<b>B1</b> (Official Form	1)(1/08)										
United States Bankruptcy C Northern District of Georgia								Voluntary Petition			
Name of Debtor (if individual, enter Last, First, Middle):  Avery Environmental Services, Inc.				Name	of Joint D	ebtor (Spouse	e) (Last, First	, Middle):			
All Other Names to (include married, i			3 years					used by the maiden, and		in the last 8 years ):	
Last four digits of (if more than one, sta 65-1207954		ividual-Taxpa	yer I.D. (I	TIN) No./	Complete E		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)				
Street Address of 3731 S. High Carrollton, G	way 16	Street, City, a	nd State):		ZIP Code		Address of	Joint Debtor	(No. and St	reet, City, and State):	ZIP Code
County of Resider	nce or of the Prin	icipal Place of	Business		30116		ty of Reside	ence or of the	Principal Pla	ace of Business:	
Mailing Address of	of Debtor (if diffe	erent from stre	eet address	s):		Maili	ng Address	of Joint Debt	tor (if differe	nt from street address):	:
					ZIP Code						ZIP Code
Location of Princi (if different from s				·		-					
(Form (()	on page 2 of this ncludes LLC and	ors) s form. I LLP) above entities,	Sing in 11 Railr Stock Com Clear Othe	(Check th Care Bu le Asset Re U.S.C. § oad kbroker modity Br ring Bank r  Tax-Exe (Check box or is a tax- r Title 26 o	eal Estate as 101 (51B)	e) anization d States	defined "incuri	the 1 ter 7 ter 9 ter 11 ter 12	Petition is Fi	busin	Recognition eding
Filing Fee (Check one box)  ■ Full Filing Fee attached  □ 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.  □ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.				or Check	Debtor is cif: Debtor's to insider call applica A plan is Acceptan	a small busing not a small busing aggregate not a sor affiliates; able boxes: being filed woces of the pla	ncontingent I  are less than  the his petiti an were solici accordance v	s defined in 11 U.S.C. § or as defined in 11 U.S iquidated debts (exclude \$2,190,000.  on. ted prepetition from or with 11 U.S.C. § 1126(	.C. § 101(51D). ling debts owed  ne or more b).		
Statistical/Administrative Information  ■ Debtor estimates that funds will be available for distribution to unsecured creditor  □ Debtor estimates that, after any exempt property is excluded and administrative enthere will be no funds available for distribution to unsecured creditors.					es paid,		THIS	SPACE IS FOR COURT	USE ONLY		
Estimated Number  1- 50- 49 99	r of Creditors  100- 199	200-	] 1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
	001 to \$100,001 to 0,000 \$500,000	to \$1 t	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,000 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion			
Estimated Liabiliti	001 to \$100,001 to		\$1,000,001 to \$10	\$10,000,001 to \$50	\$50,000,001 to \$100	\$100,000,000 to \$500	\$500,000,001 to \$1 billion				

BI (Official For	11 1)(1/08)		rage 2		
Voluntary	,	Name of Debtor(s):  Avery Environmental Services, Inc.			
(This page mu	st be completed and filed in every case)	(9 N	12 11 0		
Location	All Prior Bankruptcy Cases Filed Within Last	Case Number:	Date Filed:		
Where Filed:	- None -				
Location Where Filed:		Case Number:	Date Filed:		
	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more than	one, attach additional sheet)		
Name of Debto Dennis H. N		Case Number: <b>08-10114-WHD</b>	Date Filed: <b>1/16/08</b>		
District: Northern Di	strict of Georgia/Newnan	Relationship: CEO of Debtor	Judge: <b>Drake</b>		
	Exhibit A		hibit B		
(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.		(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 11 U.S.C. §342(b).  X Signature of Attorney for Debtor(s) (Date)			
1	r own or have possession of any property that poses or is alleged to Exhibit $C$ is attached and made a part of this petition.		harm to public health or safety?		
☐ Exhibit I	eted by every individual debtor. If a joint petition is filed, ead to completed and signed by the debtor is attached and made	a part of this petition.	separate Exhibit D.)		
	Information Regardin	g the Debtor - Venue			
• -	<ul> <li>(Check any applicable box)</li> <li>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.</li> <li>□ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.</li> </ul>				
sought in this District.					
	Certification by a Debtor Who Reside (Check all app		ty		
	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, th	ere are circumstances under which the	e debtor would be permitted to cure		
	the entire monetary default that gave rise to the judgment in Debtor has included in this petition the deposit with the co	for possession, after the judgment for	possession was entered, and		
	after the filing of the petition.  Debtor certifies that he/she has served the Landlord with the		and are the day period		
. –					

B1 (Official Form 1)(1/08) 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

X.

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

## Signature of Attorney\*

# X /s/ George M. Geeslin

Signature of Attorney for Debtor(s)

#### George M. Geeslin 288725

Printed Name of Attorney for Debtor(s)

#### George M. Geeslin

Firm Name

Eight Piedmont Center, Suite 550 3525 Piedmont Road, N.E. Atlanta, GA 30305-1565

Address

Email: geeslingm@aol.com

(404) 841-3464 Fax: (404) 816-1108

Telephone Number

# October 30, 2008

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.

## ▼ /s/ Dennis McDowell, II

Signature of Authorized Individual

# Dennis McDowell, II

Printed Name of Authorized Individual

#### CEO

Title of Authorized Individual

#### October 30, 2008

Date

Name of Debtor(s):

Avery Environmental Services, 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.

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** Northern District of Georgia

In re	Avery Environmental Services, 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]
AIG - Workers Compensation	AIG - Workers Compensation	Trade debt		32,597.70
2427 Network Place IL 60672-1224	2427 Network Place IL 60672-1224			
Commercial Credit Group PO Box 60121 Charlotte, NC 28260-0121	Commercial Credit Group PO Box 60121 Charlotte, NC 28260-0121	Trade debt		312,993.37
Crawford & Associates 105 Corporate Drive Carrollton, GA 30117	Crawford & Associates 105 Corporate Drive Carrollton, GA 30117	Trade debt		38,432.95
Financial Federal Credit, Inc. PO Box 200623 Houston, TX 77216-0623	Financial Federal Credit, Inc. PO Box 200623 Houston, TX 77216-0623	Trade debt		315,386.60
First Federal Leasing PO Box 1145 Richmond, IN 47375-1145	First Federal Leasing PO Box 1145 Richmond, IN 47375-1145	Trade debt		18,498.61
First Georgia Banking Company PO Box 2578 Carrollton, GA 30112	First Georgia Banking Company PO Box 2578 Carrollton, GA 30112	Trade debt		2,907,098.62
First Georgia Banking Company PO Box 2578 Carrollton, GA 30112	First Georgia Banking Company PO Box 2578 Carrollton, GA 30112	Trade debt		1,604,871.75
Georgia Department of Revenue Bankruptcy Section PO Box 161108 Atlanta, GA 30321	Georgia Department of Revenue Bankruptcy Section PO Box 161108 Atlanta, GA 30321			25,002.94
Georgia Waste Systems c/o Gregson T. Haan, ESq. McCullough Payne & Haan 171 17th St Ste 975 Atlanta, GA 30363-1032	Georgia Waste Systems c/o Gregson T. Haan, ESq. McCullough Payne & Haan Atlanta, GA 30363-1032	Trade debt		73,075.40

In re	Avery Environmental Services, 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]
Go Green Power c/o Vickey R Atkins Cox Byington PC 875 Cartersville Hwy Rockmart, GA 30153	Go Green Power c/o Vickey R Atkins Cox Byington PC Rockmart, GA 30153	Trade debt		505,250.00
Internal Revenue Service Centralized Insolvency Operations PO Box 21126 Philadelphia, PA 19114-0326	Internal Revenue Service Centralized Insolvency Operations PO Box 21126 Philadelphia, PA 19114-0326			171,887.20
J.R. Morgan Oil Company PO Box 124 Carrollton, GA 30112	J.R. Morgan Oil Company PO Box 124 Carrollton, GA 30112	Trade debt		24,761.44
Mr. Bult's, Inc. c/o Steven M. Jacoway, Esq. Patrick Beard Schulman & Jacoway 537 Market St Ste 202 Chattanooga, TN 37402	Mr. Bult's, Inc. c/o Steven M. Jacoway, Esq. Patrick Beard Schulman & Jacoway Chattanooga, TN 37402	Trade debt		48,629.02
Paulding County Landfill 166 Confederate Avenue Dallas, GA 30132	Paulding County Landfill 166 Confederate Avenue Dallas, GA 30132	Trade debt		14,743.00
Perez Waste Services, Inc. PO Box 3015 Rome, GA 30164	Perez Waste Services, Inc. PO Box 3015 Rome, GA 30164	Trade debt		20,000.00
Scott Rakestraw 3731 S. Highway 16 Carrollton, GA 30116	Scott Rakestraw 3731 S. Highway 16 Carrollton, GA 30116	Trade debt		60,500.00
Scott's Market 2515 Goldmine Road Dallas, GA 30157	Scott's Market 2515 Goldmine Road Dallas, GA 30157	Trade debt		40,289.98
Tire Express 529 N. Highway 113 Carrollton, GA 30117	Tire Express 529 N. Highway 113 Carrollton, GA 30117	Trade debt		40,141.76
Waste Management Three Corners Landfill 2205 County Road 6 AL 36372	Waste Management Three Corners Landfill 2205 County Road 6 AL 36372	Trade debt		120,999.17
Wastequip Manufacturing c/o Stephen A. Yaklin 840 Roswell Street Marietta, GA 30060	Wastequip Manufacturing c/o Stephen A. Yaklin 840 Roswell Street Marietta, GA 30060	Trade debt		37,528.28

B4 (Offi	cial Form 4) (12/07) - Cont.		
In re	Avery Environmental Services, 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 CEO 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	October 30, 2008	Signature	/s/ Dennis McDowell, II
			Dennis McDowell, II
			CEO

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.

Advanced Disposal (Riverside Transfer Station) 125 Riverside Drive Cartersville, GA 30120

AIG - Workers Compensation 2427 Network Place IL 60672-1224

AT&T PO Box 105262 Atlanta, GA 30348-5262

Auto Part Co. - AV300 PO Box 1450 Cartersville, GA 30120

Campbell Environmental, Inc. 2328 Sanford Road Decatur, GA 30030

Cintas Corporation 3600 Kennesaw 75 Pkwy Kennesaw, GA 30144

Commercial Credit Group PO Box 60121 Charlotte, NC 28260-0121

Consolidated Disposal PO Box 813154 Smyrna, GA 30081

Crawford & Associates 105 Corporate Drive Carrollton, GA 30117 Desert Micro 10302 Deerwood Park Blvd. Suite 150 Jacksonville, FL 32256

Financial Federal Credit, Inc. PO Box 200623 Houston, TX 77216-0623

First Federal Leasing PO Box 1145 Richmond, IN 47375-1145

First Georgia Banking Company PO Box 2578 Carrollton, GA 30112

Georgia Department of Revenue Bankruptcy Section PO Box 161108 Atlanta, GA 30321

Georgia Department of Revenue PO Box 740387 Atlanta, GA 30374-0387

Georgia Power Company 202 Marble Street Rockmart, GA 30153

Georgia Waste Systems c/o Gregson T. Haan, ESq. McCullough Payne & Haan 171 17th St Ste 975 Atlanta, GA 30363-1032 Go Green Power c/o Vickey R Atkins Cox Byington PC 875 Cartersville Hwy Rockmart, GA 30153

Griffin E. Howell, III, Esq. 127 1/2 East Solomon Street Griffin, GA 30224

Haralson County Solid Waste PO Box 429 Buchanan, GA 30113

Hill Tire 100 Hill Industrial Blvd. Forest Park, GA 30297

Internal Revenue Service Centralized Insolvency Operations PO Box 21126 Philadelphia, PA 19114-0326

Iowa 80 Group PO Box 3100084 Des Moines, IA 50331-0084

J.R. Morgan Oil Company PO Box 124 Carrollton, GA 30112

John A. Christy, Esq. Schreeder Wheeler & Flint LLP 1100 Peachtree St Ste 800 Atlanta, GA 30309-4516

Landtec Southeast Inc. 4350 Hampton Mill Pkwy Douglasville, GA 30135

Mack Financial PO Box 72470236 Philadelphia, PA 19170

McNellus 113 Conner Road Villa Rica, GA 30180

Mr. Bult's, Inc. c/o Steven M. Jacoway, Esq. Patrick Beard Schulman & Jacoway 537 Market St Ste 202 Chattanooga, TN 37402

Nextran PO Box 18027 Atlanta, GA 30316

Paulding County Landfill 166 Confederate Avenue Dallas, GA 30132

Perez Waste Services, Inc. PO Box 3015 Rome, GA 30164

POlk County Tax Commissioner 144 West Avenue Ste F Cedartown, GA 30125

Polk County Water Sewage PO Box K Cedartown, GA 30125

Price Pyles Dangle Parmer & Rooks 120 Dixie Street Carrollton, GA 30117 Scott Rakestraw 3731 S. Highway 16 Carrollton, GA 30116

Scott's Market 2515 Goldmine Road Dallas, GA 30157

Skinner Robinson 899 Stripling Chapel Road Carrollton, GA 30116

Sprint-Nextel PO Box 4181 Carol Stream, IL 60197-4181

Super Tire Mart 655 Veterans Memorial Mableton, GA 30126

TCH
Fuel Account
PO Box 105310
Ogden, UT 84415-0310

Theodore N. Stapleton, Esq. Suite 1740 Two Paces West 2727 Paces Ferry Road Atlanta, GA 30339

Tire Express 529 N. Highway 113 Carrollton, GA 30117

U.S. Treasury PO Box 105416 Atlanta, GA 30348 Waste Management Three Corners Landfill 2205 County Road 6 AL 36372

Wastequip Manufacturing c/o Stephen A. Yaklin 840 Roswell Street Marietta, GA 30060