Case 8:10-bk-27150-TA Doc 1 Filed 12/03/10 Entered 12/03/10 14:14:53 Desc

Official Form 1 (04/10)	United State	iin. Docu	ment	├—	Page 1	- of 8			n a meaning or see
CE	United State NTRAL DISTR	_			:A			Voluntary	Retition
Name of Debtor (if individual, enter Last, First, Mi Island Way Investments I, a California Limited Liab	LLC,	ny		Nam	e of Joint D	ebtor (Spous	e)(Last, First, Middl	le):	
All Other Names used by the Debtor in the last 8 years					s used by the aiden, and trad		the last 8 years		
Last four digits of Soc. Sec. or Indvidual-Taxpayer (if more than one, state all): 26-3747583	I.D. (ITIN) No./Com	plete EIN			our digits of S		vidual-Taxpayer	I.D. (ITIN) No./Compl	ete EIN
Street Address of Debtor (No. & Street, City 7 Argonaut	, and State):			Stree	t Address o	f Joint Debto	ľ (No. & Stree	et, City, and State):	
Aliso Viejo CA		ZIPCODE 92656							ZIPCODE
County of Residence or of the Principal Place of Business: Orange	1				nty of Resid	ence or of the	;		-
Mailing Address of Debtor (if different from s						of Joint Deb	tor (if different	from street address):	
SAME		ZIPCODE							ZIPCODE
Location of Principal Assets of Business De (if different from street address above): 22 unin	ebtor nproved lots,	St Johns	Coun	ty, 1	Florida,				ZIPCODE
Type of Debtor (Form of organization)	Nature of (Check one	of Busines:	s			Chapter of I		ode Under Which Check one box)	<u> </u>
(Check one box.) ☐ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. ☐ Corporation (includes LLC and LLP)	☐ Health Care Bu: ☐ Single Asset Re in 11 U.S.C. § 1	siness al Estate as def	fined		Chapter 7 Chapter 9 Chapter 1 Chapter I	1	□ CI	hapter 15 Petition for f a Foreign Main Pr hapter 15 Petition fo	oceeding or Recognition
Partnership	Railroad Stockbroker				Chapter 1			a Foreign Nonmain	Proceeding
Uther (if debtor is not one of the above entities, check this box and state type of entity below	Commodity Bro	oker		_	in 11 U.S.C	C. § 101(8) as orimarily for	Debts (Che umer debts, de: "incurred by a a personal, fam	n busir	s are primarily ness debts.
		mpt Entity				Сһар	ter 11 Debtors	:	
	Debtor is a tax-	exempt organization			k one box:				
	under Title 26 o							U.S.C. § 101(51D) efined in 11 U.S.C.	
Filing Fac. (Check	1			Chec	1- i fo				
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.				De ow sub	btor's aggreed to inside	rs or affiliate stment on 4/0	s) are less than	ed debts (excluding \$2,343,300 (amour y three years thereaf	nt
				Check all applicable boxes: A plan is being filed with this petition					
Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Offi cial Form 3B.				Acceptances of the plan were solicited prepetition from one or more			or more		
Ca Catalla Na Satura da La Ca				cl	asses of cre	ditors, in acc	ordance with 1	1 U.S.C. § 1126(b). THIS SPACE IS FOR	COURT LISE ONLY
Statistical/Administrative Information Debtor estimates that funds will be available for	or distribution to unsec	cured creditors.						THIS SPACE IS FOR	COOKT USE ONLT
Debtor estimates that, after any exempt proper distribution to unsecured creditors.	ty is excluded and adı	ministrative exp	enses pai	id, there	e will be no fu	ınds available f	or		
Estimated Number of Creditors	09 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 SO to \$50,001 to \$100,001 to \$500,000 to \$1 million	to \$10	\$10,000,001 to \$50 million	\$50,000 to \$100 million		\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than		
Estimated Liabilities	to \$10	\$10,000,001 to \$50 million	\$50,000 to \$100 million		\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion		

Official Form 1 (04/10)		FORM BI, Page 2				
Voluntary Petition	Name of Debtor(s): Island Way Investments I					
(This page must be completed and filed in every case)	a California Limited Li					
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)						
Location Where Filed:	Case Number:	Date Filed:				
	Cura Promotin					
NONE Location Where Filed:	Case Number:	Date Filed:				
Location where i new.						
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of	of this Debtor (If more than one, atta	ch additional sheet)				
Name of Debtor:	Case Number:	Date Filed:				
Island Way Investments II, LLC						
District:	Relationship:	Judge;				
Simultaneous filing	Affiliate					
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	Exh (To be completed if de whose debts are prima l, the attorney for the petitioner named in the have informed the petitioner that [he or she] to 13 of title 11, United States Code, and have each such chapter. I further certify that I have required by 11 U.S.C. §34200	rily consumer debts) foregoing petition, declare that I nay proceed under chapter 7, 11, 12 e explained the relief available under				
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.						
(To be completed by every individual debtor. If a joint petition is filed, ea		Exhibit D.)				
If this is a joint petition: Exhibit D also completed and signed by the joint debtor is attached.	ed and made a part of this petition.					
Information Regarding the Debtor - Venue						
information Regarding the Debtor - Yenue (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 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.						
	Resides as a Tenant of Residential Property					
(Check all a	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 entire monetary default that gave rise to the judgment for posses	re circumstances under which the debtor would be ssion, after the judgment for possession was enter	be permitted to cure the red, and				
Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filling of the petition.						
Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).						

Official Form 1 (04/10)	FORM B1, Page 3					
Voluntary Petition	Name of Debtor(s): Island Way Investments I, LLC,					
(This page must be completed and filed in every case)	a California Limited Liability Company					
Signatures						
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative					
I declare under penalty of perjury that the information provided in this	I declare under penalty of perjury that the information provided in this					
petition is true and correct.	petition is true and correct, that I am the foreign representative of a debtor					
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	in a foreign proceeding, and that I am authorized to file this petition.					
under chapter 7, 11, 12, or 13 of title 11, United States Code,	in a foreign proceeding, and that I am admirized to the this petition.					
understand the relief available under each such chapter, and choose to	(Check only one box.)					
proceed under chapter 7.	1 request relief in accordance with chapter 15 of title 11, United States					
[If no attorney represents me and no bankruptcy petition preparer	Code. Certified copies of the documents required by 11 U.S.C. § 1515					
signs the petition] I have obtained and read the notice required by	are attached.					
11 U.S.C. §342(b)	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the					
I request relief in accordance with the chapter of title 11, United States	chapter of title 11 specified in this petition. A certified copy of the					
Code, specified in this petition.	order granting recognition of the foreign main proceeding is attached.					
v						
Signature of Debtor	X (Signature of Foreign Representative)					
	(Signature of Foreign Representative)					
X Signature of Joint Debtor						
Signature G. Vota Decide	(Printed name of Foreign Representative)					
Telephone Number (if not represented by attorney)	12/1/2010					
	(Date)					
Date						
Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer					
X	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					
Si many con Attorne, for Debsor(5)	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					
Robert P. Goe, Esq., SBN 137019 Printed Name of Anomey for Debtor(s)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					
·	and the notices and information required united 11 0.3.c. xx 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					
Goe & Forsythe, LLP	- Lawlenmen natition preparers. I have given the debtor DOUCE of the					
GOE & FORSYTHE, LLP	maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official					
Address	Form 19 is attached.					
18101 Von Karman Av, Suite 510						
Irvine CA 92612	Printed Name and title, if any, of Bankruptcy Petition Preparer					
(949) 798-2460	Thines regine and study is any, or works specy to the property					
Telephone Nunixer	Social-Security number (If the bankruptcy petition preparer is not an					
12/1/2010	individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)					
Date	(Required by 11 U.S.C. § 110.)					
*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.	Address					
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.	Daie					
Zatisbrizzetiria ine tina perinan an annan an an annan an	Signature of hankruptcy petition preparer or officer, principal.					
The debtor requests the relief in accordance with the chapter of	responsible person, or partner whose Social-Security number is provided					
title 1, United States Code, specified in this neutron.	Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition					
~ X A 1/18 (4/1/1/1)	preparer is not an individual.					
Signature of Authorized Individual	-					
Point Center Financial, Inc.	777 - 77 - 77 - 77 - 77 - 77 - 77 - 77					
Printed Name of Authorized Individual	If more than one person prepared this document, attach additional					
Managing Member	sheets conforming to the appropriate official form for each person.					
Title of Authorized Individual	A bankruptcy petition preparer's failure to comply with the provisions of title					
12/1/2010	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.					
Date	- inhimanna a cam is among 2 x is to among 1 to a					

Main Document Page 4	Ol O
Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number	FOR COURT USE ONLY
Robert P. Goe, Esq., SBN 137019	
Goe & Forsythe, LLP	THE STATE OF THE S
18101 Von Karman Avenue, Suite 510	
Irvine, CA 92612	
(949) 798-2460 (telephone)	
(949) 955-9437 (facsimile)	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re:	CASE NO.:
	CHAPTER: 11
ISLAND WAY INVESTMENTS I, LLC Debtor	ADV. NO.:
ELECTRONIC FILING DECLARATION	DN .
(CORPORATION/PARTNERSHIP)	
x Petition, statement of affairs, schedules or lists	Dated Filed: December 1, 2010
Amendments to the petition, statement of affairs, schedules or lists	Dated Filed:
Other: All pleadings necessary to prosecute the Chapter 7 case	Dated Filed:
PART I - DECLARATION OF AUTHORIZED SIGNATORY DEBTOR OF O	THER PARTY
1, the undersigned, hereby declare under penalty of perjury that: (1) I have been aut	
filed electronically (Filed Document); (2) I have read and understand the Filed Document; (3) true, correct and complete; (4) the "/s/," followed by my name, on the signature lines for the Fisignature on behalf of the Filing Party and denotes the making of such declarations, requests, s by the Filing Party to the same extent and effect as my actual signature on such signature lines copy of the Filed Document in such places on behalf of the Filing Party and provided the exceparty's attorney; and (6), on behalf of the Filing Party, have authorized the Filing Party's attorney and this Declaration with the United States Bankruptcy Court for the Central Distriction.	ling Party in the Filed Document serves as my statements, verifications and certifications by me and sp; (5) I have actually signed a true and correct hard uted hard copy of the Filed Document to the Filing party to file the electronic version of the Filed et of California.
Signature of Authorized senatory of Filing Party Date	
Point Center Financial, Inc., Managing Member	
Printed Name of Authorized Signature of Filing Party	
By Dan J. Harkey	
Printed Name of Authorized Signature of Managing Member	
President	
Title of Authorized Signature of Filing Party	
PART II - DECLARATION OF ATTORNEY FOR SIGNING PARTY	
I, the undersigned Attorney for the Filing Party, hereby declare under penalty of persignature lines for the Attorney for the Filing Party in the Filed Document serves as my signature lines, verifications and certifications to the same extent and effect as my actual signatory of the Filing Party signed the Declaration of Authorized Signatory of Debtor or Othe Document for filing with the United States Bankruptcy Court for the Central District of Califo copy of the Filed Document in the locations that are indicated by "/s/," followed by my name, signatory of the Filing Party in the locations that are indicated by "/s/," followed by the name of and correct hard copy of the Filed Document; (4) I shall maintain the executed originals of this of Debtor or Other Party, and the Filed Document for a period of five years after the closing of the executed originals of this Declaration, the Declaration of Debtor(s) or Other Party, and the Court or other parties.	are and denotes the making of such declarations, signature on such signature lines; (2) an authorized or Party before I electronically submitted the Filed mia; (3) I have actually signed a true and correct hard and have obtained the signature of the authorized of the Filing Party's authorized signatory, on the true is Declaration, the Declaration of Authorized Signatory of the case in which they are filed; and (5) I shall make
December 1,	2010
Signature of Attorney for Filing Party Date	
Robert P. Goe, Esq. Printed Name of Attorney for Filing Party	

B4 (Official Form 4) (12/07)

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA SANTA ANA DIVISION

In re Island Way Investments I, LLC	Case No.	
a California Limited Liability Company	Chapter	1.
Debtor(s)		

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 and Fed. R. Bankr. P. 1007(m).

Name of Creditor and Complete Malling 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	(If Secured Also State Value of Security)
Clerk of the Circuit Court St Johns County Florida 4010 Lewis Speedwazy Saint Augustine FL 32084	Phone: Clerk of the Circuit Court St Johns County Florida 4010 Lewis Speedwazy Saint Augustine FL 32084	Notice Purpose	es Only	\$ 0.00
2 Palenca Property Owners Assoc Ecx 100637 Atlanta GA 30384-0637	Phone: (904) 599-9000 Palenca Property Owners Assoc Box 100637 Atlanta GA 30384-0637	HOA assessmen	ts	\$ 0.00
3 Marshall Creek Comm Dev Assoc 210 North University Drive Suite 702 Coral Springs FL 33071	Phone: (954) 603-0034 Marshall Creek Comm Dev Assoc 210 North University Drive Suite 702 Coral Springs FL 33071	Special prope assessments	rty	\$ 0.00

 Debtor(s)	

B4 (Official Form 4) (12/07)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION

Foint Center Financia	1, Inc		Managing Member	of the	And the second control of the second control	named
as debtor in this case, declare und	er penalty of perj	ry that I have read the fore	going List of Creditors Hol	lding Twenty La	rgest Unsecured Clair	ns and that
they are true and correct to the bes	at of my knowledg	e, information and belief.				
Date: 12/1/2010	Signature	Mu	MALL	/		
		Point Center Final	post, Inc.	/		-
	Title:	Managing Member	_			- and without the addition of the latest of the latest of

STATEMENT OF RELATED CASES INFORMATION REQUIRED BY LOCAL BANKRUPTCY RULE 1015-2 UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA

1.	A petition under the Bankruptcy Act of 1898 or the Bankruptcy Reform Act of 1978 has previously been filed by or against the debtor, his/her spouse, an affiliate of the debtor, any copartnership or joint venture of which debtor is or formerly was a general or limited partner, or member, or any corporation of which the debtor is a director, officer, or person in control, as follows: (Set forth the complete number and title of each such prior proceeding, date filed, nature thereof, the Bankruptcy Judge and court to whom assigned, whether still pending and, if not, the disposition thereof. If none, so indicate. Also, list any real property included in Schedule A that was filed with any such prior proceeding(s).)							
	simultaneous filing (Chapter 11) for Affiliate: Island Way Investments II, LLC							
2.	(If petitioner is a partnership or joint venture) A petition under the Bankruptcy Act of 1898 or the Bankruptcy Reform Act of 1978 has previously been filed by or against the debtor or an affiliate of the debtor, or a general partner in the debtor, a relative of the general partner, general partner of, or person in control of the debtor, partnership in which the debtor is a general partner, general partner of the debtor, or person in control of the debtor as follows: (Set forth the complete number and title of each such prior proceeding, date filed, nature of the proceeding, the Bankruptcy Judge and court to whom assigned, whether still pending and, if not, the disposition thereof. If none, so indicate. Also, list any real property included in Schedule A that was filed with any such prior proceeding(s).)							
	Not applicable							
3.	(If petitioner is a corporation) A petition under the Bankruptcy Act of 1898 or the Bankruptcy Reform Act of 1978 has previously been filed by or against the debtor, or any of its affiliates or subsidiaries, a director of the debtor, an officer of the debtor, a person in control of the debtor, a partnership in which the debtor is general partner, a general partner of the debtor, a relative of the general partner, director, officer, or person in control of the debtor, or any persons, firms or corporations owning 20% or more of its voting stock as follows: (Set forth the complete number and title of each such prior proceeding, date filed, nature of proceeding, the Bankruptcy Judge and court to whom assigned, whether still pending, and if not, the disposition thereof. If none, so indicate. Also, list any real property included in Schedule A that was filed with any such prior proceeding(s).)							
	simultaneous filing (Chapter 11) for Affiliate: Island Way Investments II, LLC							
4.	(If petitioner is an individual) A petition under the Bankruptcy Reform Act of 1978, including amendments thereof, has been filed by or against the debtor within the last 180 days: (Set forth the complete number and title of each such prior proceeding, date filed, nature of proceeding, the Bankruptcy Judge and court to whom assigned, whether still pending, and if not, the disposition thereof. If none, so indicate. Also, list any real property included in Schedule A that was filed with any such prior proceeding(s).) Not applicable							
	NOT ADMITCABLE							
l de	eclare, under penalty of perjury, that the foregoing is true and correct.							
Ex	ecuted at Irvine California.							
Da	ted December 1, 2010 Island Way Investments II, LLC by Managing Member							
	Joint Debtor							

UNITED STATES BANKRUPTCY COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA SANTA ANA DIVISION

Inre	Case No.
ISLAND WAY INVESTMENTS I, LLC	Chapter 11

STATEMENT REGARDING CORPORATE RESOLUTION

The undersigned, Dan J. Harkey, is the President of Point Center Financial, Inc., the Managing Member ("Managing Member") of Island Way Investments I, LLC ("Company"). On November 30, 2010, the following resolution was fully adopted by the Company's Board of Directors.

"WHEREAS, it is in the best interests of the Company to file a voluntary petition in the United States Bankruptcy Court pursuant to the Chapter 11 of Title 11 of the United States Code:

"NOW, THEREFORE, BE IT RESOLVED, that Dan J. Harkey, the President of the Managing Member of the Company be and is hereby authorized and directed to execute and deliver all documents necessary to perfect the filing of a Chapter 11 voluntary bankruptcy case in the United States Bankruptcy Court on behalf of the Company; and

"BE IT FURTHER RESOLVED, that Dan J. Harkey, the President of the Managing Member of the Company, be and hereby is, authorized and directed to appear in all such bankruptcy proceedings on behalf of the Company, and to otherwise do and perform any and all acts and deeds and to execute and deliver all necessary documents on behalf of the Company in connection with said bankruptcy proceedings; and

"BE IT FURTHER RESOLVED, that Dan J. Harkey, the President of the Managing Member of the Company, be and hereby is, authorized and directed to employ Robert P. Goe, Attorney and the law firm of Goe & Forsythe, LLP, to represent Island Way Investments I, LLC, in said bankruptcy proceedings."

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION

I, Dan J. Harkey, the President of the Managing Member of the Company named as Debtor in this case, declare under penalty of perjury that I have read the foregoing resolution and its is true and correct to the best of my knowledge, information; and belief.

Dated: November 30, 2010

Point Center Financial, Inc., Manag By: Dan J. Harkey

Its: President