<u>BL (Official Forma ՁՔո Ձ9-78260-jb Doc 1 Filed 07/14/09 Entered 07/14/09 11:21:51 Desc Main</u> United States Bankfuptey Court age 1 of 11 Voluntary Petition Northern District of Georgia Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): Chateau Carrollton Associates, Ltd. All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): DBA Le Chateau Apartments Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) 58-1590686 Street Address of Debtor (No. and Street, City, and State): Street Address of Joint Debtor (No. and Street, City, and State): 6095 Lake Forrest Drive, N.W. Suite 270 Atlanta, GA ZIP Code ZIP Code 30328 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Fulton Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): ZIP Code ZIP Code Le Chateau Apartments Location of Principal Assets of Business Debtor (if different from street address above): 460 Hays Mill Road Carrollton, GA 30112 Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box) ☐ Health Care Business ☐ Chapter 7 Single Asset Real Estate as defined ☐ Chapter 15 Petition for Recognition ☐ Chapter 9 ☐ Individual (includes Joint Debtors) in 11 U.S.C. § 101 (51B) of a Foreign Main Proceeding Chapter 11 See Exhibit D on page 2 of this form. ☐ Railroad ☐ Chapter 12 ☐ Chapter 15 Petition for Recognition ☐ Stockbroker ☐ Corporation (includes LLC and LLP) of a Foreign Nonmain Proceeding ☐ Chapter 13 □ Commodity Broker Partnership ☐ Clearing Bank Other (If debtor is not one of the above entities, Other Nature of Debts check this box and state type of entity below.) (Check one box) Tax-Exempt Entity ☐ Debts are primarily consumer debts, Debts are primarily (Check box, if applicable) Debtor is a tax-exempt organization defined in 11 U.S.C. § 101(8) as business debts "incurred by an individual primarily for under Title 26 of the United States a personal, family, or household purpose." Code (the Internal Revenue Code). Filing Fee (Check one box) Chapter 11 Debtors Check one box: Full Filing Fee attached Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). \square Filing Fee to be paid in installments (applicable to individuals only). Must Check if: attach signed application for the court's consideration certifying that the debtor Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. 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 Check all applicable boxes: attach signed application for the court's consideration. See Official Form 3B. A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 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. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors 200-999 100 1,000-5,000 5,001-10,000 10,001-25,001-50,000 50,001-100,000 50. OVER 49 99 199 25,000 100.000 Estimated Assets \$100,001 to \$50,000,001 to \$100 million \$500,000,001 More than to \$1 billion \$1 billion \$50,001 to \$1,000,001 to \$10 \$0 to \$500.001 \$10,000,001 \$100,000,001 \$50,000 \$100,000 to \$1 to \$50 million to \$500 million million Estimated Liabilities \$100,001 to \$500,000 \$50,001 to \$500,001 \$1,000,001 \$100,000,001 \$500,000,001 More than to \$500 to \$1 billion \$1 billion \$0 to \$50,000 \$10,000,001 \$50,000,001 \$100,000 to \$1

B1 (Official Fo	<u> </u>		21:51 Desc Main Page 2	
Voluntar	y Petition Document	Name of Delotr(s)		
(This page mi	ist be completed and filed in every case)	Chateau Carrollton Associates	s, Lta.	
1.0	All Prior Bankruptcy Cases Filed Within Last	8 Years (If more than two, attach ad	ditional sheet)	
Location Where Filed:		Case Number:	Date Filed:	
Location Where Filed:		Case Number:	Date Filed:	
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more than	one, attach additional sheet)	
Name of Debt - None -		Case Number:	Date Filed:	
District:		Relationship:	Judge:	
	Exhibit A		hibit B whose debts are primarily consumer debts.)	
forms 10K a pursuant to S and is reque	oleted 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.	I, the attorney for the petitioner named have informed the petitioner that [he o 12, or 13 of title 11, United States Cod	in the foregoing petition, declare that I r she] may proceed under chapter 7, 11, le, and have explained the relief available fy that I delivered to the debtor the notice	
		ibit C		
(To be complete Exhibit If this is a join	eted by every individual debtor. If a joint petition is filed, eac D completed and signed by the debtor is attached and made a	a part of this petition.	separate Exhibit D.)	
	Information Regardin (Check any ap	-		
	Debtor has been domiciled or has had a residence, principal days immediately preceding the date of this petition or for	l place of business, or principal asset	s in this District for 180 any other District.	
	There is a bankruptcy case concerning debtor's affiliate, ge	neral partner, or partnership pending	in this District.	
	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 defendar	nt in an action or	
	Certification by a Debtor Who Reside (Check all appl		ty	
	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	ere are circumstances under which the	e debtor would be permitted to cure	
	the entire monetary default that gave rise to the judgment for Debtor has included in this petition the deposit with the couafter the filing of the petition.			

Document

Page 3

Voluntary Petition

Name of Debitor(s):

Chateau Carrollton Associates, Ltd.

(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

Signature of Attorney for Debtor(s)

Frank B. Wilensky State Bar No. 758700 Printed Name of Attorney for Debtor(s)

Macey, Wilensky & Kessler & Hennings, LLC

Firm Name

230 Peachtree Street, N.W.

Suite 2700

Atlanta, GA 30303-1561

Address

Email: fwilensky@maceywilensky.com

(404) 584-1200 Fax: (404) 681-4355

Telephone Number

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.

Signature of Authorized Individual

Harold P. Barnes

Printed Name of Authorized Individual

President, Charter Equities Corp., Sole General Partner

Title of Authorized Individual

2009

Date

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.

Signatures

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.)

Address

Date

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.

CERTIFIED COPY OF RESOLUTION

OF BOARD OF DIRECTORS OF

CHATEAU CARROLLTON ASSOCIATES, LTD.

I, Harold P. Barnes, President of Charter Equities Corp., a Georgia corporation, sole General Partner of Chateau Carrollton Associates, Ltd. (the "Company"), do hereby certify that the following resolutions were duly adopted by the Company by unanimous consent on June 26, 2009, and that such resolutions have not been amended or rescinded, and are now in full force and effect:

RESOLVED, that the Company authorizes the sole General Partner of the Company to prepare, file and execute the Company's Petition for Relief provided in Title 11, United States Code, Chapter 11, and all of the necessary papers in connection therewith, in the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division.

RESOLVED FURTHER, that the sole General Partner of the Company be and is hereby authorized to do any other acts, execute all necessary documents and take any other steps in the name and in behalf of the Company necessary or appropriate to obtaining such relief, including the presentation of a Plan of Reorganization.

RESOLVED FURTHER, that the sole General Partner of the Company be and is hereby authorized to retain as counsel for the Corporation in said proceeding, Macey, Wilensky, Kessler & Hennings, LLC.

CHARTER EQUITIES CORP., a Georgia Corporation, it sole General Partner

Harold P. Barnes

President

Dated:

June 26, 2009

Case 09-78260-jb Doc 1 Filed 07/14/09 Entered 07/14/09 11:21:51 Desc Main Document Page 5 of 11

B4 (Official Form 4) (12/07)

United States Bankruptcy Court Northern District of Georgia

In re	Chateau Carrollton Associates, Ltd.		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]
AICCO, inc. P. O. Box 200455 Dallas, TX 75320-0455	AICCO, Inc. P. O. Box 200455 Dallas, TX 75320-0455	Insurance - Property		8,197.22
Altodigital 3000 Northfield Place Suite 600 Roswell, GA 30076	Altodigital 3000 Northfield Place Suite 600 Roswell, GA 30076	Office Equipment Expense		387.39
Aramark P. O. Box 0903 Carol Stream, IL 60132-0903	Aramark P. O. Box 0903 Carol Stream, IL 60132-0903	Office Supplies & Expense		794.63
AT&T P. O. Box 105262 Atlanta, GA 30348-5262	AT&T P. O. Box 105262 Atlanta, GA 30348-5262	Telephone		1,091.24
Bren Abby Construction Svc Inc 3667 Autumn View Drive Acworth, GA 30101	Bren Abby Construction Svc Inc 3667 Autumn View Drive Acworth, GA 30101	Building repair		1,123.16
Carroll Co. Tax Commissioner Attn: Jean Matthews 423 College Street, Room 401 Carrollton, GA 30117	Carroll Co. Tax Commissioner Attn: Jean Matthews 423 College Street, Room 401 Carrollton, GA 30117	Taxes		51,942.58
Charter Communications P. O. Box 9001935 Louisville, KY 40290-1935	Charter Communications P. O. Box 9001935 Louisville, KY 40290-1935	Cable Service		1,877.81
City of Carrollton Water Dept. P. O. Box 1949 Carrollton, GA 30117	City of Carrollton Water Dept. P. O. Box 1949 Carrollton, GA 30117	Utilities; Water		98,082.07
Creative Companies, Inc. P. O. Box 1147 Jonesboro, GA 30237	Creative Companies, Inc. P. O. Box 1147 Jonesboro, GA 30237	Carpet/Tile; Repair & Maintenance		18,183.00
Five Star Flooring P. O. Box 1284 Carrollton, GA 30112	Five Star Flooring P. O. Box 1284 Carrollton, GA 30112	Carpet/Tile; Repair & Maintenance		3,005.61
Georgia Natural Gas Services P. O. Box 659411 San Antonio, TX 78265-9411	Georgia Natural Gas Services P. O. Box 659411 San Antonio, TX 78265-9411	Utilities; Natural Gas		1,549.69

Case 09-78260-jb Doc 1 Filed 07/14/09 Entered 07/14/09 11:21:51 Desc Main Document Page 6 of 11

B4 (Offic	cial Form	4) (12/07	ን - Cont.
-----------	-----------	-----------	-----------

In re Chateau Carrollton Associates, Ltd.

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]
Georgia Power 96 Annex Atlanta, GA 30396-0001	Georgia Power 96 Annex Atlanta, GA 30396-0001	Utilities; electricity		923.08
Home Depot Supply Facilities Maintenance P. O. Box 509058 San Diego, CA 92150-9058	Home Depot Supply Facilities Maintenance P. O. Box 509058 San Diego, CA 92150-9058	Office Supplies, Blinds & HVAC Repair & Maintenance		4,171.03
Pool Rx 404 Sunset Boulevard Carrollton, GA 30117	Pool Rx 404 Sunset Boulevard Carrollton, GA 30117	Pool maintenance and supplies.		800.00
Redi Floors, Inc. 1791 Williams Drive Marietta, GA 30066	Redi Floors, Inc. 1791 Williams Drive Marietta, GA 30066	Building Repairs.		3,558.95
Smith & Howard, P.C. 171 17th Street Suite 900 Atlanta, GA 30363	Smith & Howard, P.C. 171 17th Street Suite 900 Atlanta, GA 30363	Accounting Fees		4,650.00
Smith Brothers Supply Co. 2 City Hall Avenue Carrollton, GA 30117	Smith Brothers Supply Co. 2 City Hall Avenue Carrollton, GA 30117	Plumbing and Office Supplies		1,518.04
The Home Depot (CRC) Dept. 32-2010478505 P. O. Box 6029 The Lakes, NV 88901-6029	The Home Depot (CRC) Dept. 32-2010478505 P. O. Box 6029 The Lakes, NV 88901-6029	Building Supplies		13,829.38
Weldon Morris 3360 Tia Trace, N.W. Kennesaw, GA 30152	Weldon Morris 3360 Tia Trace, N.W. Kennesaw, GA 30152	Painting & repairs		9,930.00
Whitman's Glass Shop 431 Dixie Street Carrollton, GA 30117	Whitman's Glass Shop 431 Dixie Street Carrollton, GA 30117	General Building Supplies		429.44

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

I, the President, Charter Equities Corp., Sole General Partner of the partnership 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 7-14-2009

Signature Harold P. Barnes

President, Charter Equities Corp., Sole General Partner

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.

AICCO, INC. P. O. BOX 200455 DALLAS TX 75320-0455

ALTODIGITAL 3000 NORTHFIELD PLACE SUITE 600 ROSWELL GA 30076

ARAMARK P. O. BOX 0903 CAROL STREAM IL 60132-0903

AT&T P. O. BOX 105262 ATLANTA GA 30348-5262

BREN ABBY CONSTRUCTION SVC INC 3667 AUTUMN VIEW DRIVE ACWORTH GA 30101

CARROLL CO. TAX COMMISSIONER ATTN: JEAN MATTHEWS 423 COLLEGE STREET, ROOM 401 CARROLLTON GA 30117

CHARTER COMMUNICATIONS P. O. BOX 9001935 LOUISVILLE KY 40290-1935

CHARTER EQUITIES CORP. 6095 LAKE FORREST DRIVE SUITE 270 ATLANTA GA 30328

CITY OF CARROLLTON WATER DEPT. P. O. BOX 1949 CARROLLTON GA 30117 CORY S. MENEES 5200 BANK OF AMERICA PLAZA 600 PEACHTREE STREET, N.E. ATLANTA GA 30308-2216

CREATIVE COMPANIES, INC. P. O. BOX 1147 JONESBORO GA 30237

FIVE STAR FLOORING P. O. BOX 1284 CARROLLTON GA 30112

G. NEIL DIRECT MAIL, INC. P. O. BOX 451179 SUNRISE FL 33345-1179

GEORGIA DEPARTMENT OF REVENUE ATTN: BANKRUPTCY SECTION P.O. BOX 38143 ATLANTA GA 30334-0143

GEORGIA NATURAL GAS SERVICES P. O. BOX 659411 SAN ANTONIO TX 78265-9411

GEORGIA POWER 96 ANNEX ATLANTA GA 30396-0001

GREAT AMERICAN BUSINESS PROD. P. O. BOX 4422 HOUSTON TX 77210-4422

HOME DEPOT SUPPLY FACILITIES MAINTENANCE P. O. BOX 509058 SAN DIEGO CA 92150-9058 INTERNAL REV. DEPT. INSOLVENCY ROOM 400-STOP 334D 401 W. PEACHTREE ST., NW ATLANTA GA 30308-3525

POOL RX 404 SUNSET BOULEVARD CARROLLTON GA 30117

REDI FLOORS, INC. 1791 WILLIAMS DRIVE MARIETTA GA 30066

SMITH & HOWARD, P.C. 171 17TH STREET SUITE 900 ATLANTA GA 30363

SMITH BROTHERS SUPPLY CO. 2 CITY HALL AVENUE CARROLLTON GA 30117

THE HOME DEPOT (CRC) DEPT. 32-2010478505 P. O. BOX 6029 THE LAKES NV 88901-6029

THE NEWSPAPERS OF WEST GEORGIA P. O. BOX 460 901 HAYS MILL ROAD CARROLLTON GA 30112

THOMAS E. REILLY 5200 BANK OF AMERICA PLAZA 600 PEACHTREE STREET, N.E. ATLANTA GA 30308-2216 WACHOVIA BANK, NATIONAL ASSOC. ATTN: LARRY JOE HUNTER, II 301 SOUTH COLLEGE STREET CHARLOTTE NC 28288

WELDON MORRIS 3360 TIA TRACE, N.W. KENNESAW GA 30152

WHITMAN'S GLASS SHOP 431 DIXIE STREET CARROLLTON GA 30117

WRIGHT CHOICE HAULING, INC. 1024 TALLAPOOSA HIGHWAY CEDARTOWN GA 30125

Case 09-78260-jb Doc 1 Document Page 11 of 11

United States Bankruptcy Court Northern District of Georgia

În re	Chateau Carroliton Associates, Ltd.		Case No.	
		Debtor(s)	Chapter	11
	VERIFICA	ATION OF CREDITOR	MATRIX	
	resident, Charter Equities Corp., Sole Gene		l as the debtor in t	his case, hereby verify that the
Date:	7-14-2009	Harold P. Barnes/President, Ch	Band	n Sole General

Signer/Title