B1 (Official Form 1)(1/08)

United States Bankruptcy Court Northern District of Georgia - Atlanta Division	Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): **PHX Construction, LLC**	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. (ITIN) No./Complete EIN (if more than one, state all) **01-0893431**	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): **2736 Meadow Church Road** **Suite 225** **Duluth, GA** ZIP Code **30097**	Street Address of Joint Debtor (No. and Street, City, and State): ZIP Code
County of Residence or of the Principal Place of Business: **Gwinnett**	County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address):
                           ZIP Code
	Mailing Address of Joint Debtor (if different from street address):
	                           ZIP Code

Location of Principal Assets of Business Debtor (if different from street address above):	

Type of Debtor (Form of Organization) (Check one box)	Nature of Business (Check one box)	Chapter of Bankruptcy Code Under Which the Petition is Filed (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.)	☐ Health Care Business ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) ☐ Railroad ☐ Stockbroker ☐ Commodity Broker ☐ Clearing Bank ■ Other	☐ Chapter 7 ☐ Chapter 15 Petition for Recognition ☐ Chapter 9 of a Foreign Main Proceeding ■ Chapter 11 ☐ Chapter 12 ☐ Chapter 15 Petition for Recognition ☐ Chapter 13 of a Foreign Nonmain Proceeding

	Tax-Exempt Entity (Check box, if applicable) ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Nature of Debts (Check one box) ☐ Debts are primarily consumer debts, ■ Debts are primarily defined in 11 U.S.C. § 101(8) as business debts. "incurred by an individual primarily for a personal, family, or household purpose."

Filing Fee (Check one box)	Chapter 11 Debtors
■ Full Filing Fee attached ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor 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 attach signed application for the court's consideration. See Official Form 3B.	Check one box: ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). ■ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than $2,190,000. 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 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.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors

■	☐	☐	☐	☐	☐	☐	☐	☐	☐
1- 49	50- 99	100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000

Estimated Assets

☐	☐	■	☐	☐	☐	☐	☐	☐	☐
$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	$100,000,001 to $500 million	$500,000,001 to $1 billion	More than $1 billion

Estimated Liabilities

☐	☐	☐	☐	■	☐	☐	☐	☐	☐
$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	$100,000,001 to $500 million	$500,000,001 to $1 billion	More than $1 billion

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Voluntary Petition *(This page must be completed and filed in every case)*	Name of Debtor(s): **PHX Construction, LLC**

All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)		
Location Where Filed: **- None -**	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)		
Name of Debtor: **See Attachment**	Case Number:	Date Filed:
District:	Relationship:	Judge:

Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) ☐ Exhibit A is attached and 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 delivered to the debtor the notice required by 11 U.S.C. §342(b). **X** _____ 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. ■ 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(l)).

B1 (Official Form 1)(1/08)   **Page 3**

# Voluntary Petition *(This page must be completed and filed in every case)*	Name of Debtor(s): **PHX Construction, LLC**

<div align="center">Signatures</div>

Signature(s) of Debtor(s) (Individual/Joint)

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 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.
[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 the chapter of title 11, United States Code, specified in this petition.

X _____
  Signature of Debtor

X _____
  Signature of Joint Debtor

_____
  Telephone Number (If not represented by attorney)

_____
  Date

Signature of Attorney*

X **/s/ G. Frank Nason, IV   GA Bar no.** _____
  Signature of Attorney for Debtor(s)

  G. Frank Nason, IV   GA Bar no. 535160
  Printed Name of Attorney for Debtor(s)

  Lamberth, Cifelli, Stokes, Ellis & Nason, PA
  Firm Name

  3343 Peachtree Road, NE
  East Tower, Suite 550
  Atlanta, GA 30326

  Address

  404-262-7373 Fax: 404-262-9911
  Telephone Number

  August 19, 2008
  Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

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 debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X **/s/ Michael Holton**
  Signature of Authorized Individual

  Michael Holton
  Printed Name of Authorized Individual

  Managing Member
  Title of Authorized Individual

  August 19, 2008
  Date

Signature of a Foreign Representative

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.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified 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 _____
  Signature of Foreign Representative

_____
  Printed Name of Foreign Representative

_____
  Date

Signature of Non-Attorney Bankruptcy Petition Preparer

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.)

_____
  Address

X _____

_____
  Date

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 or assisted in preparing this document unless the bankruptcy petition preparer is not an 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 fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

In re   **PHX Construction, LLC**   Case No. _____
                                                    ,
                                              Debtor

FORM 1. VOLUNTARY PETITION
<u>Pending Bankruptcy Cases Filed Attachment</u>

Name of Debtor / District	Case No. / Relationship	Date Filed / Judge
Alyn Holdings LLC **Northern District Georgia, Atlanta Division**	**08-** **Affiliate**	
PHX Home Products LLC **Northern District Georgia, Atlanta Division**	**08-** **Affiliate**	

CERTIFIED COPY OF RESOLUTIONS ADOPTED
BY THE MEMBERS OF PHX CONSTRUCTION, LLC

I, Michael Holton, the duly elected and qualified Managing Member of PHX Construction, LLC (the "Company"), do hereby certify that the following resolutions were adopted by the Members of the Company at a meeting duly called and held on August 19, 2008, and that such resolutions have not been amended or rescinded and are now in full force and effect:

RESOLVED, that the filing by the Company of a petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Georgia be, and it hereby is, approved;

FURTHER RESOLVED, that the Managing Member is authorized and directed to file on behalf of the Company a petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Georgia;

FURTHER RESOLVED, that the Managing Member of the Company be, and hereby is, authorized and directed to retain on behalf of the Company the law firm of Lamberth, Cifelli, Stokes, Ellis & Nason, P.A., to render legal services to, and to represent, the Company in connection with such bankruptcy proceedings and other related matters in connection therewith, on such terms as such officer or officers shall approve;

FURTHER RESOLVED, that the officers of the Company be, and each of them hereby is, authorized and directed to take any and all such further action and to execute and deliver any and all such further instruments and documents and to pay all such expenses, in each case as in his or their judgment shall be necessary or desirable to fully carry out the intent and accomplish the purposes of the resolutions adopted hereby; and

FURTHER RESOLVED, that all acts lawfully done or actions lawfully taken by any officer or officers of the Company in connection with the bankruptcy proceedings of the Company or any matter related thereto or by virtue of these resolutions is hereby in all respects ratified, confirmed and approved.

WITNESS my hand and the seal of the Company this 19th day of August, 2008.
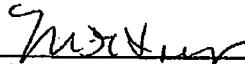
_____
Michael Holton, Managing Member
PHX Construction, LLC

B4 (Official Form 4) (12/07)

United States Bankruptcy Court
Northern District of Georgia - Atlanta Division

In re **PHX Construction, LLC**

Debtor(s)

Case No. _____

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) *Name of creditor and complete mailing address including zip code*	(2) *Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted*	(3) *Nature of claim (trade debt, bank loan, government contract, etc.)*	(4) *Indicate if claim is contingent, unliquidated, disputed, or subject to setoff*	(5) *Amount of claim [if secured, also state value of security]*
Rios Construction Inc. 860 Cedar Brook Lawrenceville, GA 30043	Rios Construction Inc. 860 Cedar Brook Lawrenceville, GA 30043 678/793-5238	Subcontractor		6,864.00
Atlanta Custom Closets 33 Moore Justus Dr. Dahlonega, GA 30533	Atlanta Custom Closets 33 Moore Justus Dr. Dahlonega, GA 30533 404/255-0589	Business vendor		3,841.00
JAF Siding Construction LLC 533 Cana of Galilee Ct. Tucker, GA 30084	JAF Siding Construction LLC 533 Cana of Galilee Ct. Tucker, GA 30084 678/858-4795	Subcontractor		2,804.00

B4 (Official Form 4) (12/07) - Cont.

In re   **PHX Construction, LLC**   Case No. _____
                                        Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
(Continuation Sheet)

(1) Name of creditor and complete mailing address including zip code	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	(3) Nature of claim (trade debt, bank loan, government contract, etc.)	(4) Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	(5) Amount of claim [if secured, also state value of security]

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

I, the Managing Member 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   **August 19, 2008**   Signature   **/s/ Michael Holton**
                                                                    Michael Holton
                                                                    Managing Member

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.

United States Bankruptcy Court
Northern District of Georgia - Atlanta Division

In re   **PHX Construction, LLC**
                                            Case No.
                            Debtor(s)   Chapter   **11**

VERIFICATION OF CREDITOR MATRIX

I, the Managing Member of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **August 19, 2008**   **/s/ Michael Holton**
                                            Michael Holton/**Managing Member**
                                            Signer/Title