Case 13-00346-11 Filed 01/15/13 Doc 1 Pg. 1 of 12

B1 (Official Form 1)(12/11)

United States Bankruptcy Court Southern District of California					Voluntar	y Petition		
Name of Debtor (if individual, enter Last, First, Middle): Cashay, LLC, a California limited liability company				of Joint De	ebtor (Spouse	e) (Last, First	, Middle):	
					used by the J maiden, and		in the last 8 years):	
Last four digits of Soc. Sec. or Individual-Taxpa (if more than one, state all) 73-1672134	yer I.D. (ITIN) No./Co	omplete EIN		our digits of than one, state		r Individual-'	Taxpayer I.D. (ITIN)	No./Complete EIN
Street Address of Debtor (No. and Street, City, a 4706 Ruffner Street San Diego, CA	nd State):	ZIP Code	Street	Address of	Joint Debtor	(No. and St	reet, City, and State):	ZIP Code
	92	2111	-					ZIF Code
County of Residence or of the Principal Place of			Count	y of Reside	ence or of the	Principal Pla	ace of Business:	
San Diego								
Mailing Address of Debtor (if different from stre	eet address):		Mailin	g Address	of Joint Debt	or (if differe	nt from street address):
		ZIP Code	_					ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):								
Type of Debtor (Form of Organization) (Check one box)	Nature of (Check o				-	-	otcy Code Under Wl iled (Check one box)	nich
 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.) 	 ☐ Health Care Busin ☐ Single Asset Real in 11 U.S.C. § 10 ☐ Railroad ☐ Stockbroker ☐ Commodity Brok ☐ Clearing Bank 	l Estate as de 1 (51B)	fined	 Chapt Chapt Chapt Chapt Chapt Chapt 	er 7 er 9 er 11 er 12		hapter 15 Petition for a Foreign Main Proc hapter 15 Petition for a Foreign Nonmain I	eeding Recognition
Chapter 15 Debtors	Other					Natur	e of Debts	
Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Tax-Exempt Entity (Check box, if applicable) □ Debtor is a tax-exempt organizatio under Title 26 of the United States Code (the Internal Revenue Code).		"incurred by an individual primarily for					
Filing Fee (Check one box)	Check one	box:		Chap	ter 11 Debt	ors	
 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. 			tor is not tor's aggi less than s applicable lan is beir eptances	a small busin regate nonco \$2,343,300 (boxes: ag filed with of the plan w	ntingent liquida amount subject this petition.	defined in 11 U ated debts (exo t to adjustment repetition from	C. § 101(51D). J.S.C. § 101(51D). cluding debts owed to in <u>on 4/01/13 and every th</u> on one or more classes of	aree years thereafter).
Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY ■ Debtor estimates that funds will be available for distribution to unsecured creditors. THIS SPACE IS FOR COURT USE ONLY ■ 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				T USE ONLY				
1- 50- 100- 200-	1,000- 5,001-		5,001-),000	□ 50,001- 100,000	OVER 100,000			
\$50,000 \$100,000 \$500,000 to \$1	\$1,000,001 \$10,000,001 \$ to \$10 to \$50 t	to \$100 to	00,000,001 \$500 Illion	\$500,000,001 to \$1 billion				
\$50,000 \$100,000 \$500,000 to \$1	\$1,000,001 \$10,000,001 \$ to \$10 to \$50 t	to \$100 to		5500,000,001 to \$1 billion				

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B1 (Official For			Page 2		
Voluntary Petition		Name of Debtor(s): Cashay, LLC, a California limited liability company			
(This page mi	ust be completed and filed in every case)				
	All Prior Bankruptcy Cases Filed Within Las				
Location Where Filed:	- None -	Case Number:	Date Filed:		
Location Where Filed:		Case Number:	Date Filed:		
Pe	ending Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more than one, attach additional sheet)		
Name of Debt - None -	ior:	Case Number:	Date Filed:		
District:		Relationship:	Judge:		
Exhibit A Exhibit B (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.) I, the attorney for the petitioner that [he or she] may proceed under chapter 7, 112, or 13 of title 11, United States Code, and have explained the relief availar under each such chapter. I further certify that I delivered to the debtor the nor required by 11 U.S.C. §342(b). X					
☐ Yes, and ■ No.	Exhibit C is attached and made a part of this petition.				
Exhibit If this is a jo	leted by every individual debtor. If a joint petition is filed, ea D completed and signed by the debtor is attached and made	a part of this petition.			
	Information Regardin	ng the Debtor - Venue			
	(Check any ap	1 ,			
-	Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for				
	There is a bankruptcy case concerning debtor's affiliate, get				
	Debtor is a debtor in a foreign proceeding and has its prine this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or th sought in this District.	s in the United States but i	s a defendant in an action or		
	Certification by a Debtor Who Reside (Check all app		tial Property		
	Landlord has a judgment against the debtor for possession		box checked, complete the following.)		
	(Name of landlord that obtained judgment)				
	Debtor claims that under applicable nonbankruptcy law, the				
	the entire monetary default that gave rise to the judgment in Debtor has included in this petition the deposit with the co- after the filing of the petition.				

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

B1 (Official Form 1)(12/11)	Pag	ge 3	
Vo	oluntary Petition	Name of Debtor(s): Cashay, LLC, a California limited liability company		
(Th	is page must be completed and filed in every case)			
	6	atures		
	Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative		
	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.	 I declare under penalty of perjury that the information provided in this petitio 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 Coor 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. 	n de. ed.	
		X		
	Signature of Debtor	X		
X	Signature of Joint Debtor	Printed Name of Foreign Representative		
	Signature of Joint Debtor			
	Telephone Number (If not represented by attorney)	Date		
	Telephone Number (II not represented by attorney)	Signature of Non-Attorney Bankruptcy Petition Preparer		
	Date	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		
X	Signature of Attorney* /s/ John L. Smaha 95855 Signature of Attorney for Debtor(s) John L. Smaha 95855 (Bar No. 95855) Printed Name of Attorney for Debtor(s)	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.		
	_ Smaha Law Group Firm Name	Printed Name and title, if any, of Bankruptcy Petition Preparer		
	7860 Mission Center Ct. #100 San Diego, CA 92108 Address	Social-Security number (If the bankrutpcy 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.)		
	Email: jsmaha@smaha.com 619-688-1557 Fax: 619-688-1558			
	Telephone Number			
	January 15, 2013	Address		
	Date	Address		
	*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.	X		
	Signature of Debtor (Corporation/Partnership)	Date		
	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.	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 of		
	The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.	assisted in preparing this document unless the bankruptcy petition preparer not an individual:	15	
X	Is/ Jay Warren Signature of Authorized Individual Jay Warren Printed Name of Authorized Individual Managing Member	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 of Authorized Individual January 15, 2013 Date	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.		

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RESOLUTIONS OF THE MEMBERS OF CASHAY, LLC A CALIFORNIA LIMITED LIABILITY COMPANY

A meeting of the Members of CASHAY, LLC, a California limited liability company authorized to do business within the State of California, was held on January 15, 2013 via telephone conference at SMAHA LAW GROUP, 7860 Mission Center Court, Ste. 100, San Diego, California.

Based upon exigent circumstances the following resolutions were made by a majority of the Members of CASHAY, LLC:

BE IT RESOLVED, that Cashay, LLC by and through Jay Warren as its Managing Member, are authorized to execute a petition under Chapter 11 of the United States Bankruptcy Code placing Cashay, LLC, into protection under Chapter 11 of the United States Bankruptcy Code.

BE IT FURTHER RESOLVED, that Jay Warren is authorized to take any and all actions necessary for the purposes of proposing and executing a Plan of Reorganization for Cashay, LLC including but not limited to, signing statements of financial affairs, liabilities and assets, plans of reorganization, sale of the assets of the company and all other matters necessary thereto.

BE IT FURTHER RESOLVED, that Jay Warren is authorized to open debtorin-possession bank accounts under his or others signatures, at any financial institution allowed under the guidelines of the United States Trustee for the Southern District of California.

BE IT FURTHER RESOLVED, that Jay Warren is authorized to employ the law firm of Smaha Law Group as Debtor's counsel to represent the Debtor as debtorin-possession in its Chapter 11 Bankruptcy proceeding.

Executed this 15th day of January 2013, at San Diego, California.

Cashay/LLC J By: Jay Warren Its: Managing Member

W:\Warren, Jay Cashay, LLC\Cashay BK\100.Corporate Resolution.wpd

B4 (Official Form 4) (12/07)

United States Bankruptcy Court Southern District of California

In re	Cashay, LLC, a California limited liability company	
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Case No. Chapter

11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Debtor(s)

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)
Name of creditor and complete mailing address including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
Evangeline J ("Ginger") Larson Larson & Solecki, LLP 43460 Ridge Park Drive, #255 Temecula, CA 92590	Evangeline J ("Ginger") Larson Larson & Solecki, LLP 43460 Ridge Park Drive, #255 Temecula, CA 92590	Attorneys Fees	Unliquidated	1,000.00
Mike Vizzier, Chief County of SanDiego Haz Mat Div P.O. Box 129261 San Diego, CA 92112-9261	Mike Vizzier, Chief County of SanDiego Haz Mat Div P.O. Box 129261 San Diego, CA 92112-9261	Contingent Clean Up Costs for Environmental Contamination	Contingent Unliquidated	250,000.00
Richard G. Opper Opper & Varco 225 Broadway, Ste. 1900 San Diego, CA 92101	Richard G. Opper Opper & Varco 225 Broadway, Ste. 1900 San Diego, CA 92101	Attorneys Fees	Unliquidated	1,000.00
San Diego County Treasurer-Tax Collector P.O. Box 129009 San Diego, CA 92112	San Diego County Treasurer-Tax Collector P.O. Box 129009 San Diego, CA 92112	2012 Real Property Tax		7,878.89
Traveler's Insurance P.O. Box 660317 Dallas, TX 75266-0317	Traveler's Insurance P.O. Box 660317 Dallas, TX 75266-0317	Financed Liability Insurance		2,077.75 (0.00 secured)

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B4 (Official Form 4) (12/07) - Cont. In re Cashay, LLC, a California limited liability company

Debtor(s)

Case No.

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(2)	(3)	(4)	(5)
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	Amount of claim [if secured, also state value of security]
	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor government contract,	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contactedNature of claim (trade debt, bank loan, government contract, etc.)Indicate if claim is contingent, unliquidated, disputed, or

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

I, the Managing Member of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date January 15, 2013

Signature /s/ Jay Warren Jay Warren Managing Member

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.

United States Bankruptcy Court

Southern District of California

In re	Cashay, LLC, a California limited liability company	Case No.
		;
	Debt	tor

Debtor

Chapter	11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with Rule 1007(a)(3) for filing in this chapter 11 case.

Name and last known address	Security	Number	Kind of
or place of business of holder	Class	of Securities	Interest
Jay Warren 4229 Corte Facil San Diego, CA 92130	Membership	100	Membership

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Managing Member of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date January 15, 2013

Signature <u>/s/ Jay Warren</u> Jay Warren Managing Member

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.

Case 13-	00346-11	Filed 01/15/13	Doc 1	Pg. 8 of 12
CSD 1008 [08/21/00] Name, Address, Telephone No. & I.I John L. Smaha 95855 7860 Mission Center Ct. #100 San Diego, CA 92108 619-688-1557 (Bar No. 95855)). No.			
UNITED STATES BA SOUTHERN DISTRICT 325 West "F" Street, San Die	OF CALIFORNI	A		
In Re Cashay, LLC, a California limited liabi	lity company		BANKRUPTO	CY NO.
		Debtor.		
	VERIFICAT	TION OF CREDITO	R MATRI	X
PART I (check and complete one):				
■ New petition filed. Creditor <u>diskette</u> req	uired.			TOTAL NO. OF CREDITORS: 10
 Conversion filed on See i Former Chapter 13 converting Post-petition creditors added. There are no post-petition creditors creditors 	Creditor <u>diskett</u> Scannable matrix	<u>e</u> required. a required.		TOTAL NO. OF CREDITORS:
 Amendment or Balance of Schedules file Equity Security Holders. See instruction. Names and addresses Names and addresses Names and addresses 	s <i>on reverse side.</i> s are being ADDE s are being DELE	ED. TED.	l <u>e</u> matrix aff	ecting Schedule of Debts and/or Schedule of
PART II (check one):				
The above-named Debtor(s) hereby verif	ies that the list of	creditors is true and cor	rect to the b	est of my (our) knowledge.
□ The above-named Debtor(s) hereby verified the filing of a matrix is not required.	ies that there are	no post-petition creditor	s affected by	the filing of the conversion of this case and that
Date: January 15, 2013	/s	/ Jay Warren		

Jay Warren/Managing Member Signer/Title

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CSD 1008 (Page 2) [08/21/00]

INSTRUCTIONS

- 1) Full compliance with Special Requirements for Mailing Addresses (CSD 1007) is required.
- 2) A creditors matrix with Verification is required whenever the following occurs:
 - a) A new petition is filed. Diskette required.
 - b) A case is converted on or after SEPTEMBER 1, 2000. (See paragraph 4b concerning post-petition creditors.)
 - c) An amendment to a case on or after SEPTEMBER 1, 2000, which adds, deletes or changes creditor address information on the debtor's Schedule of Debts and/or Schedule of Equity Security Holders. Scannable matrix format required.
- 3) The scannable matrix must be originally typed or printed. It may not be a copy.
- 4) CONVERSIONS:
 - a) When converting a Chapter 13 case filed before SEPTEMBER 1, 2000, to another chapter, <u>ALL</u> creditors must be listed on the mailing matrix at the time of filing and accompanied by a Verification. Diskette required.
 - b) For Chapter 7, 11, or 12 cases converted on or after SEPTEMBER 1, 2000, only post-petition creditors need be listed on the mailing matrix. The matrix and Verification must be filed with the post-petition schedule of debts and/or schedule of equity security holders. If there are no post-petition creditors, only the verification form is required. Scannable matrix format required.
- 5) AMENDMENTS AND BALANCE OF SCHEDULES:
 - a) Scannable matrix format required.
 - b) The matrix with <u>Verification</u> is a document separate from the amended schedules and may not be used to substitute for any portion of the schedules. IT MUST BE SUBMITTED WITH THE AMENDMENT/BALANCE OF SCHEDULES.
 - c) Prepare a separate page for each type of change required: ADDED, DELETED, or CORRECTED. On the **REVERSE** side of each matrix page, indicate which category that particular page belongs in. Creditors falling in the same category should be placed on the same page in alphabetical order.
- 6) Please refer to CSD 1007 for additional information on how to avoid matrix-related problems.

CDC/SBA c/o Todd E. Kobernick 2448 Historic Decatur Rd. #220 San Diego, CA 92106

Colson Services Group P.O. Box 1289 Bowling Green Station New York, NY 10274

Evangeline J ("Ginger") Larson Larson & Solecki, LLP 43460 Ridge Park Drive, #255 Temecula, CA 92590

Mike Vizzier, Chief County of SanDiego Haz Mat Div P.O. Box 129261 San Diego, CA 92112-9261

Richard G. Opper Opper & Varco 225 Broadway, Ste. 1900 San Diego, CA 92101

San Diego County Treasurer-Tax Collector P.O. Box 129009 San Diego, CA 92112

Traveler's Insurance P.O. Box 660317 Dallas, TX 75266-0317

Wells Business BKG Supp. Grp. MAC D4004-03A P.O. Box 202902 Dallas, TX 75320-2902

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Wells Fargo c/o Roger Reynolds 21680 Gateway Cnt Dr., #280 Diamond Bar, CA 91765

WT Capital Lender Services 7522 North Colonial Ave., #101 Fresno, CA 93711

United States Bankruptcy Court Southern District of California

In re Cashay, LLC, a California limited liability company

Debtor(s)

Case No. Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for <u>Cashay, LLC, a California limited liability company</u> in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

■ None [*Check if applicable*]

January 15, 2013

Date

/s/ John L. Smaha 95855 John L. Smaha 95855 Signature of Attorney or Litigant Counsel for <u>Cashay, LLC, a California limited liability company</u> Smaha Law Group 7860 Mission Center Ct. #100 San Diego, CA 92108 619-688-1557 Fax:619-688-1558 jsmaha@smaha.com