# Case 10-11158-RAM Doc 1 Filed 01/20/10 Page 1 of 10

B1	(Official	Form	1)(1/08)

United States Bankruptcy Court Southern District of Florida					Voluntary l	Petition		
Name of Debtor (if individual, enter Last, First, Middle): Martinez, Alfonso A.				of Joint De	ebtor (Spouse	) (Last, First, Mic	ldle):	
All Other Names used by the Debtor in the last 8 (include married, maiden, and trade names):	3 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. or Individual-Taxpa (if more than one, state all) <b>xxx-xx-5730</b>	yer I.D. (ITIN) No./C	Complete EI		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. and Street, City, a 1740 S.W. 70 Avenue Miami, FL	nd State):	ZIP Code	Street	Street Address of Joint Debtor (No. and Street, City, and State):				
	3	33155	-				I	ZIP Code
County of Residence or of the Principal Place of Miami-Dade			Count	y of Reside	ence or of the	Principal Place o	f Business:	
Mailing Address of Debtor (if different from stre	eet address):		Mailin	Mailing Address of Joint Debtor (if different from street address):				
	Г	ZIP Code						ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):								
Type of Debtor	Nature o	of Business		Chapter of Bankruptcy Code Under Which				
<ul> <li>(Form of Organization) (Check one box)</li> <li>Individual (includes Joint Debtors) See Exhibit D on page 2 of this form.</li> <li>□ Corporation (includes LLC and LLP)</li> <li>□ Partnership</li> </ul>	(Check Health Care Bus Single Asset Re in 11 U.S.C. § 1 Railroad Stockbroker Commodity Bro Clearing Bank	al Estate as 01 (51B)	defined	<ul> <li>Chapt</li> <li>Chapt</li> <li>Chapt</li> <li>Chapt</li> <li>Chapt</li> <li>Chapt</li> </ul>	er 7 er 9 er 11 er 12	of a Fo □ Chapte	Check one box) er 15 Petition for Rec oreign Main Proceed er 15 Petition for Rec oreign Nonmain Proc	ing cognition
Other (If debtor is not one of the above entities,	Other					Nature of I		
check this box and state type of entity below.)  Tax-Exempt (Check box, if a □ Debtor is a tax-exer under Title 26 of th Code (the Internal F			nization States	defined "incurr			Debts a busines	re primarily s debts.
Filing Fee (Check on	e box)			one box:		Chapter 11 Debt		
<ul> <li>Full Filing Fee attached</li> <li>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.</li> </ul>				Debtor is if: Debtor's a	not a small be	usiness debtor as	ined in 11 U.S.C. § 1 defined in 11 U.S.C lated debts (excludin 190,000.	. § 101(51D).
☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.				Acceptan	being filed water the plant being filed water being be		prepetition from one 11 U.S.C. § 1126(b)	
Statistical/Administrative Information       THIS SPACE IS FOR COURT USE ONLY         Debtor estimates that funds will be available for distribution to unsecured creditors.       THIS SPACE IS FOR COURT USE ONLY         Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.       THIS SPACE IS FOR COURT USE ONLY					SE ONLY			
1- 50- 100- 200-	1,000- 5,001- 5,000 10,000	10,001-	□ 25,001- 50,000	50,001- 100,000	OVER 100,000			
\$0 to \$50,001 to \$100,001 to \$500,001 \$50,000 \$100,000 \$500,000 to \$1 million	\$1,000,001         \$10,000,001           to \$10         to \$50           million         million	\$50,000,001 to \$100	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				
\$50,000 \$100,000 \$500,000 to \$1	\$1,000,001 \$10,000,001 to \$10 to \$50 million million	\$50,000,001 to \$100	100,000,001 to \$500 million	500,000,001 to \$1 billion				

# Case 10-11158-RAM Doc 1 Filed 01/20/10 Page 2 of 10

B1 (Official For		Name of Debtor(s):	Page 2
Voluntar	y Petition	Martinez, Alfonso A.	
(This page mı	ust be completed and filed in every case)		
	All Prior Bankruptcy Cases Filed Within Las		
Location Where Filed:	- None -	Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Ре	ending Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more t	han one, attach additional sheet)
Name of Debt - None -	tor:	Case Number:	Date Filed:
District:		Relationship:	Judge:
forms 10K a pursuant to and is reque	<b>Exhibit A</b> 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 sting relief under chapter 11.) A is attached and made a part of this petition.	(To be completed if debtor is an individed of the attorney for the petitioner national have informed the petitioner that [11, 2, or 13 of title 11, United States]	or(s) (Date)
	<b>Exh</b> or own or have possession of any property that poses or is alleged to I Exhibit C is attached and made a part of this petition.	<b>ibit C</b> pose a threat of imminent and identifi	able harm to public health or safety?
Exhibit If this is a jo	bleted by every individual debtor. If a joint petition is filed, ea D completed and signed by the debtor is attached and made	a part of this petition.	ch a separate Exhibit D.)
	Information Regardin	g the Debtor - Venue	
_	(Check any ap	<b>1</b> /	
	Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	a longer part of such 180 days that	n in any other District.
	There is a bankruptcy case concerning debtor's affiliate, go		C C
	Debtor is a debtor in a foreign proceeding and has its princ this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or th sought in this District.	in the United States but is a defer	idant in an action or
	Certification by a Debtor Who Reside (Check all app		perty
	Landlord has a judgment against the debtor for possession		ed, 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		
	Debtor has included in this petition the deposit with the co after the filing of the petition.	1 0 0	•

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

31 (	Official Form 1)(1/08)	Page 3
Vo	luntary Petition	Name of Debtor(s): Martinez, Alfonso A.
(Th	is page must be completed and filed in every case)	Martinez, Allonso A.
		atures
	Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative
	I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b). I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	<ul> <li>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.</li> <li>(Check only one box.)</li> <li>☐ 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.</li> <li>☐ 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.</li> </ul>
v	/s/ Alfonso A. Martinez	X
Λ	/s/ Alfonso A. Martinez           Signature of Debtor         Alfonso A. Martinez	Signature of Foreign Representative
X		Printed Name of Foreign Representative
Λ	Signature of Joint Debtor	Timed Name of Foreign Representative
		Date
	Telephone Number (If not represented by attorney)	Signature of Non-Attorney Bankruptcy Petition Preparer
	January 20, 2010	· · · · ·
	Date	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for
X	Signature of Attorney*         /s/ Lynn H. Gelman, Esq.         Signature of Attorney for Debtor(s)         Lynn H. Gelman, Esq. 0245011         Printed Name of Attorney for Debtor(s)         Lynn H. Gelman, P.A.	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.
	Firm Name	Printed Name and title, if any, of Bankruptcy Petition Preparer
	1450 Madruga Avenue Suite 408 Coral Gables, FL 33146 Address	Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)
	(305) 668-6681 Fax: (305) 668-6682	
	Telephone Number	
	January 20, 2010	Address
	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.	X
	Signature of Debtor (Corporation/Partnership)	Date
	I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.	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:
X	Signature of Authorized Individual Printed Name of Authorized Individual	If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.
	Title of Authorized Individual	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.
	Date	

B 1D (Official Form 1, Exhibit D) (12/09)

# United States Bankruptcy Court Southern District of Florida

In re Alfonso A. Martinez

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*.

 $\Box$  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 14 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 seven 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.

B 1D (Official Form 1, Exhibit D) (12/09) - Cont.

□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

 $\Box$  Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

□ Active military duty in a military combat zone.

□ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

#### I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Alfonso A. Martinez Alfonso A. Martinez Date: January 20, 2010 B4 (Official Form 4) (12/07)

#### United States Bankruptcy Court Southern District of Florida

In re Alfonso A. Martinez

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)
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]
Amex Po Box 297871 Fort Lauderdale, FL 33329	Amex Po Box 297871 Fort Lauderdale, FL 33329			76.00
Amex Po Box 297871 Fort Lauderdale, FL 33329	Amex Po Box 297871 Fort Lauderdale, FL 33329			Unknown
Credit Protection Asso 13355 Noel Rd Ste 2100 Dallas, TX 75240	Credit Protection Asso 13355 Noel Rd Ste 2100 Dallas, TX 75240	Collection Comcast		97.00
Credit Sol Pob 625 Metairie, LA 70004	Credit Sol Pob 625 Metairie, LA 70004	Collection 12 Nova Information		95.00
Elser & Foster-Morales, LLC Attn: Doru Foster-Morales 44 West Flalger St. Miami, FL 33130	Elser & Foster-Morales, LLC Attn: Doru Foster-Morales 44 West Flalger St. Miami, FL 33130	Legal Fees		150,000.00
Executive National Ban 9600 N Kendall Dr Miami, FL 33176	Executive National Ban 9600 N Kendall Dr Miami, FL 33176	Mortgage		1,247,370.00 (0.00 secured)
Executive National Ban 9600 N Kendall Dr Miami, FL 33176	Executive National Ban 9600 N Kendall Dr Miami, FL 33176	Mortgage		Unknown
Frank Montes 12900 S.W. 70 Avenue Punecrest, FL 33156	Frank Montes 12900 S.W. 70 Avenue Punecrest, FL 33156			320,000.00
GMAC P.O. Box 78369 Phoenix, AZ 85062	GMAC P.O. Box 78369 Phoenix, AZ 85062	Automobile		13,444.85 (0.00 secured)
Jorge Montes c/o Markowitz, Davis, Ringel & Trusty Attn: Thomas Ringel, Esq. 9130 S. Dadeland Blvd., #1225 Miami, FL 33156	Jorge Montes c/o Markowitz, Davis, Ringel & Trusty Attn: Thomas Ringel, Esq. Miami, FL 33156			200,000.00

B4 (Official Form 4) (12/07) - Cont. In re Alfonso A. Martinez

Debtor(s)

Case No.

# 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]
Leasecomm 950 Winter St	Leasecomm 950 Winter St			Unknown
Waltham, MA 02451	Waltham, MA 02451			
Lisette Padron Martinez c/o The Lagel Law Firm 2333 Ponce De Leon Blvd. Suite 302 Miami, FL 33134	Lisette Padron Martinez c/o The Lagel Law Firm 2333 Ponce De Leon Blvd. Miami, FL 33134			Unknown
Westend Realty 7791 N.W. 46 sT.	Westend Realty 7791 N.W. 46 sT.			50,000.00
Suite 421 Doral, FL 33172	Suite 421 Doral, FL 33172			

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

I, Alfonso A. Martinez, the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date January 20, 2010

Signature /s/ Alfonso A. Martinez Alfonso A. Martinez

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.

A F S C I 257 E 200 S Ste 700 Salt Lake City, UT 84111

Amex Po Box 297871 Fort Lauderdale, FL 33329

Cap One Po Box 85520 Richmond, VA 23285

Chase Po Box 901039 Fort Worth, TX 76101

Chase Manhattan Mtge 3415 Vision Dr Columbus, OH 43219

Credit Protection Asso 13355 Noel Rd Ste 2100 Dallas, TX 75240

Credit Sol Pob 625 Metairie, LA 70004

Dcfs Usa Llc 36455 Corporate Dr Farmington Hills, MI 48331

Elser & Foster-Morales, LLC Attn: Doru Foster-Morales 44 West Flalger St. Miami, FL 33130

Executive National Ban 9600 N Kendall Dr Miami, FL 33176

Flasavbk

Frank Montes 12900 S.W. 70 Avenue Punecrest, FL 33156

G M A C Po Box 105677 Atlanta, GA 30348

GMAC P.O. Box 78369 Phoenix, AZ 85062

Gtwy/Cbsd 811 East 10th Street Sioux Falls, SD 57103

Halls Merc 200 E 25th Kansas City, MO 64108-2598

Jorge Montes c/o Markowitz, Davis, Ringel & Trusty Attn: Thomas Ringel, Esq. 9130 S. Dadeland Blvd., #1225 Miami, FL 33156

Land Rvr 25 Braintree Hill Park S Braintree, MA 02184

Leasecomm 950 Winter St Waltham, MA 02451

Lexus Financial Servic 12735 Morris Road Ext # Alpharetta, GA 30004

Lisette Padron Martinez c/o The Lagel Law Firm 2333 Ponce De Leon Blvd. Suite 302 Miami, FL 33134

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Mellon Mortgage Po Box 2885 Houston, TX 77252

Westend Realty 7791 N.W. 46 sT. Suite 421 Doral, FL 33172

World Omni Finance 31120 Rider Trl S Earth City, MO 63045