

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Robert B. Rosenstein (SBN: 90036) Rosenstein & Associates 28600 Mercedes Street Suite 100 Temecula, CA 92590 Office: 951-296-3888 Fax: 951-296-3889 E-mail: robert@thetemeculalawfirm.com Attorney for Debtor	CASE NO.: CHAPTER: 11 ADVERSARY NO.: (if applicable)
In re: Rick's Patio, Inc. Debtor(s).	ELECTRONIC FILING DECLARATION (CORPORATION/PARTNERSHIP) [LBR 1002-1(f)]

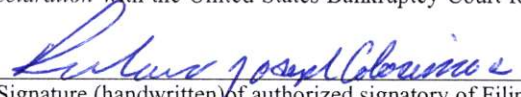
- Petition, statement of affairs, schedules or lists
- Amendments to the petition, statement of affairs, schedules or lists
- Other (specify): _____

Date Filed: 8/25/17
 Date Filed: _____
 Date Filed: _____

PART I - DECLARATION OF SIGNATORY OF DEBTOR OR OTHER PARTY

I, the undersigned, declare under penalty of perjury that: (1) I have been authorized by the Debtor or other party on whose behalf the above-referenced document is being filed (Filing Party) to sign and to file, on behalf of the Filing Party, the above-referenced document being filed electronically (Filed Document); (2) I have read and understand the Filed Document; (3) the information provided in the Filed Document is true, correct and complete; (4) the "/s/," followed by my name, on the signature lines for the Filing Party in the Filed Document serves as my signature on behalf of the Filing Party and denotes the making of such declarations, requests, statements, verifications and certifications by me and by the Filing Party to the same extent and effect as my actual signature on such signature lines; (5) I have actually signed a true and correct printed copy of the Filed Document in such places on behalf of the Filing Party and provided the executed printed copy of the Filed Document to the Filing Party's attorney; and (6) I, on behalf of the Filing Party, have authorized the Filing Party's attorney to file the electronic version of the Filed Document and this Declaration with the United States Bankruptcy Court for the Central District of California.

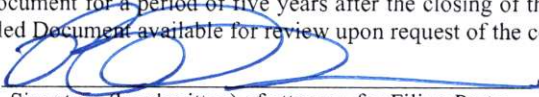
8/25/17
 Date: _____


 Signature (handwritten) of authorized signatory of Filing Party
Richard Joseph Colosimo
 Printed name of authorized signatory of Filing Party
Vice President
 Title of authorized signatory of Filing Party

PART II - DECLARATION OF ATTORNEY FOR FILING PARTY

I, the undersigned Attorney for the Filing Party, declare under penalty of perjury that: (1) the "/s/," followed by my name, on the signature lines for the Attorney for the Filing Party in the Filed Document serves as my signature and denotes the making of such declarations, requests, statements, verifications and certifications to the same extent and effect as my actual signature on such signature lines; (2) an authorized signatory of the Filing Party signed Part I - Declaration of Authorized Signatory of Debtor or Other Party of this Declaration before I electronically submitted the Filed Document for filing with the United States Bankruptcy Court for the Central District of California; (3) I have actually signed a true and correct hard copy of the Filed Document in the locations that are indicated by "/s/," followed by my name, and have obtained the signature of the authorized signatory of the Filing Party in the locations that are indicated by "/s/," followed by the name of the Filing Party's authorized signatory, on the true and correct printed copy of the Filed Document; (4) I shall maintain the executed originals of this Declaration and the Filed Document for a period of five years after the closing of the case in which they are filed; and (5) I shall make the executed originals of this Declaration and the Filed Document available for review upon request of the court or other parties.

8/25/17
 Date: _____


 Signature (handwritten) of attorney for Filing Party
Robert B. Rosenstein 90036
 Printed Name of attorney for Filing Party

Fill in this information to identify your case:

United States Bankruptcy Court for the:
 CENTRAL DISTRICT OF CALIFORNIA

Case number (if known) _____ Chapter 11

Check if this an amended filing

Official Form 201 Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Rick's Patio, Inc.

2. All other names debtor used in the last 8 years
 Include any assumed names, trade names and doing business as names
DBA RICK'S PATIO POOL & SPA
DBA SPA MAX

3. Debtor's federal Employer Identification Number (EIN) 27-1442951

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>1531 Pomona Road</u> <u>Corona, CA 92880</u> Number, Street, City, State & ZIP Code	_____
	<u>Riverside</u> County	Location of principal assets, if different from principal place of business <u>1531 Pomona Road Corona, CA 92880</u> Number, Street, City, State & ZIP Code

5. Debtor's website (URL) www.spamax.com

6. Type of debtor
 Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
 Partnership (excluding LLP)
 Other. Specify: _____

Debtor **Rick's Patio, Inc.**
Name

Case number (if known)

7. Describe debtor's business

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

5999

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:

- Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- 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).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- No.
- Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- No
- Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **Rick's Patio, Inc.**
Name

Case number (if known) _____

11. Why is the case filed in this district?

Check all that apply:

- Debtor has had its domicile, 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.
- A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- No
- Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- It needs to be physically secured or protected from the weather.
- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- Other _____

Where is the property?

Number, Street, City, State & ZIP Code _____

Is the property insured?

- No
- Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- Funds will be available for distribution to unsecured creditors.
- After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated Assets

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated liabilities

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

Debtor Rick's Patio, Inc.
Name

Case number (if known) _____

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

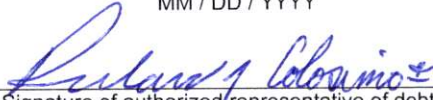
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/25/2017
MM / DD / YYYY

X 
Signature of authorized representative of debtor
Title Vice President

Richard Joseph Colosimo
Printed name

18. Signature of attorney

X 
Signature of attorney for debtor

Date 08/25/2017
MM / DD / YYYY

Robert B. Rosenstein
Printed name

Rosenstein & Associates
Firm name

28600 Mercedes Street
Suite 100
Temecula, CA 92590
Number, Street, City, State & ZIP Code

Contact phone 951-296-3888 Email address robert@thetemeculalawfirm.com

90036
Bar number and State

Fill in this information to identify the case:

Debtor name Rick's Patio, Inc.
 United States Bankruptcy Court for the: CENTRAL DISTRICT OF CALIFORNIA
 Case number (if known): _____

Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
American Express Gold P.O. Box 0001 Los Angeles, CA 90096-8000		Credit Card	Unliquidated			\$7,160.11
Bank of America Mastercard P.O. Box 982238 El Paso, TX 79998-2238		Credit Card	Unliquidated			\$34,800.00
Broadway Advance LLC 39 Broadway, Suite 930 New York, NY 10006		Loan	Contingent Unliquidated			\$237,000.00
CAP CALL, LLC 122 East 42nd St., Suite 2112 New York, NY 10168		Loan	Contingent Unliquidated			\$211,000.00
Complete Business Solutions Group 141 N. 2nd Street Philadelphia, PA 19106		Loan	Contingent Unliquidated			\$155,000.00
Fast Advance Funding, LLC 141 N. 2nd Street Philadelphia, PA 19106		Loan	Contingent Unliquidated			\$448,000.00
Fidelity Fire P.O. Box 1243 Redlands, CA 92373		Supplier	Unliquidated			\$2,023.99
First Home Bank 9190 Seminole Blvd. Seminole, FL 33772		Merchandise	Unliquidated	\$256,383.11	Unknown	Unknown
Four Winds Spa 251 Mayfield Drive Smyrna, TN 37167		Supplier	Unliquidated			\$28,424.66

Debtor **Rick's Patio, Inc.**
Name _____

Case number (if known) _____

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Franchise Tax Board Attn: Bankruptcy P.O. Box 2952 Sacramento, CA 95812-2952		Taxes				\$0.00
Internal Revenue Services P.O. Box 7346 Philadelphia, PA 19101-7346		Taxes				\$0.00
LPI, Inc. 506 Twin Oaks Drive Johnson City, TN 37601		Supplier	Unliquidated			\$193,723.44
Paychex Payroll 1420 Iowa Avenue, Suite 100 Riverside, CA 92507		Payroll	Unliquidated			\$0.00
State Board of Equalization Attn: Bankruptcy P.O. Box 942879 Sacramento, CA 94279-7072		Creditor	Unliquidated			\$0.00
State Board of Equalization P.O. Box 942879 Sacramento, CA 94279		Audit	Unliquidated Disputed			\$88,850.00
Wells Fargo Commercial P.O. Box 74651 Chicago, IL 60675-4651		Merchandise	Unliquidated	\$760,000.00	Unknown	Unknown
Yellowstone Capital West LLC 30 Broad Street, Suite 14108 New York, NY 10004		Loan	Contingent Unliquidated			\$277,000.00

**United States Bankruptcy Court
Central District of California**

In re Rick's Patio, Inc.

Debtor(s)

Case No. _____

Chapter 11

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, **Richard Joseph Colosimo**, declare under penalty of perjury that I am the **Vice President** of **Rick's Patio, Inc.**, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 25 day of **August**, 2017.

"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 **Richard Joseph Colosimo**, **Vice 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 **Richard Joseph Colosimo**, **Vice 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 **Richard Joseph Colosimo**, **Vice President** of this Corporation is authorized and directed to employ **Robert B. Rosenstein 90036**, attorney and the law firm of **Rosenstein & Associates** to represent the corporation in such bankruptcy case."

Date 8/25/17

Signed


Richard Joseph Colosimo

Resolution of Board of Directors
of
Rick's Patio, Inc.

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Richard Joseph Colosimo, Vice 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 **Richard Joseph Colosimo, Vice 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 **Richard Joseph Colosimo, Vice President** of this Corporation is authorized and directed to employ **Robert B. Rosenstein 90036**, attorney and the law firm of **Rosenstein & Associates** to represent the corporation in such bankruptcy case.

Date 8/24/17

Signed 

Date _____

Signed _____

Attorney or Party Name, Address, Telephone & FAX Nos.,
State Bar No. & Email Address
Robert B. Rosenstein
28600 Mercedes Street
Suite 100
Temecula, CA 92590
951-296-3888 Fax: 951-296-3889
California State Bar Number: 90036
robert@thetemeculalawfirm.com

FOR COURT USE ONLY

- Debtor(s) appearing without an attorney
- Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re:

Rick's Patio, Inc.

CASE NO.:
CHAPTER: 11

**VERIFICATION OF MASTER
MAILING LIST OF CREDITORS**

[LBR 1007-1(a)]

Debtor(s).

Pursuant to LBR 1007-1(a), the Debtor, or the Debtor's attorney if applicable, certifies under penalty of perjury that the master mailing list of creditors filed in this bankruptcy case, consisting of 3 sheet(s) is complete, correct, and consistent with the Debtor's schedules and I/we assume all responsibility for errors and omissions.

Date: August 25, 2017

[Signature]
Signature of Debtor 1

Date: _____

Signature of Debtor 2 (joint debtor) (if applicable)

Date: _____

Signature of Attorney for Debtor (if applicable)

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

Rick's Patio, Inc.
1531 Pomona Road
Corona, CA 92880

Robert B. Rosenstein
Rosenstein & Associates
28600 Mercedes Street
Suite 100
Temecula, CA 92590

American Express Gold
P.O. Box 0001
Los Angeles, CA 90096-8000

Bank of America Mastercard
P.O. Box 982238
El Paso, TX 79998-2238

Broadway Advance LLC
39 Broadway, Suite 930
New York, NY 10006

CAP CALL, LLC
122 East 42nd St., Suite 2112
New York, NY 10168

Complete Business Solutions Group
141 N. 2nd Street
Philadelphia, PA 19106

Douglas Robinson, Esq.
122 East 42nd Street
New York, NY 10168

Fast Advance Funding, LLC
141 N. 2nd Street
Philadelphia, PA 19106

Fidelity Fire
P.O. Box 1243
Redlands, CA 92373

First Home Bank
9190 Seminole Blvd.
Seminole, FL 33772

Four Winds Spa
251 Mayfield Drive
Smyrna, TN 37167

Franchise Tax Board
Attn: Bankruptcy
P.O. Box 2952
Sacramento, CA 95812-2952

Internal Revenue Services
P.O. Box 7346
Philadelphia, PA 19101-7346

LPI, Inc.
506 Twin Oaks Drive
Johnson City, TN 37601

New York City Marshal
1517 Voorhies Ave., Suite 3R
Brooklyn, NY 11235

Paychex Payroll
1420 Iowa Avenue, Suite 100
Riverside, CA 92507

State Board of Equalization
P.O. Box 942879
Sacramento, CA 94279

State Board of Equalization
Attn: Bankruptcy
P.O. Box 942879
Sacramento, CA 94279-7072

Wells Fargo Commercial
P.O. Box 74651
Chicago, IL 60675-4651

Yellowstone Capital West LLC
30 Broad Street, Suite 14108
New York, NY 10004