Case 10-79350 Doc 1 Filed 07/02/10 Entered 07/02/10 16:39:18 Desc Main

<b>B1</b> (Official Form	1)(4/10)			DUCL	iment	Га	ye i oi	11			
United States Bankruptcy Court Northern District of Georgia Voluntary Petition						tary Petition					
Name of Debtor (if individual, enter Last, First, Middle): Oakview Timber Company Plantation, LLC					Name	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) 20-4673148						N Last fo	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)				
Street Address of 1 5500 Powers Atlanta, GA		•	nd State):		ZIP Code	Street	Street Address of Joint Debtor (No. and Street, City, and State):ZIP Code				
County of Resider Fulton	ce or of the Prin	cipal Place of	Business:	30	327	Count	y of Reside	nce or of the	Principal Pla	ce of Business:	
Mailing Address o Rt. 2 Box 370 Newton, GA	)		et address):		ZIP Code 870	Mailin	g Address o	of Joint Debt	or (if differer	nt from street ad	Idress): ZIP Code
(if different from s											
<ul> <li>Type of Debtor (Form of Organization) (Check one box)</li> <li>Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i></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>		Nature of Business (Check one box) Health Care Business Single Asset Real Estate as defin in 11 U.S.C. § 101 (51B) Railroad Stockbroker Commodity Broker Clearing Bank Other Tax-Exempt Entity (Check box, if applicable) Debtor is a tax-exempt organiza under Title 26 of the United Stat			nization States	Chapter 11 Chapter 11 Chapter 12 Chapter 12 Chapter 13 Chapter 15 Petition for Recognitio G Chapter 13 Chapter 13 Obsta re primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for Debts are primarily consumer debts.			box) on for Recognition Proceeding on for Recognition nain Proceeding Debts are primarily		
<ul> <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>					ne box: ebtor is a sn ebtor is not ebtor's aggr e less than S Il applicable plan is bein cceptances of						
Statistical/Administrative Information       THIS SPACE IS FOR COURT USE ONLY         Debtor estimates that funds will be available for distribution to unsecured creditors.       THIS SPACE IS FOR COURT USE ONLY         Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.       THIS SPACE IS FOR COURT USE ONLY											
Estimated Number 1- 50- 49 99 Estimated Assets	100- 199	200- 999	5,000 10	5,001- 10 0,000 2:	0,001- 5,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
\$0 to \$50,0 \$50,000 \$100 Estimated Liabiliti		to \$1 t	o \$10 to	10,000,001 \$5 \$50 to	50,000,001 5 \$100	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion			
	001 to \$100,001 to	to \$1 t	o \$10 to	10,000,001 \$5 \$50 to	50,000,001 5 \$100	100,000,001 to \$500 million	500,000,001 to \$1 billion	More than \$1 billion			

Case 10-79350 Doc 1 Filed 07/02/10 Entered 07/02/10 16:39:18 Desc Main

B1 (Official For	m 1)(4/10) Document	Page 2 of 11	Page 2		
Voluntary	y Petition	Name of Debtor(s): Oakview Timber Company P	Diantation 11C		
(This page mu	st be completed and filed in every case)				
	All Prior Bankruptcy Cases Filed Within Last	t 8 Years (If more than two, attach ad	ditional sheet)		
Location Where Filed:	- None -	Case Number:	Date Filed:		
Location Where Filed:		Case Number:	Date Filed:		
Per	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more than	n one, attach additional sheet)		
Name of Debto - None -	or:	Case Number:	Date Filed:		
District:		Relationship:	Judge:		
	Exhibit A		<b>hibit B</b> whose debts are primarily consumer debts.)		
forms 10K and pursuant to S and is reques	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.) A is attached and made a part of this petition.	I, the attorney for the petitioner named in the foregoing petition, declare that I 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 under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).           X			
	or own or have possession of any property that poses or is alleged to Exhibit C is attached and made a part of this petition.		harm to public health or safety?		
☐ Exhibit I If this is a join	leted 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.	ι separate Exhibit D.)		
	Information Regardin	0			
	(Check any ap Debtor has been domiciled or has had a residence, principa days immediately preceding the date of this petition or for	al place of business, or principal asset			
	There is a bankruptcy case concerning debtor's affiliate, ge	• •	•		
	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, th the entire monetary default that gave rise to the judgment f				
	Debtor has included in this petition the deposit with the con after the filing of the petition.	urt of any rent that would become due	e during the 30-day period		

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

Case 10-79350 Doc 1		Entered 07/02/10 16:39:18	Desc Main				
B1 (Official Form 1)(4/10)	Document	Page 3 of 11	Page 3				
Voluntary Petition		Name of Debtor(s): Oakview Timber Company Plantation, LLC					
(This page must be completed and filed in every case)	)		····,				
	Signa	atures					
Signature(s) of Debtor(s) (Individual	/Joint)	Signature of a Foreign Re	epresentative				
I declare under penalty of perjury that the information pretition is true and correct. [If petitioner is an individual whose debts are primarily of has chosen to file under chapter 7] I am aware that I mag chapter 7, 11, 12, or 13 of tile 11, United States Code, or available under each such chapter, and choose to procee [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 specified in this petition.	consumer debts and yy proceed under understand the relief ed under chapter 7. n preparer signs the y 11 U.S.C. §342(b). I, United States Code,	<ul> <li>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.</li> <li>(Check only one box.)</li> <li>□ 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.</li> <li>□ 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.</li> </ul>					
v		X					
X	I	Signature of Foreign Representative					
X		Printed Name of Foreign Representative	e				
Signature of Joint Debtor							
The New Office transcontrol by ottomo	<u> </u>	Date					
Telephone Number (If not represented by attorney	()	Signature of Non-Attorney Bankro	uptcy Petition Preparer				
Date		I declare under penalty of perjury that: (1) I a preparer as defined in 11 U.S.C. § 110; (2) I	prepared this document for				
Signature of Attorney*		compensation and have provided the debtor and the notices and information required und	with a copy of this document der 11 U.S.C. §§ 110(b),				
		110(h), and 342(b); and, (3) if rules or guide	lines have been promulgated				
X /s/ J. Robert Williamson	[	pursuant to 11 U.S.C. § 110(h) setting a max chargeable by bankruptcy petition preparers,					
Signature of Attorney for Debtor(s)		of the maximum amount before preparing an	ny document for filing for a				
J. Robert Williamson 765214	I	debtor or accepting any fee from the debtor, Official Form 19 is attached.	as required in that section.				
Printed Name of Attorney for Debtor(s)							
Scroggins & Williamson		Printed Name and title, if any, of Bankr	unter Petition Preparer				
Firm Name 127 Peachtree St. NE 1500 Candler Bldg. Atlanta, GA 30303		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					
Address		preparer.)(Required by 11 U.S.C. § 110	.)				
Email: centralstation@swl 404-893-3880 Fax: 404-893-3886	lawfirm.com						
Telephone Number		I					
July 2, 2010		Address					
Date *In a case in which § 707(b)(4)(D) applies, this signatur certification that the attorney has no knowledge after an information in the schedules is incorrect.		X					
Signature of Debtor (Corporation/Par	tnership)	Date					
I declare under penalty of perjury that the information p petition is true and correct, and that I have been authoriz on behalf of the debtor.		Signature of Bankruptcy Petition Preparer of person,or partner whose Social Security nun Names and Social-Security numbers of all o	nber is provided above. other individuals who prepared or				
The debtor requests relief in accordance with the chapter States Code, specified in this petition.	r of title 11, United	assisted in preparing this document unless th not an individual:	e bankruptcy petition preparer is				
🗙 /s/ Gordon R. Teel		I					
Signature of Authorized Individual		l					
Gordon R. Teel		If more than one person prepared this docun	nent, attach additional sheets				
Printed Name of Authorized Individual		conforming to the appropriate official form f					
Operating Manager		A bankruptcy petition preparer's failure to c	comply with the provisions of				
Title of Authorized Individual		title 11 and the Federal Rules of Bankruptcy	y Procedure may result in				
July 2, 2010		fines or imprisonment or both 11 U.S.C. §11	0; 18 U.S.C. §156.				
Date							
2 4.10		i de la constante de					

## UNANIMOUS WRITTEN CONSENT OF MEMBER OF OAKVIEW TIMBER COMPANY PLANTATION, LLC JULY 1, 2010

The undersigned, being the sole member (the "Member") of Oakview Timber Company Plantation, LLC, a Georgia limited liability company (the "<u>Company</u>"), does hereby consent to and adopt the following resolutions, which shall have the same force and effect as if taken by unanimous affirmative vote at a meeting of the Member duly called and held for the purpose of acting on proposals to adopt such resolutions, and direct that this written consent be filed with the minutes of the proceedings of the Company:

**RESOLVED**, that in the judgment of the Member, it is desirable and in the best interests of the Company, its creditors, the Member, employees, and other interested parties that a petition be filed by the Company seeking relief under the provisions of chapter 11 of title 11, United States Code (the "Code");

**RESOLVED**, that Gordon Teel, Operating Manager, and any other person designated as an officer of the Company by the Member (each, an "Authorized Officer" and together, the "Authorized Officers"), are, and each of them is, hereby authorized and empowered on behalf of, and in the name of, the Company to execute and verify or certify a petition under chapter 11 of the Code and to cause the same to be filed in the United States Bankruptcy Court for the appropriate division in Georgia, at such time as said officer executing the same shall determine and in such form as such Authorized Officer may approve (such approval to be conclusively evidenced by the execution of the petition);

**RESOLVED**, that the firm of Scroggins & Williamson, with an office currently located in Atlanta, Georgia, be, and it hereby is, employed as attorneys for the Company under a general retainer in connection with the prosecution of the Company's case under chapter 11 of the Code;

**RESOLVED**, that each of the Authorized Officers, or their designate, be, and each of them hereby is, authorized to execute and file any and all petitions, schedules, motions, lists, applications, pleadings, and other papers, to take any and all such other and further actions which the Authorized Officers or the Company's legal counsel may deem necessary or appropriate to file the voluntary petition for relief under chapter 11 of the Code, including, but not limited to, motions to obtain the use of cash collateral and to incur debtor in possession financing, and to take and perform any and all further acts and deeds which they deem necessary, proper and desirable in connection with the chapter 11 case, with a view to the successful prosecution of such case;

**RESOLVED**, that each of the Authorized Officers, or their designate, be, and each of them hereby is, authorized to cause the Company, and the Company is hereby authorized, to incur post-petition secured and super-priority indebtedness in an amount determined to be necessary or advisable by either such Authorized Officers, and each such Authorized Officer or designate is hereby authorized to negotiate, execute and deliver definitive loan documentation evidencing such indebtedness (the "Post-Petition Credit Agreement"), and the Company is authorized to perform all of the obligations and agreements of the "Borrower" thereunder (including the repayment of any amount owing thereunder) and to consummate the transactions contemplated thereby, and each such Authorized Officer or designate is hereby authorized to negotiate, make, sign, execute, acknowledge, deliver and perform any and all such other instruments and agreements which they deem necessary, proper and desirable in connection therewith, including (without limitation) a security agreement and pledge agreement, pursuant to which all of the assets of the Company will be pledged to the lenders as collateral under the Post-Petition Credit Agreement, in each case, in such forms and with such changes, modifications or additions thereto as the executing Authorized Officer or designate shall approve in his or her sole discretion (such approval to be conclusively evidenced by the execution of the Post-Petition Credit Agreements);

**RESOLVED**, that each of the Authorized Officers be, and each of them hereby is, authorized to employ and retain on behalf of the Company financial advisors, accountants, public relations advisors and other professionals, to advise the Company in connection with its case under chapter 11 of the Code;

**RESOLVED**, that the Authorized Officers of the Company be, and each of them hereby is, authorized and directed on behalf of the Company to take such actions and to make, sign, execute, acknowledge, deliver and perform (and record in a relevant office of the county clerk, if necessary) any and all such agreements listed above (including exhibits thereto), including any and all affidavits, orders, directions, certificates, requests, receipts, financing statements or other instruments as may reasonably be required to give effect to the foregoing Resolutions, and to execute and deliver such agreements (including exhibits thereto) and related documents, and to perform fully the terms and provisions thereof;

**RESOLVED**, that the Company be, and hereby is, authorized to pay all fees and expenses incurred by it or for its account in connection with the transactions approved in any or all of the foregoing Resolutions, and all transactions related thereto, and each Authorized Officer, or their designate, be, and each of them hereby is, authorized, empowered and directed to make said payments as such Authorized Officer or designate may deem necessary, appropriate, advisable or desirable, such payment by any such officer to constitute conclusive evidence of such officer's determination and approval of the necessity, appropriateness, advisability or desirability thereof; and

**RESOLVED**, that to the extent that any of the actions authorized by any of the foregoing Resolutions have been taken by the Authorized Officers of the Company on its behalf, such actions are hereby ratified and confirmed in their entirety.

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Filed 07/02/10 Document

Entered 07/02/10 16:39:18 Desc<sup>9</sup> Main Page 6 of 11

IN WITNESS WHEREOF, the undersigned have executed this consent as of the date first written above.

# MEMBER OF THE COMPANY:

OAKVIEW TIMBER COMPANY PLANTATION, LLC By: TechEnterprises IV, LKC, Its Manager By:

Name: Gordon Teel Title: Operating Manager Case 10-79350 Doc 1 Filed 07/02/10 Entered 07/02/10 16:39:18 Desc Main Document Page 7 of 11

B4 (Official Form 4) (12/07)

### United States Bankruptcy Court Northern District of Georgia

In re Oakview Timber Company Plantation, LLC

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]
Chase Cardmember Service P.O. Box 15153 Wilmington, DE 19886-5153	Chase Cardmember Service P.O. Box 15153 Wilmington, DE 19886-5153			13,600.00
Drs. Dockery, Williams, Odom & Deriso 140 North Magnolia Street Albany, GA 31707	Drs. Dockery, Williams, Odom & Deriso 140 North Magnolia Street Albany, GA 31707			200.00
Gordon R. Teel Irrevocable Ins. Trust 5500 Powers Ridge Court, NW Atlanta, GA 30327	Gordon R. Teel Irrevocable Ins. Trust 5500 Powers Ridge Court, NW Atlanta, GA 30327			535,015.00
Gordon R. Teel, Rollover IRA 5500 Powers Ridge Court, NW Atlanta, GA 30327	Gordon R. Teel, Rollover IRA 5500 Powers Ridge Court, NW Atlanta, GA 30327			1,980,000.00
Ivey's 108 North Westover Blvd. Albany, GA 31707	lvey's 108 North Westover Blvd. Albany, GA 31707			800.00
Jay Kimbrel 362 Martindale Dr. Albany, GA 31721	Jay Kimbrel 362 Martindale Dr. Albany, GA 31721			855.00
Legacy Development & Construction Co. 3724 Castle Pines Lane Albany, GA 31721	Legacy Development & Construction Co. 3724 Castle Pines Lane Albany, GA 31721			84,752.37
LRA Constructors, Inc. 1901 West Oakridge Dr. Albany, GA 31707	LRA Constructors, Inc. 1901 West Oakridge Dr. Albany, GA 31707			76,877.00
McConnell's Texaco 97 Highway 91, NW Newton, GA 39870	McConnell's Texaco 97 Highway 91, NW Newton, GA 39870			800.00
Montgomery Insurance 62 Maple Avenue Keene, NH 03431	Montgomery Insurance 62 Maple Avenue Keene, NH 03431			173.25

Case 10-79350 Doc 1

Document

#### Entered 07/02/10 16:39:18 Desc Main Filed 07/02/10 Page 8 of 11

B4 (Official Form 4) (12/07) - Cont. **Oakview Timber Company Plantation, LLC** In re

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]
Philadelphia Insurance Companies P.O. Box 70251 Philadelphia, PA 19176-0251	Philadelphia Insurance Companies P.O. Box 70251 Philadelphia, PA 19176-0251			1,258.75
Teel Grandchildren's Trust 5500 Powers Ridge Court, NW Atlanta, GA 30327	Teel Grandchildren's Trust 5500 Powers Ridge Court, NW Atlanta, GA 30327			215,000.00

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

I, the Operating 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 July 2, 2010

/s/ Gordon R. Teel Signature Gordon R. Teel **Operating 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.

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Case 10-79350 Doc 1 Filed 07/02/10 Entered 07/02/10 16:39:18 Desc Main Document Page 9 of 11

## United States Bankruptcy Court Northern District of Georgia

In re	Oakview Timber Company Plantation, LLC		Case No.	
		Debtor(s)	Chapter <b>11</b>	

# **VERIFICATION OF CREDITOR MATRIX**

I, the Operating Manager of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: July 2, 2010

/s/ Gordon R. Teel Gordon R. Teel/Operating Manager Signer/Title

#### Case 10-79350 Doc 1 Filed 07/02/10 Entered 07/02/10 16:39:18 Desc Main Document Page 10 of 11

Chase Cardmember Service P.O. Box 15153 Wilmington, DE 19886-5153

Drs. Dockery, Williams, Odom & Deriso 140 North Magnolia Street Albany, GA 31707

Fifth-Third Bank 10200 David Taylor Dr. NDTD1G Charlotte, NC 28262

Gordon R. Teel Irrevocable Ins. Trust 5500 Powers Ridge Court, NW Atlanta, GA 30327

Gordon R. Teel, Rollover IRA 5500 Powers Ridge Court, NW Atlanta, GA 30327

Internal Revenue Service Centralized Insolvency P.O. Box 21126 Philadelphia, PA 19114

Internal Revenue Service 401 W. Peachtree Street NW Atlanta, GA 30308

Ivey's 108 North Westover Blvd. Albany, GA 31707

Jay Kimbrel 362 Martindale Dr. Albany, GA 31721

#### Case 10-79350 Doc 1 Filed 07/02/10 Entered 07/02/10 16:39:18 Desc Main Document Page 11 of 11

Legacy Development & Construction Co. 3724 Castle Pines Lane Albany, GA 31721

LRA Constructors, Inc. 1901 West Oakridge Dr. Albany, GA 31707

McConnell's Texaco 97 Highway 91, NW Newton, GA 39870

Montgomery Insurance 62 Maple Avenue Keene, NH 03431

Philadelphia Insurance Companies P.O. Box 70251 Philadelphia, PA 19176-0251

Teel Grandchildren's Trust 5500 Powers Ridge Court, NW Atlanta, GA 30327