Case 09-94317 Doc 1 Filed 12/31/09 Entered 12/31/09 17:44:57 Desc Main Document Page 1 of 12

BI (Officia	L Form 1)(1/0	18)						9 -				
United States Bankruptcy Co Northern District of Georgia, Atlanta								Voluntary Petition				
	Debtor (if indi Auburn Bi			t, Middle):			Name	of Joint De	ebtor (Spouse) (Last, First,	Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):						used by the J maiden, and		n the last 8 years:				
Last four d (if more than 26-156'	igits of Soc. Son one, state all)	Sec. or Indi	vidual-Taxp	ayer I.D. ((ITIN) No./	Complete E	IN Last f	our digits o	f Soc. Sec. or tate all)	Individual-T	Caxpayer I.D. (ITIN) No	o./Complete EIN
Street Add	ress of Debto	•	Street, City,	and State)):	ZID C. I		Address of	Joint Debtor	(No. and Str	eet, City, and State):	ZID C. 1
					Г	ZIP Code 30303-25						ZIP Code
County of I	Residence or	of the Princ	cipal Place o	of Busines				y of Reside	ence or of the	Principal Pla	ice of Business:	
Mailing Ac	ldress of Deb	tor (if diffe	rent from st	reet addres	ss):		Mailir	ng Address	of Joint Debt	or (if differer	nt from street address):	
						ZIP Code	;					ZIP Code
	f Principal As t from street a			r								
	Type of	Debtor			Nature	of Business	3		Chapter	of Bankrup	tcy Code Under Whic	h
		rganization) one box)				one box)				Petition is Fi	led (Check one box)	
_					ilth Care Bu gle Asset Re		s defined	☐ Chapt☐ Chapt☐		ПС	napter 15 Petition for Re	ecognition
	ual (includes hibit D on pa		,		1 U.S.C. §			Chapter 11 of a Foreign Main Proceeding				
	ation (include		•	1 —	ckbroker			☐ Chapter 12 ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding		0		
☐ Partner		23 ELC and	LLI)		nmodity Br	oker		☐ Chapt	er 13	of	a Foreign Nonmain Pro	oceeding
	If debtor is not			Oth	aring Bank er					Nature	of Debts	
check th	is box and state	e type of enti	ity below.)		Tax-Exempt Entity		7				one box)	
				und	(Check box otor is a tax- er Title 26 of le (the Inter	of the Unite	ganization ed States	defined "incurr	are primarily con thin 11 U.S.C. § red by an indivi- onal, family, or	101(8) as dual primarily	busine	are primarily ess debts.
		Filing F	ee (Check o	ne box)			Check	one box:		Chapter 11	Debtors	
Full Fil	ling Fee attac	hed									defined in 11 U.S.C. § or as defined in 11 U.S.C.	
attach s	Fee to be paid signed applicate le to pay fee	ation for the	e court's con	sideration	certifying t	hat the deb	tor Check	if: Debtor's a	aggregate nor	contingent li	quidated debts (excludi	
	Fee waiver re						Check	all applica	s or affiliates)	are less than	1 \$2,190,000.	
attach s	signed applica	ation for the	e court's con	sideration	. See Official	Form 3B.		A plan is Acceptant	being filed wa ces of the plan	n were solicit	on. ted prepetition from one vith 11 U.S.C. § 1126(b	
	'Administrat						-			THIS	SPACE IS FOR COURT I	USE ONLY
Debtor	estimates that estimates that fill be no fund	t, after any	exempt proj	perty is ex	cluded and	administrat		es paid,				
Estimated 1	Number of C		_									
1- 49	□ 50- 99	100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated A	Assets		П	П		П		П	П			
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				
Estimated I \$0 to \$50,000	Liabilities	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				

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B1 (Official Form 1)(1/08) Page 2 Name of Debtor(s): Voluntary Petition Sweet Auburn Bistro, LLC (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Location Case Number: Date Filed: Where Filed: - None -Location Case Number: Date Filed: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission 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 pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) (Date) Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) ☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) 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. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. П Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) 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, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

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.

Signature of Debtor

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney*

X /s/ Paul Reece Marr

Signature of Attorney for Debtor(s)

Paul Reece Marr GA Bar # 471230

Printed Name of Attorney for Debtor(s)

Paul Reece Marr, P.C.

Firm Name

Suite 960 300 Galleria Parkway Atlanta, GA 30339

Address

Email: pmarr@mindspring.com

(770) 984-2255

Telephone Number

December 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.

X /s/ Glenn Law

Signature of Authorized Individual

Glenn Law

Printed Name of Authorized Individual

Manager

Title of Authorized Individual

December 31, 2009

Name of Debtor(s):

Sweet Auburn Bistro, LLC

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.)

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.

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B4 (Official Form 4) (12/07)

United States Bankruptcy Court Northern District of Georgia, Atlanta Division

In re	Sweet Auburn Bistro, LLC	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]
RHS General Contracting, Inc. Attn: Jeffrey C. Dotson, CEO 9315 Industrial Trace; Suite A Alpharetta, GA 30004	RHS General Contracting, Inc. Attn: Jeffrey C. Dotson, CEO 9315 Industrial Trace; Suite A Alpharetta, GA 30004	account payable	Unliquidated Disputed	322,250.20
The Integral Goup, Inc. 60 Piedmont Avenue, NE Atlanta, GA 30303	The Integral Goup, Inc. 60 Piedmont Avenue, NE Atlanta, GA 30303	account payable		116,000.00
Georgia Department of Revenue 1800 Century Boulevard Atlanta, GA 30345	Georgia Department of Revenue 1800 Century Boulevard Atlanta, GA 30345	payroll withholding, and sales and use taxes		90,000.00
Internal Revenue Service PO Box 21126 Philadelphia, PA 19114-0326	Internal Revenue Service PO Box 21126 Philadelphia, PA 19114-0326	payroll withholding taxes, interest and penalty		80,000.00
ASD 55 Allen Plaza Suite 100 Atlanta, GA 30308	ASD 55 Allen Plaza Suite 100 Atlanta, GA 30308	account payable		53,000.00
Auburn Avenue Village, LLC Attn: Egbert L.J. Perry 60 Piedmont Avenue Atlanta, GA 30303	Auburn Avenue Village, LLC Attn: Egbert L.J. Perry 60 Piedmont Avenue Atlanta, GA 30303	prior owner of business premises		49,000.00
Profection Aire 505 Commerce Park Drive Marietta, GA 30060	Profection Aire 505 Commerce Park Drive Marietta, GA 30060	account payable		39,672.00
Lawrence Construction Co., Inc Attn: Larry Lawrence, Jr., CEO 230 West Ridge Drive Canton, GA 30114	Lawrence Construction Co., Inc Attn: Larry Lawrence, Jr., CEO 230 West Ridge Drive Canton, GA 30114			38,543.75 (0.00 secured)
William Dorsey c/o Jeffrey C. Hamling, Esq. 1160-E Grimes Bridge Road Roswell, GA 30075	William Dorsey c/o Jeffrey C. Hamling, Esq. 1160-E Grimes Bridge Road Roswell, GA 30075	unsecured loan		37,500.00

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In re	Sweet Auburn Bistro, LLC	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]
Watson Communications and Consulting 53 Hammock Place Atlanta, GA 30312	Watson Communications and Consulting 53 Hammock Place Atlanta, GA 30312	account payable	Disputed	36,000.00
Euro Aluminum Systems, Ltd. dba Futimis Systems 5309 Claridge Square Atlanta, GA 30338	Euro Aluminum Systems, Ltd. dba Futimis Systems 5309 Claridge Square Atlanta, GA 30338	account payable		29,740.00
Ostheimer Concrete Paving, LLC Attn: Kevin Ostheimer 104 Mountain Falls Way Canton, GA 30114	Ostheimer Concrete Paving, LLC Attn: Kevin Ostheimer 104 Mountain Falls Way Canton, GA 30114	account payable		22,289.18
Rewards Network Two N. Riverside Plaza Suite 950 Chicago, IL 60606	Rewards Network Two N. Riverside Plaza Suite 950 Chicago, IL 60606	account payable		18,000.00
Where Magazine Morris Visitor Publications PO Box 1584 Augusta, GA 30903	Where Magazine Morris Visitor Publications PO Box 1584 Augusta, GA 30903	account payable		16,940.00
Floyd and Rosa Baxter 4079 Summit Crossing Drive Decatur, GA 30034	Floyd and Rosa Baxter 4079 Summit Crossing Drive Decatur, GA 30034	account payable		16,375.00
PFG Milton's Inc. c/o J. Christopher Simpson 3490 Piedmont Rd NE; Ste 300 Atlanta, GA 30305	PFG Milton's Inc. c/o J. Christopher Simpson 3490 Piedmont Rd NE; Ste 300 Atlanta, GA 30305	account payable		15,718.40
Jay Young Electric, Inc. 935 Interstate Ridge Drive Gainesville, GA 30501	Jay Young Electric, Inc. 935 Interstate Ridge Drive Gainesville, GA 30501			14,808.50 (0.00 secured)
Rexel/DH Supply Company 6915 NE Expressway Atlanta, GA 30340	Rexel/DH Supply Company 6915 NE Expressway Atlanta, GA 30340			14,645.04 (0.00 secured)
Mark Lassiter 245 North Highland Avenue NE Atlanta, GA 30307	Mark Lassiter 245 North Highland Avenue NE Atlanta, GA 30307	account payable	Disputed	12,000.00
B&A Consulting Engineers 1908 Ludovie Lane Decatur, GA 30033	B&A Consulting Engineers 1908 Ludovie Lane Decatur, GA 30033	account payable		12,000.00

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B4 (Offic	34 (Official Form 4) (12/07) - Cont.					
In re	Sweet Auburn Bistro, LLC	Case No.				
	Debtor(s)	<u> </u>				

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

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

I, the Manager 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	December 31, 2009	Signature	/s/ Glenn Law	
			Glenn Law	
			Manager	

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.

ASD 55 Allen Plaza Suite 100 Atlanta, GA 30308

Atlanta (GA) - 171 Auburn Ave c/o Ellen J. Fleming, Esq. 600 Peachtree St NE; Ste 5200 Atlanta, GA 30308-2216

Atlanta Development Authority 86 Pryor Street SW Atlanta, GA 30303

Auburn Avenue Village, LLC Attn: Egbert L.J. Perry 60 Piedmont Avenue Atlanta, GA 30303

B&A Consulting Engineers 1908 Ludovie Lane Decatur, GA 30033

Euro Aluminum Systems, Ltd. dba Futimis Systems 5309 Claridge Square Atlanta, GA 30338

Floyd and Rosa Baxter 4079 Summit Crossing Drive Decatur, GA 30034

Georgia Department of Revenue Bankruptcy Insolvency Unit P.O. Box 3889 Atlanta, GA 30334 Georgia Department of Revenue 1800 Century Boulevard Atlanta, GA 30345

Glenn Law 171 Auburn Avenue NE Suite P Atlanta, GA 30303-2577

Insley and Race, LLC Musa L. Eubanks, Esq. 181 14th Street NE; Suite 200 Atlanta, GA 30309

Internal Revenue Service Insolvency-Rm 400-Stop 334D 401 W. Peachtree Street Atlanta, GA 30308

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

Jay Young Electric, Inc. 935 Interstate Ridge Drive Gainesville, GA 30501

Lawrence Construction Co., Inc Attn: Larry Lawrence, Jr., CEO 230 West Ridge Drive Canton, GA 30114

Mark Lassiter 245 North Highland Avenue NE Atlanta, GA 30307 Ostheimer Concrete Paving, LLC Attn: Kevin Ostheimer 104 Mountain Falls Way Canton, GA 30114

PFG Milton's Inc. c/o J. Christopher Simpson 3490 Piedmont Rd NE; Ste 300 Atlanta, GA 30305

Profection Aire 505 Commerce Park Drive Marietta, GA 30060

Rewards Network Two N. Riverside Plaza Suite 950 Chicago, IL 60606

Rexel/DH Supply Company 6915 NE Expressway Atlanta, GA 30340

RHS General Contracting, Inc. Attn: Jeffrey C. Dotson, CEO 9315 Industrial Trace; Suite A Alpharetta, GA 30004

S. Hayes Plumbing Attn Scott A. Hayes, CEO 775 Ash Street; Suite 100 Canton, GA 30115

Samaritan House Clean Street Team PO Box 89125 Atlanta, GA 30312 Superior Aire, Inc. Philip M. Haynes, CEO 795 Garner Rd. GA 30247

The Integral Goup, Inc. 60 Piedmont Avenue, NE Atlanta, GA 30303

TimePayment Corp. 10-M Commerce Way Woburn, MA 01801

Tinsley Arts & Entertainmnet Center, LLC - Vernon Tinsley 7767 Amherst Court Jonesboro, GA 30236

Tower Liquor 2161 Piedmont Rd. Atlanta, GA 30324

Tracee Watson 342 D Ashbury Commons Drive Atlanta, GA 30338

Traveler's Insurance PO Box 1564 Elmira, NY 14902

U.S. Attorney 600 Richard Russell Building 75 Spring Street, SW Atlanta, GA 30303

U.S. Attorney General Dept. of Justice, Tax Div. POBox14198, BenFranklinStation Washington, DC 20044 Watson Communications and Consulting 53 Hammock Place Atlanta, GA 30312

Where Magazine Morris Visitor Publications PO Box 1584 Augusta, GA 30903

William Dorsey c/o Jeffrey C. Hamling, Esq. 1160-E Grimes Bridge Road Roswell, GA 30075

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United States Bankruptcy Court Northern District of Georgia, Atlanta Division

In re	Sweet Auburn Bistro, LLC		Case No.
_		Debtor(s)	Chapter 11
	CORPO	PRATE OWNERSHIP STATEMENT	(RULE 7007.1)
recusal, followir	the undersigned counsel for _ng is a (are) corporation(s), other	Sweet Auburn Bistro, LLC in the above ther than the debtor or a governmental un	udges to evaluate possible disqualification or e captioned action, certifies that the lit, that directly or indirectly own(s) 10% or re no entities to report under FRBP 7007.1:
■ None	e [Check if applicable]		
Decemb	ber 31, 2009	/s/ Paul Reece Marr	
Date		Paul Reece Marr Signature of Attorney or Litig Counsel for Sweet Auburn B Paul Reece Marr, P.C. Suite 960 300 Galleria Parkway Atlanta, GA 30339 (770) 984-2255 pmarr@mindspring.com	