Desc Main

WARNING: Effective December 1, 2009, the 15-day deadline to file schedules and certain other documents under Bankruptcy Rule 1007(c) is shortened to 14 days. For further information, see note at bottom of page 2

#### UNITED STATES BANKRUPTCY COURT

## NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a joint case (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

## 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

#### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

## Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your

discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

## <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

#### Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

#### Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

## 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at <a href="http://www.uscourts.gov/bkforms/bankruptcy\_forms.html#procedure">http://www.uscourts.gov/bkforms/bankruptcy\_forms.html#procedure</a>.

Many filing deadlines change on December 1, 2009. Of special note, 12 rules that set 15 days to act are amended to require action within 14 days, including Rule 1007(c), filing the initial case papers; Rule 3015(b), filing a chapter 13 plan; Rule 8009(a), filing appellate briefs; and Rules 1019, 1020, 2015, 2015.1, 2016, 4001, 4002, 6004, and 6007.

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B201B (Form 2GBSP2/09) -32408 Doc 1 Filed 09/16/11

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Document Page 3 of 9 United States Bankruptcy Court District of Connecticut

| IN RE:                          | Case No    |
|---------------------------------|------------|
| 55 Old State Road Property, LLC | Chapter 11 |
| Dobton(o)                       | •          |

| CERTIFICATION OF NOTIC<br>UNDER § 342(b) OF TH   |                           |  |
|--|---------------------------|--|
| Certificate of [Non-Attorney]  | Bankruptcy Petition       | on Preparer  |
| I, the [non-attorney] bankruptcy petition preparer signing the debto notice, as required by § 342(b) of the Bankruptcy Code. | or's petition, hereby cer | rtify that I delivered to the debtor the attached  |
| Printed Name and title, if any, of Bankruptcy Petition Preparer Address:   |                           | 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.) |
| X  | noncible marcon or        | (Required by 11 U.S.C. § 110.)   |
| partner whose Social Security number is provided above.  | ponsible person, or       |  |
| Certificate  | of the Debtor             |  |
| I (We), the debtor(s), affirm that I (we) have received and read the   | attached notice, as req   | uired by § 342(b) of the Bankruptcy Code.  |
| 55 Old State Road Property, LLC  | X /s/                     | 9/16/2011  |
| Printed Name(s) of Debtor(s)   | Signature of Debt         | or Date  |
| Case No. (if known)  | X                         |  |
|  | Signature of Joint        | Debtor (if any)  Date  |

Instructions: Attach a copy of Form B 201A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) **only** if the certification has **NOT** been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

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| Case 11-32408 Doc<br>B1 (Official Form 1) (4/10)  |  |  | 9/16/1<br>umen |  |  | 16/1                                     | 1 19:26:0  | 9 De                       | esc Main  |
|---|--|--|----------------|--|--|--|--|----------------------------|---|
| United St<br>Distr  |  | ankr   | uptcy          | Court  | <del>- 01 0</del>  |  |  | Vol                        | luntary Petition  |
| Name of Debtor (if individual, enter Last, First, Middle):  55 Old State Road Property, LLC   |  |  |                | Name of J  | Name of Joint Debtor (Spouse) (Last, First, Middle):         |  |  |                            |   |
| 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): <b>20-5463376</b>  |  |  |                | Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): |  |  |  |                            |   |
| Street Address of Debtor (No. & Street, City, State & Zip Code):  55 Old State Road  Output CT  |  |  | Street Add     | Street Address of Joint Debtor (No. & Street, City, State & Zip Code):   |  |  |  |                            |   |
| Oxford, CT ZIPCODE 06478  |  |  |                | ZIPCODE  |  |  |  |                            |   |
| County of Residence or of the Principal Place of Business:  New Haven   |  |  | County of      | County of Residence or of the Principal Place of Business:   |  |  |  |                            |   |
| Mailing Address of Debtor (if different from street address)  |  |  | Mailing A      | Mailing Address of Joint Debtor (if different from street address):  |  |  |  |                            |   |
|   | ZIPCOD                                   | ÞΕ   |                |  |  |  |  | Γ                          | ZIPCODE   |
| Location of Principal Assets of Business Debtor (if <b>55 Old State Road, Oxford, CT</b>  | different fr                             | om stre  | et addres      | s above):  |  |  |  | -                          |   |
| Type of Debtor  |  |  |                | of Business  |  |  |  |                            | ZIPCODE <b>06478</b> Code Under Which                           |
| (Form of Organization) (Check one box.)  ☐ 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.)  Filing Fee (Check one box) ☑ Full Filing Fee attached  | U.S.  Rai  Sto  Cor  Cle  Oth  Del  Titl | (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).  Check one box:  Debtor is a small business debt |                |  | under<br>he  | Ch C | napter 7 napter 9 napter 11 napter 12 napter 13  bebts are primaril ots, defined in 1 01(8) as "incurr ividual primaril rsonal, family, o d purpose."  pter 11 Debtors  fined in 11 U.S. | Characteristics C. § 101(5 | e box.) er  Debts are primarily business debts.  51D).          |
| 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.  Filling Fee waiver requested (Applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.  Check if:  Check if:  A plan is Acceptan                                     |  |  |                |  | ncontinge<br>unt subject<br>exes:<br>with this point were so | nt liquice to adj                        | ustment on 4/01  | d to non-in                | nsiders or affiliates are less<br>very three years thereafter). |
| 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 distribution to unsecured creditors. |  |  |                |  |  |  |  |                            |   |
| Estimated Number of Creditors  1-49 50-99 100-199 200-999 1,0 5,0   |  | 5,001<br>10,00   |                | 10,001-<br>25,000  | 25,001-<br>50,000  |  | 50,001-<br>100,000   | Over 100,000               |   |
| \$50,000 \$100,000 \$500,000 \$1 million \$10   | 000,001 to<br>) million                  |  |                | \$50,000,001 to \$100 million  | \$100,00<br>to \$500   |  | \$500,000,001<br>to \$1 billion  | More tha                   |   |
| Estimated Liabilities   | 000,001 to<br>) million                  |  |                | \$50,000,001 to \$100 million  | \$100,00<br>to \$500   |  | \$500,000,001 to \$1 billion   | More tha                   |   |

| Where Filed: <b>None</b>   |   |   |  |
|--|---|---|--|
| Location Where Filed:  | Case Number:  | Date Filed:   |  |
| Pending Bankruptcy Case Filed by any Spouse, Partner or  | Affiliate of this Debtor (If mo   | re than one, attach additional sheet)   |  |
| Name of Debtor: None   | Case Number:  | Date Filed:   |  |
| District:  | Relationship:   | Judge:  |  |
| Exhibit A  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  Exhibit A is attached and made a part of this petition. | Exhibit B  (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. |   |  |
|  | Signature of Attorney for Debtor(s)   | Date  |  |
| Exhi  (To be completed by every individual debtor. If a joint petition is filed, explicitly a point petition is filed, explicitly be a point petition:  Exhibit D also completed and signed by the joint debtor is attached and material files.  | ach spouse must complete and atta<br>de a part of this petition.  | ch a separate Exhibit D.)   |  |
|  |   |   |  |
| Debtor has been domiciled or has had a residence, principal place of preceding the date of this petition or for a longer part of such 180  | oplicable box.) of business, or principal assets in the days than in any other District.  | •   |  |
| ☐ There is a bankruptcy case concerning debtor's affiliate, general p ☐ Debtor is a debtor in a foreign proceeding and has its principal pl or has no principal place of business or assets in the United States in this District, or the interests of the parties will be served in reg                                     | ace of business or principal assets out is a defendant in an action or pro  | in the United States in this District, occeding [in a federal or state court] |  |
| Certification by a Debtor Who Reside   |   | Property  |  |
| (Check all app  Landlord has a judgment against the debtor for possession of deb   | licable boxes.)<br>tor's residence. (If box checked, co   | omplete the following.)   |  |
| (Name of landlord or less  | or that obtained judgment)  |   |  |
| (Address of lan  | dlord or lessor)  |   |  |
| (1 100 000 01 Idii   |   |   |  |

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

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

**Desc Main** 

Date Filed:

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55 Old State Road Property, LLC

Page 5 of 9
Name of Debtor(s):

Case Number:

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filing of the petition.

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

**Voluntary Petition** 

Location

Doc 1

Filed 09/16/11

Document

Prior Bankruptcy Case Filed Within Last 8 Years (If more than two, attach additional sheet)

## **Voluntary Petition**

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

Name of Debtor(s):

55 Old State Road Property, LLC

## 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

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

#### 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.

| Signature | of Foreign  | Representativ | /e      |  |
|-----------|-------------|---------------|---------|--|
| Printed N | ame of Fore | ign Represer  | ntative |  |
|           |             |               |         |  |

#### Signature of Attorney\*

X

Date

Signature of Attorney for Debtor(s)

Law Office of Russell Small 3715 Main St. - Suite 406 Bridgeport, CT 06606-0000 (203) 396-0096 Fax: (203) 396-0050

#### **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

#### September 16, 2011

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 Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

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

X /s/ Raymond Reynolds
Signature of Authorized Individual
Raymond Reynolds
Printed Name of Authorized Individual

Member

Title of Authorized Individual

September 16, 2011

Date

ignature of Bankruptcy Petition Preparer or

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.

# Filed 09/16/11 Entered 09/16/11 19:26:09 Desc Main Document Page 7 of 9 United States Bankruptcy Court District of Connecticut Case 11-32408 Doc 1

| IN RE:                           |   | Case No.   |
|----------------------------------|---|--|
| 55 Old State Road Property, LLC  | Debtor(s)   | Chapter <u>11</u>                                |
|                                  | VERIFICATION OF CREDITOR MA                       | ATRIX  |
| The above named debtor(s) hereby | verify(ies) that the attached matrix listing cre- | ditors is true to the best of my(our) knowledge. |
|                                  |   |  |
| Date: September 16, 2011         | Signature: /s/ Raymond Reynolds                   |  |
|                                  | Raymond Reynolds, Member                          | Debtor   |
| Date:                            | Signature:  |  |
|                                  |   | Joint Debtor, if any                             |

Christopher Mackenzie 36 Transylvania Road Roxbury, CT 06783

CIT Small Business Lending Corp. C/O Benati & Associates 350 Bedford Street, Suite 201 Stamford, CT 06901

Country Kitchen And Remolding LLC C/O Robert J Uskevich
1 Pomperaug Office Park Ste 303
Southbury, CT 06488-2295

Fed Stanek, Esq.
Committee
481 Oxford Rd
Oxford, CT 06478-1235

Flagpole Holdings, LLC C/O Jones, Damia, Kaufman, Borofsky & DePaul 301 Main Street Danbury, CT 06813-0157

Jose Torres D/B/A Diamond Auto Detail 65 Toni Place Bridgeport, CT 06610

Michael Sekelsky D/B/A Mickey's Collectables And Antiques 55 Old State Road, Building One Oxford, CT 06478

Raymond Reynolds D/B/A The Kitchen Guy 55 Old State Road Oxford, CT 06478 Tax Collector Town Of Oxford 486 Oxford Rd Rt 6 Oxford, CT 06478