Case 8:12-bk-05305 Doc 1 Filed 04/06/12 Page 1 of 11

B1 (Official Form 1)(12/11)											
	United M			ruptcy f Florida					Vol	untary	Petition
Name of Debtor (if individu Wetherington Tracto					Name	of Joint De	ebtor (Spouse	e) (Last, First,	Middle):		
All Other Names used by the (include married, maiden, and	Debtor in the last d trade names):	8 years				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. of (if more than one, state all) 59-2783862 Street Address of Debtor (No. 1986)				Complete El	(if more	than one, state	f Soc. Sec. or all)				o./Complete EIN
1901 Industrial Park		una state)	,.					(,, ,		
Plant City, FL											
			Γ.	ZIP Code 33563	-						ZIP Code
County of Residence or of th	e Principal Place	of Busines		33303	Count	y of Reside	ence or of the	Principal Pla	ice of Busin	iess:	
Hillsborough											
Mailing Address of Debtor (i	f different from st	reet addres	ss):		Mailir	g Address	of Joint Debt	or (if differer	nt from stree	et address):	
PO Box 4199											
Plant City, FL				ZIP Code							ZIP Code
	<u> </u>			33563							
Location of Principal Assets (if different from street addre		r									
Type of Deb				of Business			-	of Bankrup	•		ch .
(Form of Organization) (☐ Individual (includes Joint		Пнез	Check) Ith Care Bu	one box)				Petition is Fi	led (Check	one box)	
See Exhibit D on page 2 of t	his form.	☐ Sing	gle Asset Re	eal Estate as	defined	☐ Chapt ☐ Chapt		☐ Cl	napter 15 Pe	etition for R	ecognition
■ Corporation (includes LL□ Partnership	C and LLP)	in 1	1 U.S.C. § : Iroad	101 (51B)		Chapter 11 of a Foreign Main Proceeding					
Other (If debtor is not one of		☐ Stoo	ckbroker			☐ Chapter 12 ☐ Chapter 15 Petition for Recognition ☐ Chapter 13 ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding					
check this box and state type	of entity below.)		nmodity Bro aring Bank	oker		Спарс	.CI 13				g
Chapter 15 De	btors	Oth						Nature	of Debts		
Country of debtor's center of ma				mpt Entity , if applicable	.)	□ Debts a	are primarily co		one box)	Debts	are primarily
Each country in which a foreign by, regarding, or against debtor		unde	tor is a tax-exer Title 26 of	the United St Revenue Co	ation ates	tion defined in 11 U.S.C. § 101(8) as business debts. tes "incurred by an individual primarily for					
Ü	ee (Check one bo	x)		l —	one box:	•	•	ter 11 Debto			
Full Filing Fee attached							debtor as defir ness debtor as o				
Filing Fee to be paid in insta attach signed application for				Check i	f:					,	
debtor is unable to pay fee e											lers or affiliates) se years thereafter).
Form 3A.	(1:1:1- 414-	. 7 1. 41. 14.	-11\ M		all applicable		-	-			
Filing Fee waiver requested attach signed application for				B. A	acceptances	of the plan w	this petition. were solicited pr S.C. § 1126(b).	repetition from	one or more	classes of cre	editors,
Statistical/Administrative I		6 11		,	11.			THIS	SPACE IS F	OR COURT	USE ONLY
☐ Debtor estimates that fun☐ Debtor estimates that, after there will be no funds available.	er any exempt pro	perty is ex	cluded and	administrati		es paid,					
Estimated Number of Credito	ors \Box										
1- 50- 100 49 99 199	- 200-	1,000-	5,001- 10,000	10,001-	25,001-	50,001-	OVER				
Estimated Assets	777	5,000	10,000	25,000	50,000	100,000	100,000	-			
	0,001 to \$500,001 0,000 to \$1	\$1,000,001 to \$10	\$10,000,001 to \$50	\$50,000,001 to \$100	\$100,000,001 to \$500	\$500,000,001 to \$1 billion					
Estimated Liabilities	million	million	million	million	million			1			
\$0 to \$50,001 to \$100	0,001 to \$500,001 0,000 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion					

bi (Official Fol	riii 1)(12/11)		rage 2		
Voluntar	Voluntary Petition Name of Debtor(s): Wetherington Tractor Service, Inc.				
(This page mi	ust be completed and filed in every case)	_			
	All Prior Bankruptcy Cases Filed Within Las		ditional sheet)		
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 Deb	tor:	Case Number:	Date Filed:		
District:		Relationship:	Judge:		
forms 10K a pursuant to and is reque	Exhibit A pleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 esting relief under chapter 11.) A is attached and made a part of this petition.	(To be completed if debtor is an individual I, the attorney for the petitioner named have informed the petitioner that [he of 12, or 13 of title 11, United States Cook	whose debts are primarily consumer debts.) I in the foregoing petition, declare that I or she] may proceed under chapter 7, 11, de, and have explained the relief available ify that I delivered to the debtor the notice (Date)		
☐ Yes, and ☐ No. (To be comp ☐ Exhibit	pleted by every individual debtor. If a joint petition is filed, ear D completed and signed by the debtor is attached and made	nibit D ach spouse must complete and attach a			
If this is a jo ☐ Exhibit	D also completed and signed by the joint debtor is attached	and made a part of this petition.			
	Information Regardin	ng the Debtor - Venue			
•	(Check any appropriate the Check and Approximately Che	pplicable box) pal place of business, or principal asse	ts in this District for 180		
	Certification by a Debtor Who Reside (Check all app		rty		
	Landlord has a judgment against the debtor for possession	n 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, 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 coafter the filing of the petition.	•	e during the 30-day period		
	Debtor certifies that he/she has served the Landlord with t	this certification. (11 U.S.C. § 362(l)).			

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B1 (Official Form 1)(12/11) Page 3

Voluntary Petition

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

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 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.

Signature of Debtor

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney*

X /s/ Alberto F. Gomez, Jr.

Signature of Attorney for Debtor(s)

Alberto F. Gomez, Jr. 784486

Printed Name of Attorney for Debtor(s)

Morse & Gomez, PA

Firm Name

119 S. Dakota Ave. Tampa, FL 33606

Address

Email: agomez@morsegomez.com 813-301-1000 Fax: 813-301-1001

Telephone Number

April 6, 2012 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/ Kimball Wetherington

Signature of Authorized Individual

Kimball Wetherington

Printed Name of Authorized Individual

President

Title of Authorized Individual

April 6, 2012

Date

Name of Debtor(s):

Wetherington Tractor Service, Inc.

Signatures

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.

•	
v	
Δ	

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy 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); 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.

Printed Name and title, if any, of Bankruptcy Petition Preparer

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.)

v		

Date

Address

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 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.

B4 (Official Form 4) (12/07)

United States Bankruptcy Court Middle District of Florida

In re	Wetherington Tractor Service, Inc.			
		Debtor(s)	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)
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]
Alert Tire Service, Inc 1505 E. Baker Street Plant City, FL 33563	Alert Tire Service, Inc 1505 E. Baker Street Plant City, FL 33563	vendor		7,962.80
Amy Whitworth, CPA 4036 Eagles Nest Drive Valrico, FL 33596	Amy Whitworth, CPA 4036 Eagles Nest Drive Valrico, FL 33596	professional services		9,000.00
Cemex PO Box 905875 Charlotte, NC 28290-5875	Cemex PO Box 905875 Charlotte, NC 28290-5875	vendor		8,656.34
CIF Distributing, Inc 1728 Soggy Bottom Trail Plant City, FL 33565	CIF Distributing, Inc 1728 Soggy Bottom Trail Plant City, FL 33565	Other Debt		16,350.50
Community Bank & Co. 3221 S. Florida Ave. Lakeland, FL 33803	Community Bank & Co. 3221 S. Florida Ave. Lakeland, FL 33803	guarantee of mortgage relating to property owned by Kimball Wetherington individually	Contingent Subject to Setoff	3,683,776.79
Ferguson Enterprises, Inc PO Box 100286 Atlanta, GA 30384	Ferguson Enterprises, Inc PO Box 100286 Atlanta, GA 30384	vendor		6,359.06
General Asphalt Paving PO Box 2646 Eaton Park, FL 33840	General Asphalt Paving PO Box 2646 Eaton Park, FL 33840	vendor		15,829.20
Hillsboro Bank 509 W. Alexander St. Plant City, FL 33563	Hillsboro Bank 509 W. Alexander St. Plant City, FL 33563	Komatsu Excavator & Bucket SN23565 Komatsu GD 530A Motor Grader SN203137 Ingersoll Rand Roller SN168831 Komatsu Hydraulic Excavator SNA85314 Inger		141,983.47 (135,000.00 secured)

B4 (Offi	cial Form 4) (12/07) - Cont.		
In re	Wetherington Tractor Service, Inc.	Case No.	
	Debtor(s)		

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(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]
Kimball Wetherington PO Box 4199	Kimball Wetherington PO Box 4199	short term shareholder loans		22,370.00
Plant City, FL 33563	Plant City, FL 33563	Shareholder loans		
Linder Indust Machinery Co 1601 South Frontage Road Plant City, FL 33563	Linder Indust Machinery Co 1601 South Frontage Road Plant City, FL 33563	vendor		4,994.25
McClendon Oil 601 East Reynolds St. Plant City, FL 33563	McClendon Oil 601 East Reynolds St. Plant City, FL 33563	vendor		155,834.69
Mid Florida Wood 11704 Jackson Road Thonotosassa, FL 33592	Mid Florida Wood 11704 Jackson Road Thonotosassa, FL 33592	vendor		5,520.00
Neff Rental PO Box 405138 Atlanta, GA 30384	Neff Rental PO Box 405138 Atlanta, GA 30384	vendor		4,383.48
Paragon Development Grp, LLC PO Box 1328 Plant City, FL 33563	Paragon Development Grp, LLC PO Box 1328 Plant City, FL 33563	vendor		27,867.28
Powerscreen of Florida, Inc PO Box 5802 Lakeland, FL 33807	Powerscreen of Florida, Inc PO Box 5802 Lakeland, FL 33807	vendor		30,455.00
Prestige AB Mgmt Co LLC 8529 South Park Circle Suite 320 Orlando, FL 32819	Prestige AB Mgmt Co LLC 8529 South Park Circle Suite 320 Orlando, FL 32819	vendor		13,289.93
Ring Power Corp PO Box 935004 Atlanta, GA 31193	Ring Power Corp PO Box 935004 Atlanta, GA 31193	vendor		18,737.08
Stripe Design, Inc 2217 Wooten Road Dover, FL 33527	Stripe Design, Inc 2217 Wooten Road Dover, FL 33527	vendor		5,562.10
Thomas Concrete Constructio 4903 Calhoun Rd. Plant City, FL 33567	Thomas Concrete Constructio 4903 Calhoun Rd. Plant City, FL 33567	vendor		7,439.65
Truck Service USA 1930 N. Combee Road Lakeland, FL 33801	Truck Service USA 1930 N. Combee Road Lakeland, FL 33801	vendor		5,275.13

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B4 (Offic	ial Form 4) (12/07) - Cont.		
In re	Wetherington Tractor Service, Inc.	Case No.	
	Debtor(s)		

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

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

I, the President 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	April 6, 2012	Signature	/s/ Kimball Wetherington
			Kimball Wetherington
			President

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.

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United States Bankruptcy Court Middle District of Florida

In re	Wetherington Tractor Service, Inc.		Case No.	
		Debtor(s)	Chapter	
	VERIFICA	TION OF CREDITOR	MATRIX	
I, the P	resident of the corporation named as the deb	otor in this case, hereby verify that the	ne attached list of	creditors is true and correct to
he best	of my knowledge.			
Date:	April 6, 2012	/s/ Kimball Wetherington		
		Kimball Wetherington/Preside	nt	
		Signer/Title		

Wetherington Tractor Service, Inc. General Asphalt Paving Cemex PO Box 4199 PO Box 905875 PO Box 2646 Plant City, FL 33563 Charlotte, NC 28290-5875 Eaton Park, FL 33840 Alberto F. Gomez, Jr. CIF Distributing, Inc GM&C Morse & Gomez, PA 1728 Soggy Bottom Trail 705 East Alsobrook St 119 S. Dakota Ave. Plant City, FL 33565 Plant City, FL 33563 Tampa, FL 33606 AGTEK City of Tampa, Banking Div Grove Equipment 315 E. Kennedy Blvd 396 Earhart Way 5905 SR 60 E. Second Floor Livermore, CA 94551 Bartow, FL 33830 Tampa, FL 33602 Alert Tire Service, Inc. CMR Claims Dept Hayes Pipe Supply, Inc 1505 E. Baker Street PO Box 60553 PO Box 101550 Plant City, FL 33563 Oklahoma City, OK 73146 Nashville, TN 37224 American Express Community Bank & Co. Hillsboro Bank 3221 S. Florida Ave. PO Box 360001 509 W. Alexander St. Lakeland, FL 33803 Ft. Lauderdale, FL 33336 Plant City, FL 33563 Amy Whitworth, CPA Doug Beldon, Tax Collector Hitachi Capital America Corp 4036 Eagles Nest Drive PO Box 172920 21925 Network Place Valrico, FL 33596 Tampa, FL 33672-0920 Chicago, IL 60673 Bank Midwest Ferguson Enterprises, Inc HMF FL A, LLC f/k/a Hillcrest Bank PO Box 100286 PO Box 54291 Atlanta, GA 30384 11111 W 95th St #100 New Orleans, LA 70154-4291 Overland Park, KS 66214 Bingham On Site Portables Fleet Pride Home Depot Dept 32-2302977543 3640 Sumner Road PO Box 281811 PO Box 9055 Dover, FL 33527 Atlanta, GA 30384-1811 Des Moines, IA 50368

Florida Testing Services,LLC

PO Box 810275

Boca Raton, FL 33481

Huntington Bank

PO Box 182519

Columbus, OH 43218

Branch Banking & Trust

PO Box 580048

Charlotte, NC 28258

Jesus S. Guerrero Napa Motor Parts Safe Route Products, LLC 1146 Skyview Blvd. PO Box 2229 5649 Second St. W. #108 Lakeland, FL 33801 Bartow, FL 33831 Lehigh Acres, FL 33971-6321 Kimball Wetherington Neff Rental Staples, Inc PO Box 4199 Department 51-7890020521 PO Box 405138 Plant City, FL 33563 Atlanta, GA 30384 PO Box 689020 Des Moines, IA 50368 Lakeland Electric Paragon Development Grp, LLC Stingray Chevrolet 2002 N. Frontage Rd 1140 E. Parker St. PO Box 1328 Plant City, FL 33563 Lakeland, FL 33801 Plant City, FL 33563 Lengemann Pasco Lakes, Inc Stripe Design, Inc PO Box 39 9344 Old Pasco Road 2217 Wooten Road Altoona, FL 32702 Wesley Chapel, FL 33544 Dover, FL 33527 Linder Indust Machinery Co Sunshine State Fed Savings Platinum Bank 1601 South Frontage Road PO Box F 802 West Lumsden Road Plant City, FL 33563 Plant city, FL 33564 Brandon, FL 33511 Powerscreen of Florida, Inc. Suntrust Bank Visa Lowes PO Box 5802 PO Box 530970 PO Box 791250 Altanta, GA 30353 Lakeland, FL 33807 Baltimore, MD 21279 Prestige AB Mgmt Co LLC McClendon Oil Tampa Tarp, Inc 601 East Reynolds St. 8529 South Park Circle 2301 North Albany Ave Plant City, FL 33563 Tampa, FL 33607 Suite 320 Orlando, FL 32819 Mid Florida Wood Ring Power Corp Taylor Rental PO Box 935004 11704 Jackson Road PO Box 2636 Thonotosassa, FL 33592 Atlanta, GA 31193 Brandon, FL 33509 Mills & Associates, Inc. RSC Equipment Rental Texas Refinery Corp 3242 Henderson Blvd #300 Po Box 840514 PO Box 711

Dallas, TX 75284

Fort Worth, TX 76101

Tampa, FL 33609

Thomas Concrete Constructio 4903 Calhoun Rd. Plant City, FL 33567

Traffic Control Products FI 5514 Carmack Road Tampa, FL 33610

Truck Service USA 1930 N. Combee Road Lakeland, FL 33801

Unifirst Corp 6010 E. Adamo Dr Tampa, FL 33619

United Rentals, Inc. PO Box 100711 Atlanta, GA 30384-0711

Wild Man Enterprises, Inc. 3107 N. Chitty Road Plant City, FL 33565

William Lopez 2929 Crutchfield Rd. Lakeland, FL 33805

United States Bankruptcy Court Middle District of Florida

In re Wetherington Tractor Service,		Case No.	
	Debtor(s)	Chapter	
CORPO	PRATE OWNERSHIP STATEMENT (RULE 7007.1)	
or recusal, the undersigned counsel for the following is a (are) corporation(s)	tcy Procedure 7007.1 and to enable the Just or Wetherington Tractor Service, Inc. in), other than the debtor or a governmental on's(s') equity interests, or states that there	the above capt unit, that direc	ioned action, certifies that tly or indirectly own(s) 10%
■ None [Check if applicable]			
April 6, 2012	/s/ Alberto F. Gomez, Jr.		
Date	Alberto F. Gomez, Jr. 784486 Signature of Attorney or Litiga Counsel for Wetherington Tra		5.
	Morse & Gomez, PA 119 S. Dakota Ave. Tampa, FL 33606 813-301-1000 Fax:813-301-1001 agomez@morsegomez.com		