

B1 (Official Form 1)(1/08)

**United States Bankruptcy Court
District of Colorado**

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Buchanan, John W	Name of Joint Debtor (Spouse) (Last, First, Middle): Buchanan, Joanne E
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-0430	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-1068
Street Address of Debtor (No. and Street, City, and State): 605 Two Cabins Dr. Silverthorne, CO	Street Address of Joint Debtor (No. and Street, City, and State): 605 Two Cabins Dr. Silverthorne, CO
ZIP Code 80498	ZIP Code 80498
County of Residence or of the Principal Place of Business: Summit	County of Residence or of the Principal Place of Business: Summit
Mailing Address of Debtor (if different from street address): PO Box 23228 Silverthorne, CO	Mailing Address of Joint Debtor (if different from street address): PO Box 23228 Silverthorne, CO
ZIP Code 80498	ZIP Code 80498
Location of Principal Assets of Business Debtor (if different from street address above): The Cellar Restaurant 200 South Ridge Street Breckenridge, CO 80424	

Type of Debtor (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> 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) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other <hr/> Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> 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) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input type="checkbox"/> 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." <input checked="" type="checkbox"/> Debts are primarily business debts.
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Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> 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. <input type="checkbox"/> 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: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.									
Estimated Number of Creditors <input type="checkbox"/> 1-49 <input checked="" type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000									
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion									
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$50 million <input type="checkbox"/> \$10,000,001 to \$100 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion									

THIS SPACE IS FOR COURT USE ONLY

<p>Voluntary Petition</p> <p><i>(This page must be completed and filed in every case)</i></p>	<p>Name of Debtor(s): Buchanan, John W Buchanan, Joanne E</p>
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All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)

Location Where Filed: - None -	Case Number:	Date Filed:
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Location Where Filed:	Case Number:	Date Filed:
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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:
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District:	Relationship:	Judge:
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<p style="text-align: center;">Exhibit A</p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p style="text-align: center;">Exhibit B</p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).</p> <p>X _____ Signature of Attorney for Debtor(s) (Date)</p>
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Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

Yes, and Exhibit C is attached and made a part of this petition.
 No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:
 Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

 (Name of landlord that obtained judgment)

 (Address of landlord)

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

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

B 1D(Official Form 1, Exhibit D) (12/08)

**United States Bankruptcy Court
District of Colorado**

In re John W Buchanan
Joanne E Buchanan

Debtor(s)

Case No. _____

Chapter 11

**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.

Certificate Number: 01267-CO-CC-007764012**CERTIFICATE OF COUNSELING**I CERTIFY that on July 22, 2009 at 12:13 o'clock PM CDT.John W Buchanan Sr received fromMoney Management International, Inc.

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

District of Colorado, 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: July 22, 2009By /s/Ashley LowranceName Ashley LowranceTitle Counselor I

* 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).

B 1D(Official Form 1, Exhibit D) (12/08)

**United States Bankruptcy Court
District of Colorado**

In re John W Buchanan
Joanne E Buchanan

Debtor(s)

Case No. _____

Chapter 11

**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.

Certificate Number: 01267-CO-CC-007764014**CERTIFICATE OF COUNSELING**I CERTIFY that on July 22, 2009, at 12:13 o'clock PM CDT,Joanne E Buchanan received fromMoney Management International, Inc.,

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

District of Colorado, 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: July 22, 2009By /s/Ashley LowranceName Ashley LowranceTitle Counselor I

* 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).

B4 (Official Form 4) (12/07)

**United States Bankruptcy Court
District of Colorado**

In re **John W Buchanan
Joanne E Buchanan**

Debtor(s)

Case No.

Chapter **11**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Addison Avenue Federal Credit Union 3408 Hillview Ave. Palo Alto, CA 94304	Addison Avenue Federal Credit Union 3408 Hillview Ave. Palo Alto, CA 94304	Line of Credit	Unliquidated	17,650.00
AdvanceMe, Inc 2015 Vaughn Road Kennesaw, GA 30144	AdvanceMe, Inc 2015 Vaughn Road Kennesaw, GA 30144	Trade Creditor	Unliquidated	54,207.92
Advanta Bank Corp. P.O. Box 8088 Philadelphia, PA 19101-8088	Advanta Bank Corp. P.O. Box 8088 Philadelphia, PA 19101-8088	Credit card purchases, fees and interest	Disputed	8,820.29
Air Academy Federal Credit Union PO Box 62910 Colorado Springs, CO 80962	Air Academy Federal Credit Union PO Box 62910 Colorado Springs, CO 80962	Line of Credit	Unliquidated	13,777.00
Alpine Bank 252 Dillon Ridge Rd. PO Box 739 Dillon, CO 80435	Alpine Bank 252 Dillon Ridge Rd. PO Box 739 Dillon, CO 80435	Payroll LOC	Unliquidated	24,381.00 (0.00 secured)
Altamira PO Box 7010 Denver, CO 80207	Altamira PO Box 7010 Denver, CO 80207	Trade Creditor	Disputed	8,938.15
Beverage Distributors PO Box 17647 T.A. Denver, CO 80217	Beverage Distributors PO Box 17647 T.A. Denver, CO 80217	Trade Creditor	Disputed	10,690.28
CHASE Cardmember Service P.O. Bos 94014 Palatine, IL 60094-4014	CHASE Cardmember Service P.O. Bos 94014 Palatine, IL 60094-4014	Credit card purchases, fees and interest	Unliquidated	40,600.00
Citi Bank Personal Loan (Citibank) PO Box 209020 Brooklyn, NY 11220	Citi Bank Personal Loan (Citibank) PO Box 209020 Brooklyn, NY 11220	Credit card purchases, fees and interest	Unliquidated	10,062.74
Citibank P.O. Box 6000 The Lakes, NV 89163	Citibank P.O. Box 6000 The Lakes, NV 89163	Credit card purchases, fees and interest	Unliquidated	19,198.83

B4 (Official Form 4) (12/07) - Cont.

John W BuchananIn re **Joanne E Buchanan**

Case No. _____

Debtor(s)

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

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Colorado Department of Revenue 1375 Sherman Street Room 504 Denver, CO 80261	Colorado Department of Revenue 1375 Sherman Street Room 504 Denver, CO 80261	Unpaid Taxes. Early distribution from IRA.	Unliquidated	35,000.00
Fidelity Investment Funds 82 Devonshore Street Boston, MA 02109	Fidelity Investment Funds 82 Devonshore Street Boston, MA 02109	Loan on Joanne's 401k	Unliquidated	21,310.00
Internal Revenue Service 600 17th St. MS 5027 Denver, CO 80202	Internal Revenue Service 600 17th St. MS 5027 Denver, CO 80202	Unpaid Income Taxes. Early IRA distribution.	Unliquidated	150,000.00
Southern Wine & Spirits 5270 Fox Street PO Box 5603 Denver, CO 80217	Southern Wine & Spirits 5270 Fox Street PO Box 5603 Denver, CO 80217	Trade Creditor	Disputed	13,067.48
Summit County Treasurer 208 Lincoln Avenue PO Box 289 Breckenridge, CO 80424	Summit County Treasurer 208 Lincoln Avenue PO Box 289 Breckenridge, CO 80424	Unpaid Taxes	Unliquidated	31,215.80
Summitex PO Box 441 Silverthorne, CO 80498	Summitex PO Box 441 Silverthorne, CO 80498	Trade Creditor	Disputed	11,000.00
Tuso Development PO Box 2550 Frisco, CO 80443	Tuso Development PO Box 2550 Frisco, CO 80443	Rental Agreement	Unliquidated	27,468.10
United Mileage Plus Cardmember Service P.O. Box 94014 Palatine, IL 60094-4014	United Mileage Plus Cardmember Service P.O. Box 94014 Palatine, IL 60094-4014	Credit card purchases, fees and interest	Unliquidated	50,302.19
University of Denver Mastercard PO Box 15026 Wilmington, DE 19850	University of Denver Mastercard PO Box 15026 Wilmington, DE 19850	Credit card purchases, fees and interest	Unliquidated	47,332.29
USAA 10750 McDermott Freeway San Antonio, TX 78288-0544	USAA 10750 McDermott Freeway San Antonio, TX 78288-0544	Credit card purchases, fees and interest	Unliquidated	30,067.94

B4 (Official Form 4) (12/07) - Cont.

In re **John W Buchanan**
Joanne E Buchanan
Debtor(s)

Case No. _____

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

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

We, **John W Buchanan** and **Joanne E Buchanan**, the debtors in this case, declare under penalty of perjury that we have read the foregoing list and that it is true and correct to the best of our information and belief.

Date **July 30, 2009** _____

Signature **/s/ John W Buchanan** _____
John W Buchanan
Debtor

Date **July 30, 2009** _____

Signature **/s/ Joanne E Buchanan** _____
Joanne E Buchanan
Joint Debtor

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.