Case 6:12-bk-15940 Doc 1 Filed 11/28/12 Page 1 of 9

BI (Official)			United M		s Bank District o						Voluntary	Petition
			er Last, First <b>Nursery, I</b>				Name	of Joint De	ebtor (Spouse	e) (Last, First,	Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):							used by the J maiden, and		in the last 8 years			
Last four dig (if more than one 20-0455	e, state all)	Sec. or Indi	vidual-Taxp	ayer I.D. (	(ITIN) No./	Complete E	Last f	our digits o	f Soc. Sec. or	r Individual-T	Taxpayer I.D. (ITIN) N	o./Complete EIN
Street Addre	ess of Debto Harbor C		Street, City,	and State)	):	ZID Code		Address of	Joint Debtor	(No. and Str	eet, City, and State):	7ID Code
					Г	ZIP Code <b>32935</b>	·					ZIP Code
County of R Brevard		of the Princ	cipal Place o	f Busines	s:		Count	y of Reside	ence or of the	Principal Pla	ice of Business:	
Mailing Add	dress of Deb	otor (if diffe	rent from str	eet addres	ss):		Mailii	ng Address	of Joint Debt	or (if differer	nt from street address):	
					Г	ZIP Code	<u>;                                    </u>					ZIP Code
Location of (if different	Principal A from street	ssets of Bus address abo	siness Debtor ve):	:	1		•					
(Form		f Debtor	one box)			of Business	3				tcy Code Under Whield (Check one box)	ch
<ul> <li>(Form of Organization) (Check one box)</li> <li>☐ Individual (includes Joint Debtors)</li> <li>See Exhibit D on page 2 of this form.</li> <li>☐ Corporation (includes LLC and LLP)</li> <li>☐ Partnership</li> <li>☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)</li> </ul>			<ul> <li>☐ Health Care Business</li> <li>☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)</li> <li>☐ Railroad</li> <li>☐ Stockbroker</li> <li>☐ Commodity Broker</li> <li>☐ Clearing Bank</li> </ul>		s defined	☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt	er 7 er 9 er 11 er 12	☐ Ch of ☐ Ch	napter 15 Petition for R a Foreign Main Proced napter 15 Petition for R a Foreign Nonmain Pr	eding ecognition		
	-	15 Debtors		Oth		mut Entite	-				e of Debts	
Each country	ebtor's center in which a for against d	oreign procee	ding	unde		the United S	e) zation tates	defined "incurr	are primarily contains 11 U.S.C. § red by an individual, family, or	onsumer debts, § 101(8) as idual primarily	Debts busin	are primarily ess debts.
	Fi	ling Fee (C	heck one box	x)			one box:	1	•	ter 11 Debto		
Filing Fee attach sig debtor is Form 3A.	ned application unable to pay  . e waiver requ	n installments on for the cou fee except in ested (applica	(applicable to nrt's considerat n installments. able to chapter nrt's considerat	ion certifyi Rule 1006 7 individu	ing that the (b). See Office als only). Mu	Check Sial Check Check BB.	Debtor is not if: Debtor's agg are less than all applicabl A plan is bei Acceptances	regate nonco \$2,343,300 ( e boxes: ng filed with of the plan w	ntingent liquidanount subject	defined in 11 U ated debts (exc to adjustment	2. § 101(51D). U.S.C. § 101(51D). luding debts owed to insic on 4/01/13 and every three one or more classes of cr	ee years thereafter).
Debtor e	estimates that estimates that	at funds will at, after any	ation be available exempt proper for distribute the street of the street	erty is ex	cluded and	administrat		es paid,		THIS	SPACE IS FOR COURT	USE ONLY
Estimated N	Tumber of C  50- 99	reditors  100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated A  So to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 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				
Estimated L	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 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				

Case 6:12-bk-15940 Doc 1 Filed 11/28/12 Page 2 of 9

B1 (Official Form 1)(12/11) Page 2 Name of Debtor(s): Voluntary Petition **Newvisions Full Service Nursery, Inc.** (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Location Date Filed: Where Filed: - None -Date Filed: Location Case Number: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission 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 pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) (Date) 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)).

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.

 $\mathbf{X}_{-}$ 

Signature of Debtor

 $\mathbf{X}$ 

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

#### Signature of Attorney\*

## X /s/ Michael Faro

Signature of Attorney for Debtor(s)

#### Michael Faro 758981

Printed Name of Attorney for Debtor(s)

#### Faro & Crowder

Firm Name

503 N. Orlando Avenue Suite 201 Cocoa Beach, FL 32931

Address

#### Email: faro.michael@gmail.com

321-784-8158 Fax: 321-784-8159

Telephone Number

#### November 28, 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/ Michael Allan Cole

Signature of Authorized Individual

#### Michael Allan Cole

Printed Name of Authorized Individual

#### President

Title of Authorized Individual

#### November 28, 2012

Date

Name of Debtor(s):

**Newvisions Full Service Nursery, 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.

X

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.)

4		•

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	Newvisions Full Service Nursery, Inc.	Case No.		
		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]
AT&T Advertising & Publishin PO BOX 105024 Atlanta, GA 30348-5024	AT&T Advertising & Publishin PO BOX 105024 Atlanta, GA 30348-5024	Advertising		4,099.86
Benton Logisitics, LLC PO Box 16709 Atlanta, GA 30321	Benton Logisitics, LLC PO Box 16709 Atlanta, GA 30321	Services		1,550.00
Blue Ridge Quarries 8487 US Highway 221 North Marion, NC 28752	Blue Ridge Quarries 8487 US Highway 221 North Marion, NC 28752	Materials		4,627.59
Citibank Sunoco Credit Card PO Box 689156 Des Moines, IA 50368-9156	Citibank Sunoco Credit Card PO Box 689156 Des Moines, IA 50368-9156	Gas		5,281.76
Dan Rodriguez Nursery 6545 West 24 Avenue #304 Hialeah, FL 33016	Dan Rodriguez Nursery 6545 West 24 Avenue #304 Hialeah, FL 33016	Materials		3,000.00
Dept. Financial Services Revenue Processing Section Division of Worker's Comp PO Box 7900 Tallahassee, FL 32314-7900	Dept. Financial Services Revenue Processing Section Division of Worker's Comp Tallahassee, FL 32314-7900	Penalty		5,889.78
Freese, Inc. 2810 Lakemont Rd Melbourne, FL 32934	Freese, Inc. 2810 Lakemont Rd Melbourne, FL 32934	Equipment Rental		945.00
GrayRobisnon PO Box 3068 Orlando, FL 32802	GrayRobisnon PO Box 3068 Orlando, FL 32802	Legal Representation Case 05-2008-CA-33626		9,333.44
Internal Revenue Service PO Box 80110 Cincinnati, OH 45280-0010	Internal Revenue Service PO Box 80110 Cincinnati, OH 45280-0010	Payroll Tax Debt		17,060.79
Jon's Nursery 24546 Nursery Way Eustis, FL 32736-8818	Jon's Nursery 24546 Nursery Way Eustis, FL 32736-8818	Materials		1,204.65

B4 (Official Form 4) (12/07) - Cont.							
In re	Newvisions Full Service Nursery, 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]
JWD Trees	JWD Trees	Materials		9,170.00
c/o Fowler White Boggs PA	c/o Fowler White Boggs PA			
2235 First Street	2235 First Street			
Fort Myers, FL 33901	Fort Myers, FL 33901			
Medallion Trees	Medallion Trees	Materials		5,700.00
27805 SW 197 Avenue	27805 SW 197 Avenue			
Homestead, FL 33031 Nursery Men Sure Grow	Homestead, FL 33031 Nursery Men Sure Grow	Materials		3,446.69
4390 N. US 1	4390 N. US 1	IVIALEI IAIS		3,440.09
Vero Beach, FL 32967	Vero Beach, FL 32967			
Plant Haven Wholesale	Plant Haven Wholesale Nurser	Materials		1,472.68
Nurser	10300 W. Midway Road			.,
10300 W. Midway Road	Fort Pierce, FL 34945			
Fort Pierce, FL 34945	,			
Ring Power Corp	Ring Power Corp	<b>Equipment Repairs</b>		3,985.88
PO Box 935004	PO Box 935004			
Atlanta, GA 31193-5004	Atlanta, GA 31193-5004			
Sperion Staffing, LLC	Sperion Staffing, LLC	Payment		2,380.00
2627 W. Eau Gallie Blvd	2627 W. Eau Gallie Blvd	Stipulation		
#104	#104	Case		
Melbourne, FL 32935 Table Rock Quarries	Melbourne, FL 32935 Table Rock Quarries	05-2012-SC-37904		2 527 00
938 US Hwy 70 West	938 US Hwy 70 West	Materials		3,537.00
Marion, NC 28752	Marion, NC 28752			
The Russ Companies	The Russ Companies	Materials		1,195.52
c/o University Mgmt Assoc	c/o University Mgmt Assoc	Materiais		1,133.32
43 Newburg Road, Ste. 402B	43 Newburg Road, Ste. 402B			
PO Box 913	Hackettstown, NJ 07840-0913			
Hackettstown, NJ	,			
07840-0913				
Urra Nursery	Urra Nursery	Materials		1,245.00
20850 SW 216th Street	20850 SW 216th Street			
Miami, FL 33170	Miami, FL 33170			
Verizon Wireless	Verizon Wireless	Phone service		993.37
c/o Enhanced Recovery Co,	c/o Enhanced Recovery Co, LL			
LL 2014 Bankanna Bank	8014 Bayberry Road			
8014 Bayberry Road	Jacksonville, FL 32256-7412			
Jacksonville, FL 32256-7412				

B4 (Official Form 4) (12/07) - Cont.							
In re	Newvisions Full Service Nursery, 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	November 28, 2012	Signature	/s/ Michael Allan Cole	
			Michael Allan Cole	
			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.

Newvisions Full Service Nursery, Inc. 1861 N. Harbor City Blvd. Melbourne, FL 32935 Coastal Directory PO Box 33665 Indialantic, FL 32903 Internal Revenue Service PO Box 80110 Cincinnati, OH 45280-0010

Michael Faro Faro & Crowder 503 N. Orlando Avenue Suite 201 Cocoa Beach, FL 32931

D&D Lift Service 447 Richard Road Rockledge, FL 32955 Jacobson, Sobo & Moselle PO Box 19359 Fort Lauderdale, FL 33318

AT&T Advertising & Publishin PO BOX 105024 Atlanta, GA 30348-5024 Dan Rodriguez Nursery 6545 West 24 Avenue #304 Hialeah, FL 33016 Jon's Nursery 24546 Nursery Way Eustis, FL 32736-8818

BB&T Equipment Finance Corp 5130 Parkway Plaza Blvd Charlotte, NC 28217 Dept. Financial Services Revenue Processing Section Division of Worker's Comp PO Box 7900 Tallahassee, FL 32314-7900 Joseph Colombo 2351 W. Eau Gallie Blvd Ste. 8 Melbourne, FL 32935

Benton Logisitics, LLC PO Box 16709 Atlanta, GA 30321 Discoveries in Garden Moss PO Box 28

East Palestine, OH 44413

JWD Trees c/o Fowler White Boggs PA 2235 First Street Fort Myers, FL 33901

Blue Ridge Quarries 8487 US Highway 221 North Marion, NC 28752 Donna R. Morris 465 Red Sail Way Satellite Beach, FL 32937 Label-It 10100 Northwest 116th Way Suite 1 Miami, FL 33178

Bolling Forest Products 1705 E Williamson Road Longwood, FL 32779 Freese, Inc. 2810 Lakemont Rd Melbourne, FL 32934 Mae M. Kreuzkamp 516 W. River Oaks Drive Indialantic, FL 32903

Brevard County Tax Collector 400 South Street Government Center 6th Floor Titusville, FL 32781 GrayRobisnon PO Box 3068 Orlando, FL 32802 Medallion Trees 27805 SW 197 Avenue Homestead, FL 33031

Citibank Sunoco Credit Card PO Box 689156 Des Moines, IA 50368-9156 GrayRobisnon PO Box 3068 c/o Patrick Healy Orlando, FL 32802

Nursery Men Sure Grow 4390 N. US 1 Vero Beach, FL 32967 Plant Haven Wholesale Nurser 10300 W. Midway Road Fort Pierce, FL 34945 Technisoil 5660 Westside Road Redding, CA 96001

Ricky G. Salter 1002 Riverdale Drive Melbourne, FL 32935

The Russ Companies c/o University Mgmt Assoc 43 Newburg Road, Ste. 402B PO Box 913 Hackettstown, NJ 07840-0913

Ring Power Corp PO Box 935004 Atlanta, GA 31193-5004 Urra Nursery 20850 SW 216th Street Miami, FL 33170

Sperion Staffing, LLC 2627 W. Eau Gallie Blvd #104 Melbourne, FL 32935 Verizon Wireless c/o Enhanced Recovery Co, LL 8014 Bayberry Road Jacksonville, FL 32256-7412

Table Rock Quarries 938 US Hwy 70 West Marion, NC 28752 Wells Fargo Equipment Financ Construction Group 1540 West Fountainhead Pkwy Tempe, AZ 85282

TD Bank c/o Assoc Credit Service Inc PO Box 5171 Westborough, MA 01581-5171

TD Bank c/o MRS Associates 1930 Olney Avenue Cherry Hill, NJ 08003

TD Bank c/o NCO Financial Sys., Inc. 507 Prudential Road Horsham, PA 19044

TD Bank 1660 SW St. Lucie West Blvd Port Saint Lucie, FL 34986

## United States Bankruptcy Court Middle District of Florida

In re	Newvisions Full Service Nursery	, Inc.	Case No.	
		Debtor(s)	Chapter	11
	CORROR		(DIII E 7007 1)	
	CORPOR	ATE OWNERSHIP STATEMENT	(RULE 7007.1)	
or recu	usal, the undersigned counsel for e following is a (are) corporation or more of any class of the corpora	Procedure 7007.1 and to enable the J Newvisions Full Service Nursery, Inc. (s), other than the debtor or a governmention's(s') equity interests, or states that	in the above cap nental unit, that di	ptioned action, certifies rectly or indirectly own(s)
■ Nor	ne [Check if applicable]			
Nover	nber 28, 2012	/s/ Michael Faro		
Date		Michael Faro 758981		
		Signature of Attorney or Litig		
		0.0000000000000000000000000000000000000	Service Nursery, I	nc.
		Faro & Crowder		
		503 N. Orlando Avenue Suite 201		
		Cocoa Beach, FL 32931		
		321-784-8158 Fax:321-784-8159	9	
		faro.michael@gmail.com		