B1 (Official Formation 4/14)-75905 Doc 1 Filed 09/05/11 Entered 09/05/11 15:45:29 Desc Main United States Bankrungev Court **Voluntary Petition** Northern District of Georgia Atlanta Division Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): **Sher Incorporated** All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): **Sunset Lodge** Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than one, state all): than one, state all): 58-2517580 Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): 2942 Ember Drive, Decatur, GA ZIP CODE 30034 ZIP CODE 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): 2942 Ember Drive, Dekalb County, GA ZIP CODE 30034 Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (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 Individual (includes Joint Debtors) Recognition of a Foreign Chapter 9 11 U.S.C. § 101(51B) See Exhibit D on page 2 of this form. Main Proceeding Railroad V Chapter 11 Ø Corporation (includes LLC and LLP) ☐ Chapter 15 Petition for Stockbroker Chapter 12 Partnership Recognition of a Foreign Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding Chapter 13 ☐ Clearing Bank check this box and state type of entity below.) 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 \$2,343,300 (amount subject to adjustment on ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must 4/01/13 and every three years thereafter). 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). THIS SPACE IS FOR Statistical/Administrative Information 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 $\mathbf{\Lambda}$ 1-50-100-200-1,000-5,001-10,001-25,001-50,001-Over 49 99 999 10,000 25,000 100,000 100,000 5.000 50.000 Estimated Assets Ø \$100,001 to \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$0 to \$50,001 to \$500,000,001 More than \$50,000 \$100,000 to \$100 to \$500 \$500,000 to \$1 billion \$1 billion \$1 to \$10 to \$50 <u>m</u>illion million million million million Estimated Liabilities

\$500,001 to \$1,000,001

to \$10

million

\$50,001 to

\$50,000 \$100,000

\$100,001 to

\$500,000

\$1

million

\$0 to

\$10,000,001

to \$50

million

\$50,000,001

to \$100

million

\$100,000,001

to \$500

million

\$500,000,001

to \$1 billion

More than

\$1 billion

B1 (Official Fo <mark>rt</mark>)	α<u>9</u>64/[ባ)-75905 Doc 1 Filed 09/05/1 1	Entered 09/05/11 15:45:29	Desc Marph B1, Page 2	
Voluntary Peti		Name of Becton (\$)6		
(This page must be completed and filed in every case) Sher Incorporated				
	All Prior Bankruptcy Cases Filed Within La	st 8 Years (If more than two, attach additional sheet.)	<u> </u>	
Location Where Filed:		Case Number:	Date Filed:	
	Pending Bankruptcy Case Filed by any Spouse, Partner of	r Affiliate of this Debtor (If more than one, attach a	dditional sheet)	
Name of Debtor: NONE Case Number: Date Filed:				
District: Relationship: 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.) 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 have delivered to the debtor the notice required by 11 U.S.C. § 342(b).				
Exhibit A is attached and made a part of this petition. X Not Applicable Signature of Attorney for Debtor(s) Date			Date	
	Ext	i nibit 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.				
	Exh	ibit D		
(To be completed by	y every individual debtor. If a joint petition is filed, each spouse mu	sst complete and attach a separate Exhibit D.)		
If this is a joint petit				
Exhibit D	also completed and signed by the joint debtor is attached and made			
		ling the Debtor - Venue 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 entire monetary default that gave rise to the judgment for possess			
	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.			

B1 (Official Fo@abe4/10)-75905 Doc 1 Filed 09/05/11 Voluntary Petition Document			
· •	Name age 6 of (s) 6		
(This page must be completed and filed in every case)	Sher Incorporated		
Sign	atures		
Signature(s) of Debtor(s) (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	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.		
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	(Check only one box.)		
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 chapter 15 of Title 11, United States Code. 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)			
Dit	Date		
Date 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 definin 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided		
John C. Pennington Bar No. 571400	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		
Printed Name of Attorney for Debtor(s) / Bar No.	promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services		
John C Pennington PC	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 a		
Firm Name	fee from the debtor, as required in that section. Official Form 19 is attached.		
PO Box 275 Helen GA 30545			
Address	Not Applicable		
	Printed Name and title, if any, of Bankruptcy Petition Preparer		
(706) 878-0033 (706) 878-9916	Social-Security number (If the bankruptcy petition preparer is not an individual,		
Telephone Number	state the Social-Security number of the officer, principal, responsible person or		
9/5/2011	partner of 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	partner whose Social-Security number is provided above.		
Code, specified in this petition.	Names and Social-Security numbers of all other individuals who prepared or		
X s/ Sher S. Kala	assisted in preparing this document unless the bankruptcy petition preparer is not a individual.		
Signature of Authorized Individual	If more than one person prepared this document, attach to the appropriate official		
Sher S. Kala	form for each person.		
Printed Name of Authorized Individual	A bankruptcy petition preparer's failure to comply with the provisions of title 11 at		
CEO	the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.		
Title of Authorized Individual			
9/5/2011			

Date

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United States Bankruptcy Court

Northern District of Georgia Atlanta Division

in re:		Case No.		
		Chapter	11	
Sher Incorporated				
STATEMENT REGARDING	AUTHORITY T	O SIGN AND FILE P	ETITION	
I, Sher S. Kala, declare under penalty of perjury that resolution was duly adopted by the of this Corporation		Incorporated, a Corporation a	and that on the following	
"Whereas, it is in the best interest of this Corporat Bankruptcy Court pursuant to Chapter 11 of Title 11 of	• •			
Be It Therefore Resolved, that Sher S. Kala, CEO of documents necessary to perfect the filing of a Chapter				
Be It Further Resolved, that Sher S. Kala , CEO of the proceedings on behalf of the Corporation, and to other documents on behalf of the Corporation in connection	wise do and perform all	l acts and deeds and to execute		
Be It Further Resolved, that Sher S. Kala, CEO of attorney and the law firm of John C Pennington PC to re			John C. Pennington,	
Executed on: 9/5/2011	Signed:	s/ Sher S. Kala		

Sher S. Kala

B4 (Official Form 4) (12/07)

Philadelphia, PA 19101-3604

Axis Capital, Inc.

Grand Island, NE 68802

P.O. Box 2555

United States Bankruptcy Court Northern District of Georgia Atlanta Division

In re Sher Incorporated			No	
	Debtor	Chap	ter <u>11</u>	
LIST OF CRE	DITORS HOLDING	20 LARGEST	UNSECURE	D CLAIMS
(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, gov- ernment contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim [if secured also state value of security]
Discover Business Card P.O. Box 3023 New Albany, OH 43054-3023				\$12,845.00
American Express P.O. Box 650448 Dallas, TX 75265-0448				\$1,526.00
Home Depot Credit Services Dept. 32-2002794547 P.O. Box 183175 Columbus, OH 43218-3175				\$1,500.00
Marlin Leasing P.O. Box 13604				\$1,027.45

\$361.31

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B4 (Official Form 4) (12/07)4 -Cont.

In re Sher Incorporated		, Case No	Case No.	
	Debto	Chapter	11	

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(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]

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

I, Sher S. Kala, CEO 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: 9/5/2011	Signature:	s/ Sher S. Kala
		Sher S. Kala ,CEO
		(Print Name and Title)

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.