

United States Bankruptcy Court
District of Arizona

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):
Finck, Dale M.

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)
xxx-xx-9805

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):
34 East Cactus Wren Drive
Phoenix, AZ
ZIP Code: 85020

Street Address of Joint Debtor (No. and Street, City, and State):
ZIP Code:

County of Residence or of the Principal Place of Business:
MARICOPA

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):
8164 W. Buckeye Road
Phoenix, AZ 85043

Type of Debtor
(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.)

Nature of Business
(Check one box)
Health Care Business
Single Asset Real Estate as defined
in 11 U.S.C. § 101 (51B)
Railroad
Stockbroker
Commodity Broker
Clearing Bank
Other
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).

Chapter of Bankruptcy Code Under Which
the Petition is Filed (Check one box)
Chapter 7
Chapter 9
Chapter 11
Chapter 12
Chapter 13
Chapter 15 Petition for Recognition
of a Foreign Main Proceeding
Chapter 15 Petition for Recognition
of a Foreign Nonmain Proceeding

Nature of Debts
(Check one box)
Debts are primarily consumer debts,
defined in 11 U.S.C. § 101(8) as
"incurred by an individual primarily for
a personal, family, or household purpose."
Debts are primarily
business debts.

Filing Fee (Check one box)
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.

Chapter 11 Debtors
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 \$2,343,300 (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 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
Estimated Assets
Estimated Liabilities

THIS SPACE IS FOR COURT USE ONLY

Voluntary Petition <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): Finck, Dale M.
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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: McKelvey Trucking Co., McKelvey Truck Leasing & MTC Leasing	Case Number: 2:09-bk-28745-SSC	Date Filed: 11/09/09
District: District of Arizona - joint administration	Relationship: President	Judge: Sarah Sharer Curley

<p style="text-align: center;">Exhibit A</p> <p>(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.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p style="text-align: center;">Exhibit B</p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts)</p> <p>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).</p> <p>X _____ Signature of Attorney for Debtor(s) (Date)</p>
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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. § 541(c)(2))

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):
Finck, Dale M.

Signatures

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 **Dale M. Finck**

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

9-28-10
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 bankruptcy 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

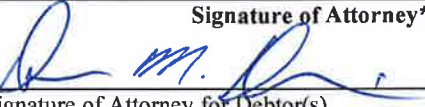
Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

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.

Signature of Attorney*

X 
Signature of Attorney for Debtor(s)

Dean M. Dinner 010216
Printed Name of Attorney for Debtor(s)

Nussbaum & Gillis, P.C.
Firm Name
14500 N. Northsight Blvd.
Suite 116
Scottsdale, 85260

Address

(480) 609-0011 Fax: (480) 609-0016
Telephone Number

9-28-10
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 _____
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

**United States Bankruptcy Court
District of Arizona**

In re Dale M. Finck
Debtor(s)

Case No. 2-10-bk-31123-RTB
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)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
CATERPILLAR FINANCIAL SERVICES CORP. c/o PETER RATHWELL-SNELL & WILMER 400 E. VAN BUREN STREET PHOENIX, AZ 85004	CATERPILLAR FINANCIAL SERVICES CORP. c/o PETER RATHWELL-SNELL & WILMER 400 E. VAN BUREN STREET PHOENIX, AZ 85004	Judgment in CV 2010-009611; Caterpillar Financial Services, d/b/a FCC Equipment Financing v. Dale Finck; Personal guaranty of business debts of McKelvey	Contingent Disputed	2,974,822.98
DCFS USA LLC P.O. BOX 3198 MILWAUKEE, WI 53201	DCFS USA LLC P.O. BOX 3198 MILWAUKEE, WI 53201	Business debt of MTC Leasing, LLC - 2006 FREIGHTLINER COLUMBIA: 1FUJA6AV86PV183 16,1FUJA6AVX6PV18317 1FUJA6AV36PV18319 1FUJA6AVX6PV18320 1FUJA6AV16PV18	Contingent Disputed	389,763.00
FCC EQUIPMENT FINANCE P.O. BOX 56347 JACKSONVILLE, FL 32241	FCC EQUIPMENT FINANCE P.O. BOX 56347 JACKSONVILLE, FL 32241	Business debt of McKelvey Trucking Co.1XP5DU9X95D864190,1XP5DU9X05D864191, 1XP5DU9X25D864192, 1XP5DU9X45D864193,1XP5DU9X65D864194, 1XP5DU9X85D864195,	Contingent Disputed	620,609.00

Debtor(s) _____

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

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
FINANCIAL FEDERAL P.O. BOX 201503 HOUSTON, TX 77216	FINANCIAL FEDERAL P.O. BOX 201503 HOUSTON, TX 77216	2007 Peterbilt - voluntary surrender; ; Business debt of McKelvey Trucking Co.: 1XP5DB9X37D6504 02 1XP5DB9X57D6504 03 1XP5DB9X77D6504 04 1XP5DB9X97D6504	Contingent Disputed	375,907.00
FINANCIAL FEDERAL P.O. BOX 201503 HOUSTON, TX 77216	FINANCIAL FEDERAL P.O. BOX 201503 HOUSTON, TX 77216	2007 Peterbilt - voluntary surrender; ; Business debt of McKelvey Trucking Co.: 1XP5DB9X57D6503 67 1XP5DBX77D65036 8 1XP5DB9X97D6503 69 1XP5DB9X57D6503 7	Contingent Disputed	353,528.00
FINANCIAL FEDERAL CREDIT INC. c/o ROBERT GRAWL, JR. 1300 POST OAK BLVD., STE 1300 HOUSTON, TX 77056	FINANCIAL FEDERAL CREDIT INC. c/o ROBERT GRAWL, JR. 1300 POST OAK BLVD., STE 1300 HOUSTON, TX 77056	Judgment; C.A. No. 4:09-cv-03995 in Financial Federal Credit Inc. v. Dale M. Finck	Contingent Disputed	615,928.82
GE CAP CORP 300 E JOHN CARPENTER FREEWAY SUITE 210 IRVING, TX 75062	GE CAP CORP 300 E JOHN CARPENTER FREEWAY SUITE 210 IRVING, TX 75062	GENERAL ACCOUNTS RECEIVABLE/INVE NTORY/GENERAL INTANGIBLES; Personal Guaranty of Business debt of McKelvey Trucking Co.	Contingent Disputed	2,171,611.34

Debtor(s)

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

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
GE CAPITAL SERVICES P.O. BOX 822108 PHILADELPHIA, PA 19182	GE CAPITAL SERVICES P.O. BOX 822108 PHILADELPHIA, PA 19182	Business debt of McKelvey Truck Leasing Company: 2007 PETERBILT: 1XP5DB9X07D6503 87 1XP5DB9X27D6503 88 1XP5DB9X47D6503 89 1XP5DB9X07D6503 90 1XP5DB9X27	Contingent Disputed	411,592.25
GE CAPITAL SERVICES P.O. BOX 822108 PHILADELPHIA, PA 19182	GE CAPITAL SERVICES P.O. BOX 822108 PHILADELPHIA, PA 19182	Business debt of McKelvey Truck Leasing Company - 2007 PETERBILT: 1XP5DB9X17D6503 82 1XP5DB9X37D6503 83 1XP5DB9X57D6503 84 1XP5DB9X77D6503 85 1XP5DB9X97	Contingent Disputed	403,637.56
MCKELVEY TRUCKING CO. P.O. BOX 23155 PHOENIX, AZ 85063	MCKELVEY TRUCKING CO. P.O. BOX 23155 PHOENIX, AZ 85063	Loan		600,000.00
MIDFIRST BANK 2 N. CENTRAL AVE., STE 101 PHOENIX, AZ 85004	MIDFIRST BANK 2 N. CENTRAL AVE., STE 101 PHOENIX, AZ 85004	8164 W. Buckeye Road, Phoenix, AZ 85043 (appraised value \$2,700,000.00)	Contingent Disputed	1,400,000.00
MIDFIRST BANK 2 N. CENTRAL AVE., STE 101 PHOENIX, AZ 85004	MIDFIRST BANK 2 N. CENTRAL AVE., STE 101 PHOENIX, AZ 85004	8164 W. Buckeye Road, Phoenix, AZ 85043 (appraised value \$2,700,000.00)	Contingent Disputed	1,236,000.00
MTC LOGISTICS LLC P.O. BOX 23155 PHOENIX, AZ 85063	MTC LOGISTICS LLC P.O. BOX 23155 PHOENIX, AZ 85063	LOGISTIC CARRIER; Business debt of McKelvey Trucking Co.	Contingent Disputed	282,934.91

Debtor(s)

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

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
PEOPLE'S CAPITAL LEASE 255 BANK STREET WATERBURY, CT 06702	PEOPLE'S CAPITAL LEASE 255 BANK STREET WATERBURY, CT 06702	Business debt of McKelvey Truck Leasing Company - 2007 PETERBILT: 1XP5DB9X17D6504 32 1XP5DB9X57D6504 34 1XP5DB9X77D6504 35 1XP5DB9X97D6504 36	Contingent Disputed	329,349.88
PEOPLES CAPITAL AND LEASING CORP. C/O DANIEL BECK; SHERMAN & HOWARD 2800 N. CENTRAL AVE, STE 1100 PHOENIX, AZ 85004	PEOPLES CAPITAL AND LEASING CORP. C/O DANIEL BECK; SHERMAN & HOWARD 2800 N. CENTRAL AVE, STE 1100 PHOENIX, AZ 85004	LAWSUIT; Business debt of McKelvey Truck Leasing Company and MTC Leasing, LLC	Contingent Disputed	369,443.00
PROFINIUM FINANCIAL P.O. BOX 848 FAIRMONT, MN 56031	PROFINIUM FINANCIAL P.O. BOX 848 FAIRMONT, MN 56031	Business debt of McKelvey Truck Leasing Company - 2007 PETERBILT: 1XP5DB9X27D6503 74 1XP5DB9XX7D6503 78 1XP5DB9X17D6503 79 1XP5DB9X87D6503 80 1XP5DB9XX7	Contingent Disputed	350,395.85
PROFINIUM FINANCIAL P.O. BOX 848 FAIRMONT, MN 56031	PROFINIUM FINANCIAL P.O. BOX 848 FAIRMONT, MN 56031	Business debt of McKelvey Truck Leasing Company - 2007 PETERBILT: 1XP5DB9X37D6503 52 1XP5DB9X47D6503 58 1XP5DB9X67D6503 59 1XP5DB9X27D6503 60 1XP5DB9X47	Contingent Disputed	333,208.11

Debtor(s)

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

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
SUN TRUST P.O. BOX 79194 BALTIMORE, MD 21279	SUN TRUST P.O. BOX 79194 BALTIMORE, MD 21279	Business debt of McKelvey Truck Leasing Company - 2007 PETERBILT: 1XP5DB9X47D6503 92,1XP5DB9X67D6 50393,1XP5DB9X87 D650394,1XP5DB9 XX7D650395,1XP5 DB9X17D6	Contingent Disputed	721,973.15
SUNTRUST EQUIPMENT FINANCE & LEASING c/o TOPHAS ANDERSON - RENAUD COOK 1 N. CENTRAL AVE., STE 900 PHOENIX, AZ 85004	SUNTRUST EQUIPMENT FINANCE & LEASING c/o TOPHAS ANDERSON - RENAUD COOK 1 N. CENTRAL AVE., STE 900 PHOENIX, AZ 85004	Judgment entered in CV2010-025319; SunTrust Equipment Finance & Leasing v. McKelvey Truck Leasing Co., et al; Personal guaranty of business debts of M	Contingent Disputed	306,577.26
WELLS FARGO 733 MARQUETTE AVENUE SUITE 700 MINNEAPOLIS, MN 55402	WELLS FARGO 733 MARQUETTE AVENUE SUITE 700 MINNEAPOLIS, MN 55402	LEASE ARREARAGES; Business debt of McKelvey Trucking Co.	Contingent Disputed	291,175.00

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

I, **Dale M. Finck**, 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 9-28-10

Signature 
Dale M. Finck
 Debtor

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.