Case 10-91428-jb Doc 1 Filed 10/21/10 Entered 10/21/10 15:25:35 Desc Main Document Page 1 of 11

B1 (Official Form 1)(4/10)	D0	Cument	ıa	ge i oi	11			
	States Bank thern District						Voluntary	Petition
Name of Debtor (if individual, enter Last, First, Bay Harbor Homes, LLC	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 Jonaiden, and		in the last 8 years	
Last four digits of Soc. Sec. or Individual-Taxps (if more than one, state all) 76-0809869	nyer I.D. (ITIN) No./	Complete EIN	Last for	our digits o	f Soc. Sec. or	Individual-T	Taxpayer I.D. (ITIN) No	./Complete EIN
Street Address of Debtor (No. and Street, City, 550 Pharr Road, Suite 410 Atlanta, GA	_	ZIP Code	Street	Address of	Joint Debtor	(No. and Str	eet, City, and State):	ZIP Code
County of Residence or of the Principal Place o Fulton		30305	Count	y of Reside	ence or of the	Principal Pla	ace of Business:	
Mailing Address of Debtor (if different from str	eet address):		Mailin	ng Address	of Joint Debto	or (if differer	nt from street address):	
	Г	ZIP Code						ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):	9601 Bay	Harbor Cir	cle, Ft.	Myers, F	FL, 33919			
Type of Debtor (Form of Organization) (Check one box)  ☐ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. ☐ Corporation (includes LLC and LLP) ☐ Partnership ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)	(Check ☐ Health Care Bu ☐ Single Asset Ro in 11 U.S.C. § ☐ Railroad ☐ Stockbroker ☐ Commodity Bro ☐ Clearing Bank ☐ Other ☐ Tax-Exe	eal Estate as d 101 (51B)  oker  mpt Entity  a, if applicable) exempt organ of the United S	ization States	defined "incurr	the P er 7 er 9 er 11 er 12	Ctition is File Character Character Check Insumer debts, 101(8) as dual primarily	busine	ecognition ding ecognition
Filing Fee (Check one box  Full Filing Fee attached  Filing Fee to be paid in installments (applicable to attach signed application for the court's considerat debtor is unable to pay fee except in installments. Form 3A.  Filing Fee waiver requested (applicable to chapter attach signed application for the court's considerat	individuals only). Must ion certifying that the Rule 1006(b). See Offic 7 individuals only). Mu	t Del Check if: Del are Check all BB. Acc	btor is a sr btor is not btor's aggr less than applicable plan is bein ceptances	a small busing regate nonco \$2,343,300 (ear boxes: no filed with of the plan w	debtor as defin ness debtor as d ntingent liquida amount subject this petition.	defined in 11 United debts (exc to adjustment		e years thereafter).
Statistical/Administrative Information  Debtor estimates that funds will be available Debtor estimates that, after any exempt properthere will be no funds available for distribut Estimated Number of Creditors	erty is excluded and ion to unsecured cred	nsecured credi administrative litors.	itors. e expense	es paid,		THIS	SPACE IS FOR COURT U	JSE ONLY
1- 50- 100- 200- 49 99 199 999  Estimated Assets	1,000- 5,001- 5,000 10,000	25,000 5	5,001- 0,000	50,001- 100,000	OVER 100,000			
\$0 to \$50,001 to \$100,001 to \$500,001 \$50,000 \$100,000 \$500,000 to \$1 Estimated Liabilities	\$1,000,001 \$10,000,001 to \$10 to \$50 million million	\$50,000,001 \$ to \$100 to million m	100,000,001 o \$500 nillion	\$500,000,001 to \$1 billion	More than \$1 billion			
	\$1,000,001 \$10,000,001 to \$10 to \$50		100,000,001 0 \$500	\$500,000,001 to \$1 billion	More than \$1 billion			

Case 10-91428-jb Doc 1 Filed 10/21/10 Entered 10/21/10 15:25:35 Desc Main Document Page 2 of 11

B1 (Official Form 1)(4/10) Page 2 Name of Debtor(s): Voluntary Petition **Bay Harbor Homes, 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) Case Number: Location 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. 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)(4/10)

# **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.

 $\mathbf{X}_{-}$ 

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

### Signature of Attorney\*

#### X /s/ George M. Geeslin

Signature of Attorney for Debtor(s)

#### George M. Geeslin 288725

Printed Name of Attorney for Debtor(s)

#### George M. Geeslin, Attorney

Firm Name

Eight Piedmont Center, Suite 550 3525 Piedmont Road, N.E. Atlanta, GA 30305-1565

Address

# Email: geeslingm@aol.com

(404) 841-3464 Fax: (404) 816-1108

Telephone Number

October 21, 2010

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/ Donald Byrd

Signature of Authorized Individual

#### Donald Byrd

Printed Name of Authorized Individual

#### **Authorized Representative**

Title of Authorized Individual

October 21, 2010

Date

Name of Debtor(s):

**Bay Harbor Homes, LLC** 

# Signatures

#### Signature of a Foreign Representative

Page 3

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.

X

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.)

X

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.

Case 10-91428-jb Doc 1 Filed 10/21/10 Entered 10/21/10 15:25:35 Desc Main Document Page 4 of 11

**B4** (Official Form 4) (12/07)

# **United States Bankruptcy Court** Northern District of Georgia

In re	Bay Harbor Homes, 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]
Second Chair, Inc. 515 E Crossville Rd Ste 410 Roswell, GA 30075-3087	Second Chair, Inc. 515 E Crossville Rd Ste 410 Roswell, GA 30075-3087			100,000.00
Sutherland Asbill & Brennan LLP 999 Peachtree St NE Atlanta, GA 30309	Sutherland Asbill & Brennan LLP 999 Peachtree St NE Atlanta, GA 30309			76,000.00
Graydon W. Florence 40 Mt Vernon Hwy NE Atlanta, GA 30338	Graydon W. Florence 40 Mt Vernon Hwy NE Atlanta, GA 30338			75,250.00
Rasco Kock Reininger Perez et al 283 Catalonia Ave Miami, FL 33134-6700	Rasco Kock Reininger Perez et al 283 Catalonia Ave Miami, FL 33134-6700			10,476.60
Palm Coast Landscaping 6845 Lilac Lane Naples, FL 34120-3101	Palm Coast Landscaping 6845 Lilac Lane Naples, FL 34120-3101			6,750.00
Eriksons 2100 Ellison Lakes Dr NW Ste 138 Kennesaw, GA 30152-6732	Eriksons 2100 Ellison Lakes Dr NW Ste 138 Kennesaw, GA 30152-6732			3,170.00
House of Floors PO Box 669 Tallevast, FL 34270-0669	House of Floors PO Box 669 Tallevast, FL 34270-0669			2,904.16
West Coast Master Painters, Inc. 4804 W Gandy Blvd. Tampa, FL 33611-3003	West Coast Master Painters, Inc. 4804 W Gandy Blvd. Tampa, FL 33611-3003			1,668.00
Consumer Source PO Box 402039 Atlanta, GA 30348-2039	Consumer Source PO Box 402039 Atlanta, GA 30348-2039			1,091.50
Crowther Roofing and Sheet Metal of Florida, Inc. 2543 Rockfill Road Fort Myers, FL 33916-4823	Crowther Roofing and Sheet Metal of Florida, Inc. 2543 Rockfill Road Fort Myers, FL 33916-4823			670.00

# Case 10-91428-jb Doc 1 Filed 10/21/10 Entered 10/21/10 15:25:35 Desc Main Document Page 5 of 11

B4 (Office	cial Form 4) (12/07) - Cont.		
In re	Bay Harbor Homes, LLC	Case No.	
	Debtor(s)		

# LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

zip code, of ment of creditor	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] 638.56 592.00
55			592.00
55			
55			
j			
j			548.00
<b>,</b>			
			<u> </u>
			508.80
111			
			508.80
-3168			
			461.98
e			
_			
			400.00
356			
			100.00
			400.00
4475			
-11/3			200.00
			389.00
4			
			371.96
***			37 1.80
069-1009			
003 1003			
- et 8	3168 ems, Inc. te 11 356 -1175 4 m	20mpany 111 3168 9 9ms, Inc. 11856 -1175	Company  111  3168  2

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

I, the Authorized Representative 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	October 21, 2010	Signature	/s/ Donald Byrd	
			Donald Byrd	
			Authorized Representative	

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.

A to Z Computers 24690 Sandhill Blvd Ste 604-605 Punta Gorda, FL 33983-5232

American Utility Management Inc. 2211 York Road, Suite 320 Oak Brook, IL 60523

Apartments.com 2563 Collection Center Drive Chicago, IL 60693

Aquagenix 100 N. Conahan Drive Hazleton, PA 18201-7355

Aquagenix 100 N. Conahan Drive Hazleton, PA 18201

Avis Plumbing & Air Conditioning 831 SW 44th Street Cape Coral, FL 33914-6302

Blue Link 603 E Paces Ferry Rd Atlanta, GA 30305

Blue Moon Software PO Box 684926 Austin, TX 78768

BlueLink LLC 603 E Paces Ferry Rd NE Atlanta, GA 30305-2714 Bugfree Services PO box 1175 Marco Island, FL 34146-1175

Bugs or Us, Inc. 1650 Fiddlesticks Blvd Ste 202-300 Fort Myers, FL 33913

Bugs-or-Us, Inc. 13650 Fiddlesticks Blvd Ste 202-300 Fort Myers, FL 33912-6838

CGCMT - 2004 E2 Fort Myers Apartments, LLC Bilzin Sumberg et al. 2500 South Biscayne Blvd. Miami, FL 33161-5340

Classified Ventures 2563 Collection Center Chicago, IL 60693-0025

Comcast 301 Tower Road PO Box 413018 Naples, FL 34101

Consumer Source PO Box 402039 Atlanta, GA 30348-2039

Crowther Roofing and Sheet Metal of Florida, Inc. 2543 Rockfill Road Fort Myers, FL 33916-4823

Culligan of Fort Myers 16101 Old US 41 Fort Myers, FL 33912-2287 Diamond Security Systems, Inc. 13850 Treeline Ave S Ste 11 Fort Myers, FL 33913-8856

Embarq PO Box 96064 Charlotte, NC 28296-0064

Eriksons 2100 Ellison Lakes Dr NW Ste 138 Kennesaw, GA 30152-6732

For Rent 24840 Burnt Pine Dr Ste 4 Bonita Springs, FL 34134

Fyr Fyter Inc. 10905-1 Gladiolus Drive Fort Myers, FL 33908

Graydon W. Florence 40 Mt Vernon Hwy NE Atlanta, GA 30338

Hoover Maintenance 2801 N Powerline Road Pompano Beach, FL 33069

Hoover Pumping System 2801 N Powerline Rd Pompano Beach, FL 33069-1009

House of Floors PO Box 669 Tallevast, FL 34270-0669 Landscape Florida 12745 Livingston Road Naples, FL 34105

Muzak PO Box 71070 Charlotte, NC 28272-1070

Office Depot Credit Plan PO Box 689020 Des Moines, IA 50368-9020

Opes Land Fund, LLC 75 14th Street NE Atlanta, GA 30309

Palm Coast Landscaping 6845 Lilac Lane Naples, FL 34120-3101

Prevail Pest Control 5305 Garden Lane Tampa, FL 33610

Rasco Kock Reininger Perez et al 283 Catalonia Ave Miami, FL 33134-6700

Ren.com 2425 Olympic Blvd. Santa Monica, CA 90404

Rent.com 2425 Olympic Blvd. Santa Monica, CA 90404 Resident Check, Inc. PO Box 678911 Dallas, TX 75267

Rox Publishing 3333 West Hospital Ave Atlanta, GA 30341-3419

Rox Publishing 3333 W Hospital Avenue Atlanta, GA 30341

Second Chair, Inc. 515 E Crossville Rd Ste 410 Roswell, GA 30075-3087

SELSecurity Inc. 2550 Highlands Rd Punta Gorda, FL 33983-3168

Sutherland Asbill & Brennan LLP 999 Peachtree St NE Atlanta, GA 30309

The Sherwin-Williams Company 5232 Bank Street Fort Myers, FL 33907-2111

Veolia 17101 Pine Ridge Rd SW Fort Myers Beach, FL 33931

Vertex Water Features 2100 NW 33rd St Pompano Beach, FL 33069-1035 Vista Property Management LLC 550 Pharr Rd Ste 410 Atlanta, GA 30305

West Coast Master Painters, Inc. 4804 W Gandy Blvd.
Tampa, FL 33611-3003