

United States Bankruptcy Court Eastern District of California

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Kennedy, Frank J III
Name of Joint Debtor (Spouse) (Last, First, Middle): Kennedy, Lorraine

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): 7476
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): 8741

Street Address of Debtor (No. & Street, City, State & Zip Code): 759 Glacier Way Fairfield, CA ZIPCODE 94534
Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 759 Glacier Way Fairfield, CA ZIPCODE 94534

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

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

Location of Principal Assets of Business Debtor (if different from street address above): No Longer In Business-, 226 Curtola Parkway, Vallejo, CA ZIPCODE 94590

Type of Debtor (Form of Organization) (Check one box.)
[] Individual (includes Joint Debtors)
[] 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 owed to non-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 million to \$5 million [] \$5 million to \$10 million [] \$10 million to \$50 million [] \$50 million to \$100 million [] \$100 million to \$500 million [] \$500,000 to \$1 million [] Over \$1 million

Estimated Liabilities
[] \$0 to \$50,000 [] \$50,001 to \$100,000 [] \$100,001 to \$500,000 [] \$500,001 to \$1 million [] \$1 million to \$5 million [] \$5 million to \$10 million [] \$10 million to \$50 million [] \$50 million to \$100 million [] \$100 million to \$500 million [] \$500,000 to \$1 million [] Over \$1 million

2009-40098
FILED
September 18, 2009
3:03 PM
RELIEF ORDERED
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0002098125

Voluntary Petition <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): Kennedy, Frank J III & Kennedy, Lorraine
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Prior Bankruptcy Case Filed Within Last 8 Years (If more than two, attach additional sheet)

Location Where Filed: Eastern District Of California, Sacramento Division	Case Number: 2002-34216	Date Filed: 12/30/2002
Location Where Filed: N/A	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: None	Case Number:	Date Filed:
District:	Relationship:	Judge:

<p align="center">Exhibit A</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.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.	<p align="center">Exhibit B</p> (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 § 342(b) of the Bankruptcy Code. X _____ Signature of Attorney for Debtor(s) Date
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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 or lessor that obtained judgment)

(Address of landlord or lessor)

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)).

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Voluntary Petition

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

Name of Debtor(s):

Kennedy, Frank J III & Kennedy, Lorraine

Signatures

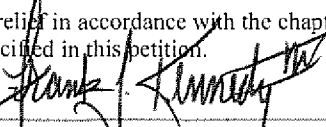
Signature(s) of Debtor(s) (Individual/Joint)


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 State 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 **Frank J Kennedy, III**

X  _____
Signature of Joint Debtor **Lorraine Kennedy**

Telephone Number (If not represented by attorney)

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.

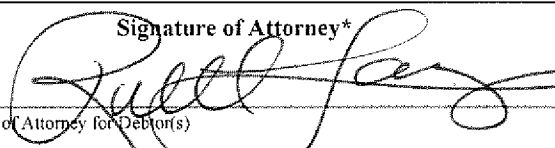
Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Attorney*

X  _____
Signature of Attorney for Debtor(s)

**Ronald H. Sargis 105173
Hefner, Stark & Marais, LLP
2150 River Plaza Drive, Suite 450
Sacramento, CA 95833
(916) 925-6620**

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 Non-Attorney 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); 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 _____
Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Date

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.

United States Bankruptcy Court
Eastern District of California

IN RE:

Case No. _____

Kennedy, Frank J III

Chapter 11

Debtor(s)

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE
WITH CREDIT COUNSELING REQUIREMENT**

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]*

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

- Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
- Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
- Active military duty in a military combat zone.

5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: Frank J. Kennedy III

Date: 9/10/09

Certificate Number: 05821-CAE-CC-008372380

CERTIFICATE OF COUNSELING

I CERTIFY that on September 16, 2009, at 6:24 o'clock PM PDT,

Frank Kennedy III received from

Pacific Rim Institute for Development & Education, Inc.,

an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the

Eastern District of California, an individual [or group] briefing that complied

with the provisions of 11 U.S.C. §§ 109(h) and 111.

A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate.

This counseling session was conducted by internet and telephone.

Date: September 16, 2009

By /s/Payam Afsharian

Name Payam Afsharian

Title Director

* Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

United States Bankruptcy Court
Eastern District of California

IN RE:

Case No. _____

Kennedy, Lorraine

Chapter 11

Debtor(s)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

[X] 1. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.

[] 2. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.

[] 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

[] 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

- [] Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
[] Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
[] Active military duty in a military combat zone.

[] 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: Lorraine Kennedy

Date: 9-18-09

Certificate Number: 05821-CAE-CC-008372382

CERTIFICATE OF COUNSELING

I CERTIFY that on September 16, 2009, at 6:24 o'clock PM PDT,

Lorraine Kennedy received from

Pacific Rim Institute for Development & Education, Inc.,

an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the

Eastern District of California, an individual [or group] briefing that complied

with the provisions of 11 U.S.C. §§ 109(h) and 111.

A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate.

This counseling session was conducted by internet and telephone.

Date: September 16, 2009

By /s/Payam Afsharian

Name Payam Afsharian

Title Director

* Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

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

IN RE:

Case No. _____

Kennedy, Frank J III & Kennedy, Lorraine

Chapter 11

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

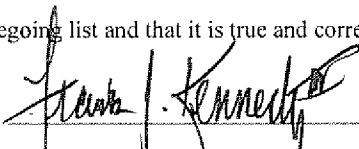
Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 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).

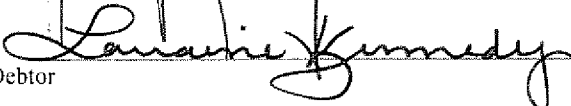
(1) Name of creditor and complete mailing address including zip code	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent or department of creditor familiar with claim who may be contacted	(3) Nature of claim (trade debt, bank loan, government contract, etc.)	(4) Indicate if claim is contingent, unliquidated, disputed or subject to setoff	(5) Amount of claim (if secured also state value of security)
Washington Mutual P.O. Box 78148 Phoenix, AZ 85069-8148		Bank loan		526,000.00 Collateral: 275,000.00 Unsecured: 251,000.00
HSBC Home Mortgage P.O. Box 60113 City Of Industry, CA 91716-0113		Bank loan		159,255.36 Collateral: 275,000.00 Unsecured: 159,255.36
Cannonball Wine Company 1520 Withers Avenue Monterey, CA 93940		Trade debt	Unliquidated Disputed	120,000.00
OPICI Import Co. 25 DeBoer Drive Glen Rock, NJ 07452		Trade debt		71,827.31
MHW, Ltd./Terra Andina 1129 Northern Blvd., Suite 410 Manhasset, NY 11030	(516) 869-9170	Trade debt		71,617.30
R&B Cellars 1835 San Jose Avenue Alameda, CA 94501		Trade debt		63,698.00
Madison Cellars 6155 El Camino Real Carlsbad, CA 92009		Trade debt		38,000.00
Russian Hill Estate 4525 Slusser Road Windsor, CA 95492		Trade debt	Unliquidated Disputed	33,929.96
Darlene Ford 2114 Columbia Blvd. St. Helens, OR 97051		Personal guarantee		30,000.00
Plata Wine Partners, LLC 855 Bordeaux Way Napa, CA 94558	Stern, Van Vleck & McCarron, LLP 925 L Street, Suite 850 Sacramento, CA 95814 (916) 442-1298	Trade debt		28,000.00
Blue Moon Marketing 712 Bancroft Road Walnut Creek, CA 94598		Trade debt		21,000.00
Gateway Acceptance Company 2255 Contra Costa Blvd., Suite 300 Pleasant Hill, CA 94523		Trade debt		20,769.00

World Wide Distributing Pier #19 Embaradero Square San Francisco, CA 94111	Trade debt	18,574.27
Global Vineyards 801 Camelia Street, Suite A Berkeley, CA 94710	Trade debt	18,000.00
GE Capital PO Box 31001-0271 Pasadena, CA 91110-0271	RMS 55 Shuman Road P.O. Box 3099 Naperville, IL 60566-7099 (630) 718-7000	Trade debt 15,000.00
Eric K. James Vineyards P.O. Box 1583 Sonoma, CA 95473	Trade debt	15,000.00
America Uncorked (AWD) 2363 Larkin Street, #44 San Francisco, CA 94109	Trade debt	15,000.00
Ledgewood Creek Winery 4589 Abernathy Road Suisun Valley, CA 94534	Trade debt	15,000.00
Audersirk Vineyards P.O. Box 691154 Houston, TX 77269-1154	Trade debt	14,000.00
Blue Water Wine Co. 1 Richmond Square, Unit 112K Providence, RI 02906	Trade debt	13,000.00

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I 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: 9/10/09 Signature of Debtor:  Frank J Kennedy, III

Date: 9/18/09 Signature of Joint Debtor (if any):  Lorraine Kennedy