)	Chapter	11	
	CORPORATE OV	VNERSHIP STATEMENT	(RULE 7007.1)		

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for <u>KNG, LLC, d/b/a Indigo Joe's</u> in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

■ None [Check if applicable]

June 24, 2009

ANDRE' M. TOFFEL ASB-5175

Signature of Attorney or Litigant

Counsel for KNG, LLC, d/b/a Indigo Joe's

ANDRE' M. TOFFEL, PC 1929 3RD AVE. NORTH 4TH FLOOR FARLEY BLDG. BIRMINGHAM, AL 35203 205-252-7115 Fax:205-252-0181 ATOFFEL@WWISP.COM