B1 (Official Form 1) (4/10)						
United States I Northern Dis Norther	Bankruptcy Court trict of Alabama n Division			Voluntary I	Petition	
Name of Debtor (if individual, enter Last, First, Middle): McMillan & Sons Construction Inc	Na	Name of Joint Debtor (Spouse) (Last, First, Middle):				
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):				
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (IT than one, state all): 27-0055856		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than one, state all):				
Street Address of Debtor (No. & Street, City, and State): 7762 Wall Triana Hwy Harvest, AL	Str	reet Address of	Joint Debtor (No.	& Street, City, and State):		
	CODE 35749	ZIP CODE County of Residence or of the Principal Place of Business:				
Mailing Address of Debtor (if different from street address	s): Ma	ailing Address	of Joint Debtor (if	different from street address):		
ZIP	CODE			ZIP COI	DE	
Location of Principal Assets of Business Debtor (if different	from street address above):					
Type of Debtor	Nature of Business	20	Char	ZIP COI pter of Bankruptcy Code Un		
 (Form of Organization) (Check one box.) Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP) Partnership Other (If debtor is not one of the above entities, check this box and state type of entity below.) Filing Fee (Check one box) ✓ Full Filing Fee attached Filing Fee to be paid in installments (applicable to ind signed application for the court's consideration certifying the set of the	 (Check one box) Health Care Business Single Asset Real Estate as of U.S.C. § 101(51B) Railroad Stockbroker Commodity Broker Clearing Bank Ø Other Tax-Exempt Entity (Check box, if applicab under Title 26 of the United Code (the Internal Revenue code (the Internal Revenue the Internal Reven	ate as defined in 11 Chapter 7 Chapter 15 Fertition for Recognition of a Foreign Main Proceeding Image: Chapter 11 Chapter 9 Main Proceeding Image: Chapter 12 Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Image: Chapter 13 Chapter 12 Image: Chapter 13 Nonmain Proceeding Image: Chapter 13 Image: Chapter 13 Image: Chapter 13 Image: Chapter 14 Image: Chapter 13 Image: Chapter 14 Image: Chapter 13 Image: Chapter 14 Image: Chapter 14 Image: Chapter 14 Image: Chapter 13 Image: Chapter 14 Image: Chapter 14 Image: Chapter 14 <t< td=""></t<>				
 Image: Signed application for the court's consideration certifying unable to pay fee except in installments. Rule 1006(b) Filing Fee waiver requested (applicable to chapter 7 in attach signed application for the court's consideration. 	See Official Form 3A.	 Check if: Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes 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 ❑ Debtor estimates that funds will be available for distrii ☑ Debtor estimates that, after any exempt property is exception expenses paid, there will be no funds available for distribution of the second second	cluded and administrative		(i),		THIS SPACE IS FOR COURT USE ONLY	
Estimated Number of Creditors Image: Constraint of Creditors Image: Constraint of Creditors Image: Constraint of Constraint of Creditors Image: Constraint of Creditors Image: Constraint of Constr	Image: 5,001- 10,001- 25,001- 10,000 25,000 50,000	50,001- 100,000	Over 100,000			
Estimated Assets State of the state of the) to \$50 to \$100	\$100,000,00 to \$500 million	1 \$500,000,001 to \$1 billion	D More than \$1 billion	+	
Stimated Endities Image: State of the state	to \$50 to \$100	(100,000,00) to \$500 million	¹ \$500,000,001 to \$1 billion	Generation More than \$1 billion		

B1 (Official Form 1) (4/10)

Voluntary Petition (This page must be comple	eted and filed in every case)	Name of Debtor(s): McMillon & Song Construction Inc				
	All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)					
Location		Case Number:	Date Filed:			
Where Filed: NONE Location		Case Number:	Date Filed:			
Where Filed:		Case Number:	Date Flied:			
	g Bankruptcy Case Filed by any Spouse, Partner of		-			
Name of Debtor: NONE		Case Number:	Date Filed:			
District:		Relationship:	Judge:			
10Q) with the Securities and Ex of the Securities Exchange Act of	Exhibit A quired to file periodic reports (e.g., forms 10K and schange Commission pursuant to Section 13 or 15(d) of 1934 and is requesting relief under chapter 11.) made a part of this petition.	Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts) 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, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). X Not Applicable 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						
	Ex	hibit D				
(To be completed by every indi-	vidual debtor. If a joint petition is filed, each spouse mu	st complete and attach a separate Exhibit D.)				
Exhibit D completed a	and signed by the debtor is attached and made a part of	this petition.				
If this is a joint petition:						
Exhibit D also comple	eted and signed by the joint debtor is attached and made					
	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.					
There is a	There is a bankruptcy case concerning debtor's affiliate. general partner, or partnership pending in this District.					
has no pri	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)				
	aims that under applicable nonbankruptcy law, there are netary default that gave rise to the judgment for possessi		ted to cure the			
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.						
filing of the		any rent that would become due during the 30-day period	d after the			

B1 (Official Form 1) (4/10)

Voluntary Petition	Name of Debtor(s):				
(This page must be completed and filed in every case)	McMillan & Sons Construction Inc				
	atures I				
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative				
I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has	I declare under penalty of perjury that the information provided in this petition 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.				
chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.	(Check only one box.)				
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).	☐ I request relief in accordance with chapter 15 of Title 11, United States Code. Certified Copies of the documents required by § 1515 of title 11 are attached.				
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the Chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.				
X Not Applicable	X Not Applicable				
Signature of Debtor	(Signature of Foreign Representative)				
X Not Applicable					
Signature of Joint Debtor	(Printed Name of Foreign Representative)				
Telephone Number (If not represented by attorney)					
Date	Date				
Signature of Attorney	Signature of Non-Attorney Petition Preparer				
X /s/Robert E. Long. Jr	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined				
Signature of Attorney for Debtor(s) ROBERT E. LONG, JR Bar No. ASB-9330-069R	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				
Printed Name of Attorney for Debtor(s) / Bar No.	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,				
•					
LONG & LONG, ATTORNEYS AT LAW Firm Name	as required in that section. Official Form 19 is attached.				
P.O. BOX 135 HARTSELLE, AL 35640					
Address	Not Applicable				
Autros	Printed Name and title, if any, of Bankruptcy Petition Preparer				
1-256-773-5355 1-256-773-5319					
Telephone Number	Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of				
9/1/2011	the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)				
Date *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a	Address				
certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.					
Signature of Debtor (Corporation/Partnership)	X Not Applicable				
I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the	Date				
debtor.	Signature of bankruptcy petition preparer or officer, principal, responsible person, or				
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	partner whose Social-Security number is provided above. Names and Social-Security numbers of all other individuals who prepared or assisted				
X s/ David McMillan	in preparing this document unless the bankruptcy petition prepared of assisted individual.				
Signature of Authorized Individual	If more than one person prepared this document, attach to the appropriate official form				
David McMillan Printed Name of Authorized Individual	for each person. A bankruptcy petition preparer's failure to comply with the provisions of title 11 and				
President	the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or				
Title of Authorized Individual	both. 11 U.S.C. § 110; 18 U.S.C. § 156.				
9/1/2011					
Date					

United States Bankruptcy Court

Northern District of Alabama

Northern Division

In re:

Case No.	
Chapter	1'

McMillan & Sons Construction Inc

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, David McMillan, declare under penalty of perjury that I am the President of McMillan & Sons Construction Inc, a Alabama Corporation and that on 05/01/2003 the following resolution was duly adopted by the of this Corporation:

"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 **David McMillan**, **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 **David McMillan**, **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 David McMillan, President of this Corporation, is authorized and directed to employ ROBERT E. LONG, JR, attorney and the law firm of LONG & LONG, ATTORNEYS AT LAW to represent the Corporation in such bankruptcy case."

Executed on: 9/1/2011

Signed: <u>s/ David McMillan</u> David McMillan

UNITED STATES BANKRUPTCY COURT Northern District of Alabama Northern Division

In re	In re: McMillan & Sons Construction Inc Debtor				Case No.			
					Chapter	<u>11</u>		
		DISCL	OSURE (OF	F COMPENSATION OF A FOR DEBTOR	TTORNE	(
a p	nd tha aid to	at compensation paid to me wit	hin one year befo be rendered on	ore	16(b), I certify that I am the attorney for the ab the filing of the petition in bankruptcy, or agre nalf of the debtor(s) in contemplation of or in		r(s)	
	Fo	r legal services, I have agreed	to accept			S	S	1,500.00
	Prior to the filing of this statement I have received				9	s	1,500.00	
	Ba	alance Due				9	s	0.00
2. T	he so	purce of compensation paid to r	ne was:					
		Debtor] (Other (specify)			
3. T	he so	purce of compensation to be pa	id to me is:					
		Debtor] (Other (specify)			
4.		I have not agreed to share the of my law firm.	above-disclosed	d co	mpensation with any other person unless the	y are members an	d associates	3
		my law firm. A copy of the agr attached. rn for the above-disclosed fee,	eement, together	r wit	nsation with a person or persons who are not th a list of the names of the people sharing in ider legal service for all aspects of the bankru	the compensatior		
	ı)	-	al situation, and	ren	dering advice to the debtor in determining whe	ether to file		
t	b) Preparation and filing of any petition, schedules, statement of affairs, and plan which may be required;							
c	c) Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;							
c	d) Representation of the debtor in adversary proceedings and other contested bankruptcy matters;							
e	e)	[Other provisions as needed] None						
6. E	3y agi		above disclosed	fee	does not include the following services:			
	, ,	Retainer, Additional wor			•			
					CERTIFICATION			
		fy that the foregoing is a comp ntation of the debtor(s) in this b			/ agreement or arrangement for payment to m ng.	e for		
Da	ited:	<u>9/1/2011</u>	_					
					<u>/s/Robert E. Long. Jr</u> ROBERT E. LONG, JR, Bar No.	ASB-9330-069	R	

LONG & LONG, ATTORNEYS AT LAW Attorney for Debtor(s)

United States Bankruptcy Court Northern District of Alabama Northern Division

In re McMillan & Sons Construction Inc

Case No.

Debtor.

Chapter 11

STATEMENT OF CORPORATE OWNERSHIP

Comes now **McMillan & Sons Construction Inc** (the "Debtor") and pursuant to Fed. R. Bankr. P. 1007(a) and 7007.1 state as follows:

All corporations that directly or indirectly own 10% or more of any class of the corporation's equity interests are listed below:

Owner

None

% of Shares Owned

OR,

X There are no entities to report.

By /s/Robert E. Long. Jr				
ROBERT E. LONG, JR Signature of Attorney				
Counsel for	McMillan & Sons Construction Inc			
Bar no.:	ASB-9330-069R			
Address.:	LONG & LONG, ATTORNEYS AT LAW			
	P.O. BOX 135			
	HARTSELLE, AL 35640			
Telephone No.:	1-256-773-5355			
Fax No.: E-mail address:	1-256-773-5319			

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ALABAMA NORTHERN DIVISION

STATEMENT OF INFORMATION REQUIRED BY 11 U.S.C. § 341

INTRODUCTION

Pursuant to the Bankruptcy Reform Act of 1994, the Office of the United States Bankruptcy Administrator has prepared this information sheet to help you understand some of the possible consequences of filing a bankruptcy petition under chapter 7 of the Bankruptcy Code. This information is intended to make you aware of -

- (1) the potential consequences of seeking a discharge in bankruptcy,
 - including the effects on credit history;
- (2) the effect of receiving a discharge of debts in bankruptcy;
- (3) the effect of reaffirming a debt; and
- (4) your ability to file a petition under a different chapter of the Bankruptcy
- Code.

There are many other provisions of the Bankruptcy Code that may affect your situation. This statement contains only general principles of law and is not a substitute for legal advice. If you have any questions or need further information as to how the bankruptcy laws apply to your specific case, you should consult with your lawyer.

WHAT IS A DISCHARGE?

The filing of a chapter 7 petition is designed to result in a discharge of most of the debts you listed in your bankruptcy schedules. A discharge is a court order that says that you do not have to repay your debts, but there are a number of exceptions. Debts which usually may not be discharged in your chapter 7 case include, for example, most taxes, child support, alimony, and student loans; court-ordered fines and restitution; debts obtained through fraud or deception; debts which were not listed in your bankruptcy schedules; and personal injury debts caused by driving while intoxicated or taking drugs. Your discharge may be denied entirely if you, for example, destroy or conceal property; destroy, conceal or falsify records; or make a false oath. Creditors cannot ask you to repay debts which have been discharged. You can only receive a chapter 7 discharge once every eight (8) years.

WHAT ARE THE POTENTIAL EFFECTS OF A DISCHARGE?

The fact that you filed bankruptcy can appear on your credit report for as long as 10 years. Thus, filing a bankruptcy petition may affect your ability to obtain credit in the future. Also, you may not be excused from repaying debts that were not listed on your bankruptcy schedules or that you incurred after you filed bankruptcy. There are exceptions to this general statement. See your lawyer if you have questions.

WHAT ARE THE EFFECTS OF REAFFIRMING A DEBT?

After you file your bankruptcy petition, a creditor may ask you to reaffirm a certain debt or you may seek to do so on your own. Reaffirming a debt means that you sign and file with the court a legally enforceable document which states that you promise to repay all or a portion of the debt that may otherwise have been discharged in your bankruptcy case. Reaffirmation agreements must generally be filed with the court sixty (60) days after the first meeting of creditors.

Reaffirmation agreements are strictly voluntary. They are not required by the Bankruptcy Code or other state or federal law. You can voluntarily repay any debt instead of signing a reaffirmation agreement, but there may be valid reasons for wanting to reaffirm a particular debt. This is particularly true when property you wish to retain is collateral for a debt.

Reaffirmation agreements must not impose an undue burden on you or your dependents and must be in your best interest. If you decide to sign a reaffirmation agreement, you may cancel it at any time before the court issues an order of discharge or within sixty (60) days after you filed the reaffirmation agreement with the court, whichever is later.

If you reaffirm a debt and fail to make the payments as required in the reaffirmation agreement, the creditor can take action against you to recover any property that was given as security for the loan and you may remain personally liable for any deficiency. In addition, creditors may seek other remedies, such as garnishment of wages.

OTHER BANKRUPTCY OPTIONS

You have a choice in deciding what chapter of the Bankruptcy Code will best suit your needs. Even if you have already filed for relief under chapter 7, you may be eligible to convert your case to a different chapter.

Chapter 7 is the liquidation chapter of the Bankruptcy Code. Under chapter 7, a trustee is appointed to collect and sell, if economically feasible, all property you own that is not exempt from these actions.

Chapter 11 is the reorganization chapter most commonly used by businesses, but it is also available to individuals. Creditors vote on whether to accept or reject a plan, which also must be approved by the court. While the debtor normally remains in control of the assets, the court can order the appointment of a trustee to take possession and control of the business.

Chapter 12 offers bankruptcy relief to those who qualify as family farmers. Family farmers must propose a plan to repay their creditors over a three-to-five year period and it must be approved by the court. Plan payments are made through a chapter 12 trustee, who also monitors the debtors' farming operations during the pendency of the plan.

Finally, chapter 13 generally permits individuals to keep their property by repaying creditors out of their future income. Each chapter 13 debtor writes a plan which must be approved by the bankruptcy court. The debtors must pay the chapter 13 trustee the amount set forth in their plan. Debtors receive a discharge after they complete their chapter 13 repayment plan. Chapter 13 is only available to individuals with regular income whose debts do not exceed \$1,000,000 (\$250,000 in unsecured debts and \$750,000 in secured debts).

AGAIN, PLEASE SPEAK TO YOUR LAWYER IF YOU NEED FURTHER INFORMATION OR EXPLANATION, INCLUDING HOW THE BANKRUPTCY LAWS RELATE TO YOUR SPECIFIC CASE.

By signing below, I/we acknowledge that I/we have received a copy of this document, and that I/we have had an opportunity to discuss the information in this document with an attorney of my/our choice.

Date 9/1/2011

s/ David McMillan David McMillan

/s/Robert E. Long. Jr ROBERT E. LONG, JR