B 1 (Official Form 9) 16 1/09 5634 Doc#: 1 Filed: 08/07/09 Entered: 08/07/09 13:31:31 Page 1 of 7 **United States Bankruptcy Court Voluntary Petition** Eastern District of Arkansas Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): LandMark Utilities, Inc. All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN(if Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN(if more more than one, state all): 02-0729976 than one, state all): Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): 3212 Mead Drive Jonesboro, AR ZIP CODE ZIP CODE 72404 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business Craighead Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): ZIP CODE ZIP CODE Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE 3212 Mead Drive 72401 Jonesboro, AR Type of Debtor Chapter of Bankruptcy Code Under Which Nature of Business (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box.) ☐ Health Care Business ☐ Chapter 15 Petition for Chapter 7 Single Asset Real Estate as defined in 11 Recognition of a Foreign Individual (includes Joint Debtors) Chapter 9 U.S.C. § 101(51B) Main Proceeding See Exhibit D on page 2 of this form. Chapter 11 V Railroad Corporation (includes LLC and LLP) ☐ Chapter 15 Petition for Stockbroker Partnership Chapter 12 Recognition of a Foreign ☐ Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding Chapter 13 check this box and state type of entity below.) Clearing Bank Nature of Debts ✓ Other (Check one box) Tax-Exempt Entity Debts are primarily consumer Debts are primarily (Check box, if applicable) debts, defined in 11 U.S.C. business debts. § 101(8) as "incurred by an Debtor is a tax-exempt organization individual primarily for a under Title 26 of the United States personal, family, or house-Code (the Internal Revenue Code.) hold purpose.' Chapter 11 Debtors Filing Fee (Check one box) Check one box: ✓ Full Filing Fee attached 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). 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. Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. 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 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 \Box $\mathbf{\Lambda}$ 1_ 100-200-1 000-5 001-10 001-25 001-50 001-50-Over 49 199 999 25,000 100,000 100,000 99 5.000 10.000 50.000 Estimated Assets \$100,001 to \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$0 to \$500,000,001 More than \$1 \$50,000 \$100,000 to \$100 to \$500 \$500,000 to \$10 to \$50 to \$1 billion billion \$1 million million million million million Estimated Liabilities V \Box \Box \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$0 to \$100,001 to \$500,000,001 More than \$1 to \$10 to \$50 to \$100 to \$500 \$50,000 \$100,000 \$500,000 billion to \$1 billion

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B1 (Official Form 9) 1/1/108/5634 Doc#: 1 Filed: 08/07/09 Entered: 08/07/09 13:31:31 Page 2 FORM B1, Page 2 Voluntary Petition Name of Debtor(s): (This page must be completed and filed in every case) LandMark Utilities, Inc. All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.) Case Number: Date Filed: Location Where Filed: **NONE** Location Case Number: Date Filed: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet) Date Filed: Name of Debtor: Case Number: NONE Relationship: District: Judge: Exhibit A Exhibit B (To be completed if debtor is an individual (To be completed if debtor is required to file periodic reports (e.g., forms 10K and whose debts are primarily consumer debts) 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.) 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). Exhibit A is attached and made a part of this petition. X Not Applicable Signature of Attorney for Debtor(s) Date 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. $\mathbf{\Lambda}$ 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 $\mathbf{\Lambda}$ 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

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

8/7/2009 Date B4 (Official Form 4) (12/07)

true and correct to the best of my information and belief.

United States Bankruptcy Court Eastern District of Arkansas

In re LandMark Utilities, Inc.			Case No.			
	Debtor	Cha	pter <u>11</u>			
LIST OF CREI	DITORS HOLDING	20 LARGEST	UNSECURE	ED CLAIMS		
(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, gov- ernment contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim [if secured also state value of security]		
Digco Utility Construction, LP c/o Kyle Weynand Attorney at Law 909 Fannin, Suite 2700 Houston, TX 77010				\$242,128.00		
GMAC PO Box 9001952				\$41,330.85		
Louisville, KY 40290				SECURED VALUE:		
	DECLARATION UNDER		_			
	ON DETIALE OF A CORPOR	RATION OR FARTIN	ENOUIL			

Date: 8/7/2009 Signature: /s/ John M. Layman

John M. Layman ,President

(Print Name and Title)

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.

I, John M. Layman, 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

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Digco Utility Construction, LP c/o Kyle Weynand Attorney at Law 909 Fannin, Suite 2700 Houston, TX 77010

GMAC PO Box 9001952 Louisville, KY 40290 3:09-bk-15634 Doc#: 1 Filed: 08/07/09 Entered: 08/07/09 13:31:31 Page 6 of 7

United States Bankruptcy Court

Eastern District of Arkansas

In re:			e No.	11
LandMark Utilities, Inc.				
STATEMENT REGARDING AUTHO	ORITY 1	O SIGN AND FIL	E PE	ETITION
I, John M. Layman, declare under penalty of perjury that I am that on the following resolution was duly adopted by the of this (nc., a A	Arkansas Corporation and
"Whereas, it is in the best interest of this Corporation to file a Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United	-	=	tes	
Be It Therefore Resolved, that John M. Layman, President of t documents necessary to perfect the filing of a Chapter 11 volunta				
Be It Further Resolved, that John M. Layman , President of this proceedings on behalf of the Corporation, and to otherwise do an necessary documents on behalf of the Corporation in connection	d perform a	all acts and deeds and to		
Be It Further Resolved, that John M. Layman , President of thi Fowler , Jr. , attorney and the law firm of Fowler Law Firm to represe				
5	0:			
Executed on: 8/7/2009	Signed:	<u>/s/ John M. Layman</u> John M. Layman		

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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF ARKANSAS

In re:	LandMark Utilities, Inc.	Case No	
	Debtor	Chapter 11	

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s), or debtor's attorney if applicable, do hereby certify under penalty of perjury that the attached Master Mailing List of creditors, consisting of 1 sheet(s) is complete, correct and consistent with the debtor's schedules pursuant to Local Bankruptcy Rules and I/we assume all responsibility for errors and omissions.

Dated: 8/7/2009 Signed: /s/ John M. Layman John M. Layman

Signed: /s/Thomas E. Fowler

Thomas E. Fowler, Jr.

Attorney for Debtor(s)

Bar no.: 99005

Fowler Law Firm

601 S. Church St. Jonesboro, AR 72401

Telephone No.: **870-931-3328** Fax No.: **870-934-1416**

E-mail address: tfowler@suddenlinkmail.com