Voluntary Petition

United States Bankruptcy Court

Northern District of Georgia

Name of Debtor (if individual, enter Last, First, Middle): Messer, James G.				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): 0308					Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):									
4850 L	Street Address of Debtor (No. & Street, City, State & Zip Code): 4850 Liberty Road Villa Rica, GA						Street Address of Joint Debtor (No. & Street, City, State & Zip Code):							
VIIIa R	ica, GA				ZIPCOD	DE 30180		ZIPCODE						
County of Residence or of the Principal Place of Business: Douglas				County of	Residenc	e or of t	he Principal I	Place of B	Busine	ss:				
Mailing A	Address of	Debtor (if di	fferent from st	reet add	lress)			Mailing Ad	ddress of	Joint De	ebtor (if diffe	rent from	street	t address):
					ZIPCOE	DE		1					ZI	IPCODE
Location	of Principa	al Assets of B	usiness Debto	r (if dif	ferent fr	om street addres	ss abo	ove):					<u> </u>	
													ZI	IPCODE
		ype of Debto n of Organiza				Nature (Check			siness Chapter of Bankruptcy C			Code Under Which Check one box.)		
See Ex	dual (include a chibit D on oration (includer ship) (If debtor i	d state type o	tors) s form. d LLP) he above entity f entity below				empt , if a mpt of	Entity pplicable.) organization tates Code (ti	Chapter 11 Main Proceeding Chapter 12 Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box.) Debts are primarily consumer Debts are prindebts, defined in 11 U.S.C. business debts are individual primarily for a			prition of a Foreign Proceeding er 15 Petition for enition of a Foreign lain Proceeding ebts		
		Filing	Fee (Check of	ne box))			Chook one	hove		Chapter 1	1 Debtor	rs	
 ✓ 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. 				t	Check one box: ☐ 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). Check if: ☐ Debtor's aggregate noncontingent liquidated debts owed to non-insiders or affiliates are less than \$2,190,000. Check all applicable boxes: ☐ A plan is being filed with this petition ☐ Acceptances of the plan were solicited prepetition from one or more classes				U.S.C. § 101(51D).					
Debt Debt distri	or estimate or estimate bution to u		vill be availabl ny exempt pro	perty is	exclude	on to unsecured on to dand administr	ative	tors. expenses pa		will be n	50,001-	able for		THIS SPACE IS FOR COURT USE ONLY
E-st.	1 4 1		_	5,000		10,000	25,	000	50,000		100,000	100,0	000	
\$0 to		\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,00 \$10 m		\$10,000,001 to \$50 million			\$100,00 to \$500		\$500,000,00 to \$1 billion		- 1	

 \checkmark

\$1 million \$10 million to \$50 million \$100 million

\$50,001 to \$100,001 to \$500,001 to \$1,000,001 to \$10,000,001 \$50,000,001 to \$100,000,001 \$500,000,001 More than

Estimated Liabilities

Case 09-82771-mhm Doc 1 Filed 08/31/0		1:59:42 Desc Main Page 2	
Voluntary Petition Voluntary Petition	Page 2 of 14 Name of Debtor(s):	T uge 2	
(This page must be completed and filed in every case)	Messer, James G.		
Prior Bankruptcy Case Filed Within Last 8	Years (If more than two, attach	additional sheet)	
Location Where Filed: None	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or	Affiliate of this Debtor (If mo	re than one, attach additional sheet)	
Name of Debtor: MPI Homes, Inc.	Case Number:	Date Filed: 8/31/09	
District: Northern District Of Georgia, Atlanta Division	Relationship: Affiliat (100% Shareholde	Judge:	
Exhibit A (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. Exhibit B (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 that I have informed the petitioner that [he or she] may proceed chapter 7, 11, 12, or 13 of title 11, United States Code, and explained the relief available under each such chapter. I further that I delivered to the debtor the notice required by § 342(b) Bankruptcy Code.			
	Signature of Attorney for Debtor(s)	Date	
or safety? ☐ Yes, and Exhibit C is attached and made a part of this petition. ✓ No			
Exhi (To be completed by every individual debtor. If a joint petition is filed, explicitly Exhibit D completed and signed by the debtor is attached and matter of this is a joint petition: □ Exhibit D also completed and signed by the joint debtor is attached.	de a part of this petition.	nch a separate Exhibit D.)	
Information Regardin	ng the Debtor - Venue		
(Check any approximately Debtor has been domiciled or has had a residence, principal place of preceding the date of this petition or for a longer part of such 180		is District for 180 days immediately	
☐ 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 pl or has no principal place of business or assets in the United States in this District, or the interests of the parties will be served in reg	but is a defendant in an action or pr	oceeding [in a federal or state court]	
Certification by a Debtor Who Reside		Property	
(Check all app Landlord has a judgment against the debtor for possession of deb	licable boxes.) tor's residence. (If box checked, c	omplete the following.)	
(Name of landlord or less	or that obtained judgment)		
(Address of lan	dlord or lessor)		
Debtor claims that under applicable nonbankruptcy law, there are the entire monetary default that gave rise to the judgment for pos			
Debtor has included in this petition the deposit with the court of filing of the petition.	any rent that would become due du	uring the 30-day period after the	
☐ Debtor certifies that he/she has served the Landlord with this cert	cification. (11 U.S.C. § 362(1)).		

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

Messer, James G.

Signatures

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 State 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.

Χ	/s/ James G. Messer
	Signature of Debtor

James G. Messer

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

August 31, 2009

Date

Х

Signature of Attorney*



Signature of Attorney for Debtor(s)

Edward F. Danowitz, Jr. 003180 Danowitz & Associates, PC 300 Galleria Parkway, Ste. 960 Atlanta, GA 30339

Edanowitz@DanowitzLegal.com

August 31, 2009

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 A	Authorized Individua	al	
Printed Name	of Authorized Indi	vidual	
Title of Autho	orized Individual		

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.

C: am atuuma	of Fourier Da			
Signature	of Foreign Re	presentative		
Printed Na	me of Foreign	Representative	•	

Signature of Non-Attorney 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); 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 bankruptcy 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.)

_

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.

Case 09-82771-mhm B1D (Official Form 1, Exhibit D) (12/08)

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Date: August 31, 2009

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Northern District of Georgia

IN RE:	Case No
Messer, James G.	Chapter 11
	R'S STATEMENT OF COMPLIANCE ELING REQUIREMENT
Warning: You must be able to check truthfully one of the five s do so, you are not eligible to file a bankruptcy case, and the cou whatever filing fee you paid, and your creditors will be able to	tatements regarding credit counseling listed below. If you cannot art can dismiss any case you do file. If that happens, you will lose resume collection activities against you. If your case is dismissed to pay a second filing fee and you may have to take extra steps
Every individual debtor must file this Exhibit D. If a joint petition is one of the five statements below and attach any documents as direct	filed, each spouse must complete and file a separate Exhibit D. Check cted.
the United States trustee or bankruptcy administrator that outlined	se, I received a briefing from a credit counseling agency approved by the opportunities for available credit counseling and assisted me in the agency describing the services provided to me. Attach a copy of the agh the agency.
the United States trustee or bankruptcy administrator that outlined performing a related budget analysis, but I do not have a certificate	se, I received a briefing from a credit counseling agency approved by the opportunities for available credit counseling and assisted me in from the agency describing the services provided to me. You must file ded to you and a copy of any debt repayment plan developed through d.
	pproved agency but was unable to obtain the services during the five at circumstances merit a temporary waiver of the credit counseling gent circumstances here.]
you file your bankruptcy petition and promptly file a certificate of any debt management plan developed through the agency. Facase. Any extension of the 30-day deadline can be granted only also be dismissed if the court is not satisfied with your reasons	btain the credit counseling briefing within the first 30 days after from the agency that provided the counseling, together with a copy ailure to fulfill these requirements may result in dismissal of your for cause and is limited to a maximum of 15 days. Your case may as for filing your bankruptcy case without first receiving a credit
counseling briefing. 4. I am not required to receive a credit counseling briefing becau	ise of: [Check the applicable statement.] [Must be accompanied by a
motion for determination by the court.] Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired to frealizing and making rational decisions with respect to fi	by reason of mental illness or mental deficiency so as to be incapable nancial responsibilities.);
	y impaired to the extent of being unable, after reasonable effort, to
5. The United States trustee or bankruptcy administrator has det does not apply in this district.	ermined that the credit counseling requirement of 11 U.S.C. § 109(h)
I certify under penalty of perjury that the information provided abo	ve is true and correct.
Signature of Debtor: /s/ James G. Messer	

Certificate Number: 02910-GAN-CC-007924067

CERTIFICATE OF COUNSELING

I CERTIFY that on August 5, 2009	, a	t <u>7:49</u>	o'clock PM EDT,
James Messer		receiv	ed from
InCharge Education Foundation, Inc.		A/	
an agency approved pursuant to 11 U.S.C.	§ 111 to	provide cred	lit counseling in the
Northern District of Georgia	, a	n individual	[or group] briefing that complied
with the provisions of 11 U.S.C. §§ 109(h)	and 111		
A debt repayment plan was not prepared	If a c	lebt repayme	ent plan was prepared, a copy of
the debt repayment plan is attached to this	certificat	te.	
This counseling session was conducted by	internet a	nd telephone	·
Date: August 5, 2009	Ву	/s/Kenneth F	Raue
	Name	Kenneth Rau	ne
	Title	Certified Ba	nkruptcy Counselor

^{*} Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

B4 (Official Form 4) (12/8) 2771-mhm Doc 1 Filed 08/31/09 Entered 08/31/09 11:59:42 Desc Main

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IN RE:	Case No
Messer, James G.	Chapter 11
Debtor(s)	

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 and Fed. R. Bankr. P. 1007(m).

(1) Name of creditor and complete mailing address including zip code	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent or department of creditor familiar with claim who may be contacted	(3) Nature of claim (trade debt, bank loan, government contract, etc.)	(4) Indicate if claim is contingent, unliquidated, disputed or subject to setoff	(5) Amount of claim (if secured also state value of security)
First National Bank Of Georgia P O Box 280 Carrollton, GA 30112	Stacey L. Blackmon, Esq. Tisinger Vance, PC 100 Wagon Yard Plaza Carrollton, GA 30117			4,502,359.00 Collateral: 100,000.00 Unsecured: 4,402,359.00
Bank of North Georgia 2991 Chapel Hill Road Douglasville, GA 30135				1,631,943.98
First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134			Contingent	1,611,950.00
Bank of North Georgia 2991 Chapel Hill Road Douglasville, GA 30135				1,127,723.10
Wachovia Commercial Loan Payment Center P O Box 740502 Atlanta, GA 30374-0502			Contingent	712,841.94
First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134			Contingent	312,000.00
First Commerce Community Bank 9001 Hospital Community Bank Douglasville, GA 30134-0134			Contingent	257,300.00
First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134			Contingent	257,050.00
First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134			Contingent	250,000.00 Collateral: 0.00 Unsecured: 250,000.00
Citimortgage, Inc. P O Box 183040 Columbus, OH 43218-3040				250,000.00
Clifford J. Hughes, Jr. 6554 Church Street Douglasville, GA 30134				200,000.00
Bank of North Georgia 2991 Chapel Hill Road Douglasville, GA 30135				188,489.44

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River City Bank of West Georgia 2115 Maple Street Carrollton, GA 30117	L	Document	Page 7 of 14	Cont	ingent	151,488.00	
Bank of North Georgia 2991 Chapel Hill Road Douglasville, GA 30135						150,861.16	
First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134				Con	ingent	149,069.00 Collateral: 0.00 Unsecured: 149,069.00	
RBC Bank P O Box 1220 Rocky Mount, NC 27802						138,081.99 Collateral: 0.00 Unsecured: 138,081.99	
Bank of North Georgia 2991 Chapel Hill Road Douglasville, GA 30135						130,702.00	
Bank of North Georgia 2991 Chapel Hill Road Douglasville, GA 30135						123,295.50	
First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134						119,369.00	
First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134						115,603.00	
DECLARA	TION UNDI	ER PENALTY O	F PERJURY BY INDIVIDUAL	DEBTOR			
I declare under penalty of perjury that I have	ve read the fo	regoing list and tha	at it is true and correct to the best	of my inform	ation and be	elief.	
Date: August 31, 2009	Ciamatuma	/s/ James G. I	Manager				

of Debtor

Signature ____ of Joint Debtor (if any) James G. Messer

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Date: _

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IN RE:		Case No.			
Messer, James G.		Chapter 11			
·	Debtor(s)				
	VERIFICATION OF CREDITOR	MATRIX			
The above named debtor(s) hereby	verify(ies) that the attached matrix listing	creditors is true to the best of my(our) knowledge.			
Date: August 31, 2009	Signature: /s/ James G. Messer				
	James G. Messer	Debtor			
Date:	Signature:				
	_	Joint Debtor, if any			

Bank Of America P O Box 851001 Dallas, TX 75285-1001

Bank of North Georgia 2991 Chapel Hill Road Douglasville, GA 30135

Bank Of North Georgia 2991 Chapel Hill Road Dougalsville, GA 30135

Bay Springs East HOA P O Box 2079 Villa Rica, GA 30180

Bi-County Ear Nose & Throat PC Suite 100 6002 Professional Pkwy Douglasville, GA 30134-5603

Builder's Station, Inc. Smith Diment, Conerly And Trust Account 402 Newna Street Carrollton, GA 30117

Card Services P O Box 2181 Columbus, GA 31902-2181

Cary Moody Heating & Air, Inc. 6720 Ashebrook Drive Douglasville, GA 30135-5376

Children's Diagnostic Imaging Of Atl P O Box 2936 Kennesaw, GA 30156

Children's Health Care Of Atl. P O Box 1169210 Atlanta, GA 30368-6210

Citimortgage, Inc. P O Box 183040 Columbus, OH 43218-3040

Clifford J. Hughes, Jr. 6554 Church Street Douglasville, GA 30134

Crawford & Associates C.H.F., Inc. 105 Corporate Drive Carrollton, GA 30117

Douglasville Winnelson Co. 9190 Highway 5 Douglasville, GA 30134

EMC Mortgage P O Box 660530 Dallas, TX 75266-0530

First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134

First Commerce Community Bank 9001 Hospital Drive Douglasville, GA 30134-0134

First Commerce Community Bank 9001 Hospital Community Bank Douglasville, GA 30134-0134

First National Bank Of Georgia P O Box 280 Carrollton, GA 30112

Georgia Power Company 42 Community Square Villa Rica, GA 30180

GMAC

Payment Processing Center P O Box 9001951 Louisville, KY 40290-1951

Hughes Ray Company 6554 Church Street Douglasville, GA 30134

Jones & Walden, LLC Attn: Monica Vining, Esq. 21 Eighth Street Atlanta, GA 30309

Liberty Road Properties, LLC Suite 101 3150 Golf Ridge Blvd. Douglasville, GA 30135

Messer Properties. Inc. 125 Commons Way Suite 201 Villa Rica, GA 30180 MPI Development, Inc. 125 Commons Way Suite 201 Villa Rica, GA 30180

MPI Homes, Inc. 125 Commons Way Suite 201 Villa Rica, GA 30180

Nasser Heavy Equipment, Inc. 525 Hurricane Shoals Road Villa Rica, GA 30180

National Association Of Credit Managemen P O Box 29429 Atlanta, GA 30359

Progressive Lighting P O Box 999 Braselton, GA 30517-0017

RBC Bank
P O Box 1220
Rocky Mount, NC 27802

Ready Mix USA Atlanta Division P O Box 2069 Woodstock, GA 30188

River City Bank of West Georgia 2115 Maple Street Carrollton, GA 30117 RLI Insurance Company Stuart Allan & Associates, Inc. 5447 E. 5th Street, Suite 110 Tucson, AZ 85711-2345

Sandstone, Inc. P O Box 486 7262 West Bankhead Highway Douglasville, GA 30133

Saxon Mortgage Services, Inc. P O Box 961106 Fort Worth, TX 76161-0106

Stacey L. Blackmon, Esq. Tisinger Vance, PC 100 Wagon Yard Plaza Carrollton, GA 30117

Stuart Allan & Associates, Inc. Suite 110 5447 E. 5th Street Tucson, AZ 85711-2345

Tanner Health Systems P O Box 277368 Atlanta, GA 30348-5503

Temple Crossing, Inc. 125 Commons Way Suite 201 Villa Rica, GA 30180

Tri-County Anesthesia P O Box 281491 Atlanta, GA 30348-1491 Wachovia Commercial Loan Payment Center P O Box 740502 Atlanta, GA 30374-0502

Wells Fargo Home Mortgage P.O. Box 660455 Dallas, TX 75266-0455

Wilson Corner, LLC 125 Commons Way Suite 201 Villa Rica, GA 30180