B 1 (Official F@ 1/0862026 Doc 1 Filed 01/25/10 Entered 01/25/10 18:08:07 Desc Main
United States Bankruptcyr@outt Page 1 of 5 **Voluntary Petition** Northern District of Georgia ATLANTA Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): Carter's Daycare, Inc. II All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN(if Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN(if more more than one, state all): 35-2248237 than one, state all): Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): 3482 Flatshoals Rd Decatur, GA ZIP CODE ZIP CODE 30034 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business Dekalb Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): ZIP CODE ZIP CODE Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE 3482 Flatshoals Rd 30034 Decatur, GA Type of Debtor Chapter of Bankruptcy Code Under Which Nature of Business (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box.) ☐ Health Care Business ☐ Chapter 15 Petition for Chapter 7 Single Asset Real Estate as defined in 11 Recognition of a Foreign Individual (includes Joint Debtors)  $\Box$ Chapter 9 U.S.C. § 101(51B) Main Proceeding See Exhibit D on page 2 of this form. Chapter 11 V Railroad  $\mathbf{\Lambda}$ Corporation (includes LLC and LLP) ☐ Chapter 15 Petition for Stockbroker Partnership Chapter 12 Recognition of a Foreign ☐ Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding Chapter 13 check this box and state type of entity below.) Clearing Bank Nature of Debts ✓ Other (Check one box) Tax-Exempt Entity Debts are primarily consumer Debts are primarily (Check box, if applicable) debts, defined in 11 U.S.C. business debts. § 101(8) as "incurred by an Debtor is a tax-exempt organization individual primarily for a under Title 26 of the United States personal, family, or house-Code (the Internal Revenue Code.) hold purpose.' Chapter 11 Debtors Filing Fee (Check one box) 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). 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. Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. Check all applicable boxes 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  $\Box$  $\mathbf{\Lambda}$ 1\_ 100-200-1 000-5 001-10 001-25 001-50 001-50-Over 49 199 999 100,000 100,000 99 5.000 10.000 25,000 50.000 Estimated Assets  $\mathbf{\Lambda}$ \$100,001 to \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$0 to \$500,000,001 More than \$1 \$50,000 \$100,000 to \$100 to \$500 \$500,000 to \$10 to \$50 to \$1 billion billion \$1 million million million million million Estimated Liabilities M  $\Box$  $\Box$ \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$0 to \$50,001 to \$100,001 to \$500,000,001 More than \$1 to \$10 to \$50 to \$100 to \$500 \$1 \$50,000 \$100,000 \$500,000 billion to \$1 billion million million million million million

B 1 (Official Forms) (1/0862026 Doc 1 Filed 01/25/10	D Entered 01/25/10 18:08:07	Desc Mark B1, Page 2	
Voluntary Petition Document	Name of Betto(\$).5		
(This page must be completed and filed in every case)	Carter's Daycare, Inc. II		
All Prior Bankruptcy Cases Filed Within La	ast 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 o	r Affiliate of this Debtor (If more than one, attach ac	dditional sheet)	
Name of Debtor:	Case Number:	Date Filed:	
Carter's Day Care, Inc. District:	Relationship:	1/25/2010  Judge:	
NDGA	Affiliate	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 B  (To be completed if debtor is whose debts are primarily cor  I, the attorney for the petitioner named in the foregoinave informed the petitioner that [he or she] may prosecute available under each such chapter. I further certify the debtor the notice required by 11 U.S.C. § 342(b).	nsumer debts) ing petition, declare that I sceed under chapter 7, 11, explained the relief	
☐ Exhibit A is attached and made a part of this petition.	X Not Applicable Signature of Attorney for Debtor(s)	Date	
Exi	l hibit C		
Does the debtor own or have possession of any property that poses or is alleged to pose a  Yes, and Exhibit C is attached and made a part of this petition.  No	threat of imminent and identifiable harm to public heal	Ith or safety?	
Exh	nibit D		
(To be completed by every individual debtor. If a joint petition is filed, each spouse mus	t complete and attach a separate Exhibit D.)		
☐ Exhibit D completed and signed by the debtor is attached and made a part of t	his netition		
	and pection.		
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.		
	ding the Debtor - Venue y 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 pa	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 pla has no principal place of business or assets in the United States but this District, or the interests of the parties will be served in regard	t is a defendant in an action or proceeding [in a federal		
	des as a Tenant of Residential Property oplicable boxes.)		
Landlord has a judgment against the debtor for possession of debtor	or'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 entire monetary default that gave rise to the judgment for possession		ed to cure the	
Debtor has included in this petition the deposit with the court of an filing of the petition.	ny rent that would become due during the 30-day period	d after the	
Debtor certifies that he/she has served the Landlord with this certifies	Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).		

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C.  $\S$  362(1)).

B 1 (Official Forms) (1/08/62026 Doc 1 Filed 01/25/10			
Voluntary Petition Document	Name of the Road State of the Name of the		
(This page must be completed and filed in every case)	Carter's Daycare, Inc. II		
Signatures			
${\bf Signature}(s) \ of \ {\bf Debtor}(s) \ ({\bf Individual/Joint})$	Signature of a Foreign Representative		
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	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.		
or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.	(Check only <b>one</b> box.)  I request relief in accordance with chapter 15 of Title 11, United States Code.		
[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).	Certified Copies of the documents required by § 1515 of title 11 are attached.		
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the Chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.		
X Not Applicable	X Not Applicable		
Signature of Debtor	(Signature of Foreign Representative)		
X Not Applicable			
Signature of Joint Debtor	(Printed Name of Foreign Representative)		
Telephone Number (If not represented by attorney)	Date		
Date	Balle		
Signature of Attorney	Signature of Non-Attorney Petition Preparer		
X S/JOHN C. PENNINGTON Signature of Attorney for Debtor(s)	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(b), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(b) setting a maximum fee for services chargeable		
JOHN C. PENNINGTON Bar No. 571400			
Printed Name of Attorney for Debtor(s) / Bar No.			
•	by bankruptcy petition preparers, I have given the debtor notice of the maximum amount		
JOHN C. PENNINGTON, P.C.	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.		
Firm Name			
P.O. BOX 275 HELEN, GA 30545			
Address	Not Applicable Printed Name and title, if any, of Bankruptcy Petition Preparer		
	Finited Ivanie and due, if any, of bankruptcy reduon riepater		
(706) 878-0033 (706) 878-9916			
Telephone Number	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		
1/25/2010	the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)		
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.	Address		
Signature of Debtor (Corporation/Partnership)	X Not Applicable		
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.	Date Signature of bankruptcy petition preparer or officer, principal, responsible person, or		
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	partner whose Social-Security number is provided above.  Names and Social-Security numbers of all other individuals who prepared or assisted		
X s/ Vanessa A. Caldwell	in preparing this document unless the bankruptcy petition preparer is not an individual.		
Signature of Authorized Individual  Vanessa A. Caldwell	If more than one person prepared this document, attach to the appropriate official form for each person.		
Printed Name of Authorized Individual	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.		
CEO			
Title of Authorized Individual	vom. 11 0.5.0. y 110, 10 0.5.0. y 150.		
1/25/2010			
Date			

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## **United States Bankruptcy Court**

## Northern District of Georgia ATLANTA

in re:	Case No.
	Chapter 11
Carter's Daycare, Inc. II	
ourter 3 Dayoure, me. n	
STATEMENT REGARDING AUTHOR	RITY TO SIGN AND FILE PETITION
I, Vanessa A. Caldwell, declare under penalty of perjury that I am	
the following resolution was duly adopted by the of this Corporation	:
"Whereas, it is in the best interest of this Corporation to file a vo	oluntary petition in the United States
Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United St	• •
	•
	Corporation, is authorized and directed to execute and deliver all
documents necessary to perfect the filing of a Chapter 11 voluntary	bankruptcy case on behalf of the Corporation; and
Be It Further Resolved, that Vanessa A. Caldwell, CEO of this Co	
proceedings on behalf of the Corporation, and to otherwise do and p	
necessary documents on behalf of the Corporation in connection with	n such bankruptcy case, and
Be It Further Resolved, that Vanessa A. Caldwell, CEO of this Co	
PENNINGTON, attorney and the law firm of JOHN C. PENNINGTON, P	.C. to represent the Corporation in such bankruptcy case."
Executed on: 1/25/2010	Signed: s/ Vanessa A. Caldwell

Vanessa A. Caldwell