Case 09-64493 DOC I	Case	09-64493	Doc 1
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B1 (Official Form 1)(1/08)	DUC	ument	Га	ge i oi	10		
United S Nor				Voluntary Petition			
Name of Debtor (if individual, enter Last, First, Middle): Nestor, Robert Charles Jr				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) xxx-xx-0376				our digits o e than one, s		r Individual-Tax	payer I.D. (ITIN) No./Complete EIN
Street Address of Debtor (No. and Street, City, and State): 201 Allmond Lane Alpharetta, GA ZIP Code				Address of	f Joint Debtor	(No. and Street	, City, and State): ZIP Code
County of Residence or of the Principal Place of Cherokee		0004	Count	y of Reside	ence or of the	Principal Place	of Business:
Mailing Address of Debtor (if different from stre 11770 Haynes Bridge Road Ste 205 Box 363 Alpharetta, GA	30	ZIP Code 0009	Mailin	g Address	of Joint Debt	tor (if different f	rom street address): ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):							
Type of Debtor       Nature of Business         (Form of Organization)       (Check one box)         Individual (includes Joint Debtors) <ul> <li>Bee 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>Nature of Business</li> <li>(Check one box)</li> <li>Health Care Business</li> <li>Single Asset Real Estate as definin 11 U.S.C. § 101 (51B)</li> <li>Railroad</li> <li>Stockbroker</li> <li>Commodity Broker</li> <li>Clearing Bank</li> <li>Other</li> </ul> Tax-Exempt Entity       (Check box, if applicable)         Debtor is a tax-exempt organizz under Title 26 of the United State Code (the Internal Revenue Come Come Come Come Come Come Come Com		zation tates	defined "incurr	the I er 7 er 9 er 11 er 12 er 13 are primarily cc d in 11 U.S.C. § red by an indivi	Petition is Filed Chap of a F	Debts are primarily business debts.	
<ul> <li>Filing Fee (Check one box)</li> <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> <li>Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.</li> </ul>				Debtor is if: Debtor's a to insiders all applica A plan is Acceptano	a small busin not a small bu aggregate nor s or affiliates) ible boxes: being filed w ces of the pla	usiness debtor a ncontingent liqui ) are less than \$2 ith this petition. n were solicited	fined in 11 U.S.C. § 101(51D). s defined in 11 U.S.C. § 101(51D). idated debts (excluding debts owed 2,190,000.
1- 50- 100- 200-	erty is excluded and ac on to unsecured credit	dministrative fors.	expense	s paid,	OVER 100,000	THIS SP.	ACE IS FOR COURT USE ONLY
\$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	to \$100 to	00,000,001 \$500 1lion	5500,000,001 to \$1 billion			
\$50,000 \$100,000 \$500,000 to \$1	\$1,000,001 \$10,000,001 to \$10 to \$50	to \$100 to	00,000,001 \$500 Ilion	500,000,001 to \$1 billion			

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B1 (Official For	m 1)(1/08)	Name of Debtor(s):	Page 2
Voluntar	y Petition	Nestor, Robert Charles Jr	
(This page mu	st be completed and filed in every case)		
<b>T</b>	All Prior Bankruptcy Cases Filed Within La		
Location Where Filed:	- None -	Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, o	or Affiliate of this Debtor (If more tha	n one, attach additional sheet)
Name of Debt - None -	or:	Case Number:	Date Filed:
District:		Relationship:	Judge:
	Exhibit A		<b>hibit B</b> l whose debts are primarily consumer debts.)
forms 10K a pursuant to S	eleted if debtor is required to file periodic reports (e.g., nd 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)	I, the attorney for the petitioner name have informed the petitioner that [he of 12, or 13 of title 11, United States Co	d in the foregoing petition, declare that I or she] may proceed under chapter 7, 11, de, and have explained the relief available tify that I delivered to the debtor the notice
🗖 Exhibit	A is attached and made a part of this petition.	X /s/ Dorna Jenkins Taylor Signature of Attorney for Debtor(s Dorna Jenkins Taylor 39	
Exhibit If this is a joi	leted by every individual debtor. If a joint petition is filed, on D completed and signed by the debtor is attached and mad nt petition: D also completed and signed by the joint debtor is attached	e a part of this petition.	
		ing the Debtor - Venue	
	(Check any	applicable box)	
	Debtor has been domiciled or has had a residence, prince days immediately preceding the date of this petition or for		
	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 pri this District, or has no principal place of business or asse proceeding [in a federal or state court] in this District, or sought in this District.	ets in the United States but is a defenda	nt in an action or
		des as a Tenant of Residential Proper oplicable boxes)	rty
	Landlord has a judgment against the debtor for possession		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 judgmen		
	Debtor has included in this petition the deposit with the of after the filing of the petition.		-

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

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B1 (Official Form 1)(1/08)	Document	Page 3 of 10	Page 3
Voluntary Petition		Name of Debtor(s):	
(This page must be completed and filed in every case)		Nestor, Robert Charles Jr	
	Signa	itures	
Signature(s) of Debtor(s) (Individual/J	oint)	Signature of a Foreign	Representative
I declare under penalty of perjury that the information propetition is true and correct. [If petitioner is an individual whose debts are primarily constant of the under chapter 7] I am aware that I may chapter 7, 11, 12, or 13 of title 11, United States Code, un available under each such chapter, and choose to proceed [If no attorney represents me and no bankruptcy petition petition] I have obtained and read the notice required by I request relief in accordance with the chapter of title 11, 1 specified in this petition.	onsumer debts and proceed under iderstand the relief under chapter 7. preparer signs the 11 U.S.C. §342(b).	I declare under penalty of perjury that the is true and correct, that I am the foreign rep proceeding, and that I am authorized to file (Check only one box.) ☐ I request relief in accordance with chap Certified copies of the documents require Pursuant to 11 U.S.C. \$1511, I request to of title 11 specified in this petition. A correct recognition of the foreign main proceed	presentative of a debtor in a foreign e this petition. ter 15 of title 11. United States Code. red by 11 U.S.C. §1515 are attached. relief in accordance with the chapter ertified copy of the order granting ling is attached.
${f X}$ /s/ Robert Charles Nestor, Jr		X	
Signature of Debtor Robert Charles Nestor, Jr	,	Signature of Foleign Representative	
X		Printed Name of Foreign Representa	tive
Signature of Joint Debtor			
		Date	
Telephone Number (If not represented by attorney)	ſ	Signature of Non-Attorney Ban	kruptcy Petition Preparer
February 23, 2009		I declare under penalty of perjury that: (1	) I am a bankruptcy petition
Date		preparer as defined in 11 U.S.C. § 110; (2 compensation and have provided the deb	2) I prepared this document for
Signature of Attorney* X /s/ Dorna Jenkins Taylor Signature of Attorney for Debtor(s) Dorna Jenkins Taylor 390485 Printed Name of Attorney for Debtor(s) Taylor & Associates LLC Firm Name 1401 Peachtree Street Suite 500 Atlanta, GA 30309 Address Email: dorna.taylor@tayloratto 404-870-3560 Fax: 404-745-0136		and the notices and information required 110(h), and 342(b); and, (3) if rules or gu pursuant to 11 U.S.C. § 110(h) setting a r chargeable by bankruptcy petition prepar of the maximum amount before preparing debtor or accepting any fee from the debt Official Form 19 is attached. Printed Name and title, if any, of Bat Social-Security number (If the bankr an individual, state the Social Securi principal, responsible person or part preparer.)(Required by 11 U.S.C. § 1	hidelines have been promulgated maximum fee for services ers, I have given the debtor notice g any document for filing for a tor, as required in that section. nkruptcy Petition Preparer rutpcy petition preparer is not ty number of the officer, ner of the bankruptcy petition
Telephone Number February 23, 2009			
Date		Address	
*In a case in which § 707(b)(4)(D) applies, this signature certification that the attorney has no knowledge after an ir information in the schedules is incorrect.		X	
Signature of Debtor (Corporation/Parti	nership)	Date Signature of Bankruptcy Petition Prepare	
I declare under penalty of perjury that the information propertition is true and correct, and that I have been authorize on behalf of the debtor.		person,or partner whose Social Security Names and Social-Security numbers of a assisted in preparing this document unles	Il other individuals who prepared or
The debtor requests relief in accordance with the chapter of States Code, specified in this petition.		not an individual:	and a start from the first room of the start
X		If more than one person prepared this do	
Printed Name of Authorized Individual		conforming to the appropriate official for A bankruptcy petition preparer's failure	rm for each person.
Title of Authorized Individual		title 11 and the Federal Rules of Bankrup fines or imprisonment or both 11 U.S.C.	ptcy Procedure may result in
Date	[		

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B 1D(Official Form 1, Exhibit D) (12/08)

## United States Bankruptcy Court Northern District of Georgia

In re Robert Charles Nestor, Jr

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 15 days after your bankruptcy case is filed.* 

 $\Box$  3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five 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.

□ 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.] Software Copyright (c) 1996-2009 Best Case Solutions - Evanston, IL - (800) 492-8037 Best

Best Case Bankruptcy

B 1D(Official Form 1, Exhibit D) (12/08) - Cont.

 $\Box$  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.);

 $\Box$  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/ Robert Charles Nestor, Jr Robert Charles Nestor, Jr

Date: February 23, 2009

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B4 (Official Form 4) (12/07)

### United States Bankruptcy Court Northern District of Georgia

In re **Robert Charles Nestor, Jr** 

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]
American Express c/o Becket and Lee Po Box 3001 Malvern, PA 19355	American Express c/o Becket and Lee Po Box 3001 Malvern, PA 19355	CreditCard		301.00
Bank Of America Nc4-105-03-14 4161 Piedmont Pkwy Greensboro, NC 27420	Bank Of America Nc4-105-03-14 4161 Piedmont Pkwy Greensboro, NC 27420	CheckCreditOrLine OfCredit		13,401.00
Bank Of America Nc4-105-03-14 4161 Piedmont Pkwy Greensboro, NC 27420	Bank Of America Nc4-105-03-14 4161 Piedmont Pkwy Greensboro, NC 27420	CreditCard		54,166.00
Chase Attn: Bankruptcy Dept Po Box 100018 Kennesaw, GA 30156	Chase Attn: Bankruptcy Dept Po Box 100018 Kennesaw, GA 30156	CreditCard		21,610.00
Chase - Cc Attention: Banktruptcy Department Po Box 15298 Wilmintgon, DE 19850	Chase - Cc Attention: Banktruptcy Department Po Box 15298 Wilmintgon, DE 19850	CreditCard		17,657.00
Citi Attn: Centralized Bankruptcy Po Box 20507 Kansas City, MO 64915	Citi Attn: Centralized Bankruptcy Po Box 20507 Kansas City, MO 64915	CreditCard		28,216.00
Doug Cook	Doug Cook	4 River Road E. Haddam CT 06423 (undeveloped land, rock pit next door to house)		6,000.00 (0.00 secured)
Fia Csna Po Box 26012 Nc4-105-02-77 Greensboro, NC 27410	Fia Csna Po Box 26012 Nc4-105-02-77 Greensboro, NC 27410	CreditCard		25,864.00

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B4 (Official Form 4) (12/07) - Cont.

In re **Robert Charles Nestor, Jr** 

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]
HSBC Attn: Bankruptcy Po Box 5213 Carol Stream, IL 60197	HSBC Attn: Bankruptcy Po Box 5213 Carol Stream, IL 60197	CreditCard		6,142.00
Suntrust Bank Atlanta 55 Park Pl Ne Ste 1055 Atlanta, GA 30303	Suntrust Bank Atlanta 55 Park Pl Ne Ste 1055 Atlanta, GA 30303	CreditLineSecured		220,764.00 (Unknown secured)
Suntrust Mortgage PO Box 26149 Richmond, VA 23260	Suntrust Mortgage PO Box 26149 Richmond, VA 23260	15150 Birmingham Highway Alpharetta Ga 30004		63,000.00 (0.00 secured)
		(600 sq ft house on 3.92 acres of land, used as shop for landscaping business)		
Suntrust Mortgage/cc 5 Attention: RVW3034 1001 Semmes Ave Richmond, VA 23224	Suntrust Mortgage/cc 5 Attention: RVW3034 1001 Semmes Ave Richmond, VA 23224	ConventionalRealE stateMortgage		1,259,698.00 (Unknown secured)
Washington Mutual Home Loans PO Box 9001123 Louisville, KY 40290	Washington Mutual Home Loans PO Box 9001123 Louisville, KY 40290	12 River Road East Haddam, CT 06423 (single family residence on 5 acres of land)		776,000.00 (0.00 secured)
Washington Mutual Mortgage Attention: Bankruptcy Dept. JAXA 2035 7255 Bay Meadows Way Jacksonville, FL 32256	Washington Mutual Mortgage Attention: Bankruptcy Dept. JAXA 2035 7255 Bay Meadows Way Jacksonville, FL 32256	ConventionalRealE stateMortgage		776,000.00 (Unknown secured)

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B4 (Official Form 4) (12/07) - Cont. Robert Charles Nestor, Jr In re

Debtor(s)

Case No.

# LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

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

I, Robert Charles Nestor, Jr, 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 February 23, 2009

Signature /s/ Robert Charles Nestor, Jr Robert Charles Nestor, Jr 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.

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American Express c/o Becket and Lee Po Box 3001 Malvern, PA 19355

Bank Of America Nc4-105-03-14 4161 Piedmont Pkwy Greensboro, NC 27420

Chase Attn: Bankruptcy Dept Po Box 100018 Kennesaw, GA 30156

Chase - Cc Attention: Banktruptcy Department Po Box 15298 Wilmintgon, DE 19850

Citi Attn: Centralized Bankruptcy Po Box 20507 Kansas City, MO 64915

Doug Cook

Fia Csna Po Box 26012 Nc4-105-02-77 Greensboro, NC 27410

HSBC Attn: Bankruptcy Po Box 5213 Carol Stream, IL 60197

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Suntrust Bank Atlanta 55 Park Pl Ne Ste 1055 Atlanta, GA 30303

Suntrust Mortgage PO Box 26149 Richmond, VA 23260

Suntrust Mortgage/cc 5 Attention: RVW3034 1001 Semmes Ave Richmond, VA 23224

Target Po Box 9475 Minneapolis, MN 55440

Washington Mutual Home Loans PO Box 9001123 Louisville, KY 40290

Washington Mutual Mortgage Attention: Bankruptcy Dept. JAXA 2035 7255 Bay Meadows Way Jacksonville, FL 32256