B1 (Official Cornel) 104/100052-pwb Doc 1 Filed 04/19/12 Entered 04/19/12 13:04:43 Desc Main United States Bankrupocynomirt Page 1 of 11 **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): Alpharetta Hospitality, LLC 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): Shlok Lounge Tadka Retaurant & Banquets Inchin's Bamboo Garden Restaurant 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): 30-039-6045 than one state all): Street Address of Joint Debtor (No. & Street, City, and State): Street Address of Debtor (No. & Street, City, and State): 11105 Statebridge Rd. Suite 200 Alpharetta, GA ZIP CODE 30022 ZIP CODE County of Residence or of the Principal Place of Business County of Residence or of the Principal Place of Business: Fulton 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 **Chapter of Bankruptcy Code Under Which** Type of Debtor Nature of Business (Form of Organization) the Petition is Filed (Check one box) (Check one box) (Check one box.) ☐ Health Care Business ☐ Chapter 15 Petition for Chapter 7 Single Asset Real Estate as defined in Recognition of a Foreign Individual (includes Joint Debtors) Chapter 9 11 U.S.C. § 101(51B) See Exhibit D on page 2 of this form. Main Proceeding Chapter 11 Railroad Corporation (includes LLC and LLP) V ☐ 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 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 Check if: 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). 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 $\mathbf{\Lambda}$ 1-50-100-200-1.000-5.001-10.001-25 001-50.001-Over 49 199 999 99 5.000 10,000 25,000 50,000 100,000 100,000 Estimated Assets \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$0 to \$500,000,001 \$100,001 to More than

\$50,000 \$100,000 \$500,000 \$1 to \$10 to \$50 to \$100 to \$500 to \$1 billion \$1 billion million million million million million **Estimated Liabilities** Ø \$10,000,001 \$50,000,001 \$500,001 to \$1,000,001 \$100,000,001 \$50,001 to \$100,001 to More than \$500,000,001 to \$10 to \$50 to \$100 to \$500 \$1 \$50,000 \$100,000 \$500,000 \$1 billion to \$1 billion million million million million million

B1 (Official (F₂₁₇₉₎	<u>@1)102/2000052-pwb </u>	<u>/12 Entered 04/19/12 13:04:4</u>	3 Desc MAM B1, Page 2	
Voluntary Peti		Name of Debof(s):1		
(1 nis page must	be completed and filed in every case)	Alpharetta Hospitality, LLC		
	All Prior Bankruptcy Cases Filed Within La	st 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 or	r Affiliate of this Debtor (If more than one, attach a	dditional sheet)	
Name of Debtor: NONE		Case Number:	Date Filed:	
District:		Relationship:	Judge:	
10Q) with the Secu	Exhibit A f debtor is required to file periodic reports (e.g., forms 10K and rities and Exchange Commission pursuant to Section 13 or 15(d) tchange Act of 1934 and is requesting relief under chapter 11.)	Exhibit B (To be completed if debtor is a whose debts are primarily con I, the attorney for the petitioner named in the forego have informed the petitioner that [he or she] may prince 12, or 13 of title 11, United States Code, and have e available under each such chapter. I further certify the debtor the notice required by 11 U.S.C. § 342(b).	sumer debts) ing petition, declare that I oceed under chapter 7, 11, xplained the relief	
Exhibit A is a	attached and made a part of this petition.	X Not Applicable Signature of Attorney for Debtor(s)	Date	
	Ext	nibit C		
	rn or have possession of any property that poses or is alleged to pose ibit C is attached and made a part of this petition.	a threat of imminent and identifiable harm to public h	ealth or safety?	
	Exh	ibit D		
(To be completed b	by every individual debtor. If a joint petition is filed, each spouse mu	sst 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 peti				
_		and California		
Exhibit D	a lso completed and signed by the joint debtor is attached and made	ling the Debtor - Venue		
	(Check any	applicable box)		
I	Debtor has been domiciled or has had a residence, principal place preceding the date of this petition or for a longer part of such 180	of business, or principal assets in this District for 180 days than in any other District.	days immediately	
	There is a bankruptcy case concerning debtor's affiliate. general p	partner, or partnership pending in this District.		
	Debtor is a debtor in a foreign proceeding and has its principal place of business or assets in the United States by this District, or the interests of the parties will be served in regard	ut is a defendant in an action or proceeding [in a federa		
		des as a Tenant of Residential Property oplicable boxes.)		
	Landlord has a judgment against the debtor for possession of debt	tor's residence. (If box checked, complete the following	g).	
		(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 a filing of the petition.	any rent that would become due during the 30-day period	od after the	
	Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

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

	19/12 Entered 04/19/12 13:04:43 Desc MAM B1, Page					
Voluntary Petition Documer	Name of Debio(s).					
(This page must be completed and filed in every case)	Alpharetta Hospitality, LLC					
Si	gnatures					
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 tru 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, 1 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 one box.)					
[If no attorney represents me and no bankruptcy petition preparer signs the petition] have obtained and read the notice required by 11 U.S.C. § 342(b).	Certified Copies of the documents required by § 1313 of thie 11 are attached.					
I request relief in accordance with the chapter of title 11, United States Code, specifin this petition.						
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						
Signature of Attorney	Signature of Non-Attorney Petition Preparer					
X /S/ Signature of Attorney for Debtor(s)	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined					
Brian C. Near Bar No. 536170	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					
Printed Name of Attorney for Debtor(s) / Bar No.						
Near Law Firm	maximum amount before preparing any document for filing for a debtor or accepting any					
Firm Name	fee from the debtor, as required in that section. Official Form 19 is attached.					
3690 Holcomb Bridge Road Suite B	_					
Address	Not Applicable Printed Name and title, if any, of Bankruptcy Petition Preparer					
Norcross Georgia 30092	Printed Name and title, if any, of Bankrupicy Petition Preparer					
770-242-0850 404-996-1653	Social-Security number (If the bankruptcy petition preparer is not an individual,					
Telephone Number 4/19/2012	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 *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.	ue					
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 State Code, specified in this petition.	Names and Social-Security numbers of all other individuals who prepared or					
X s/ Rakesh Panday	assisted in preparing this document unless the bankruptcy petition preparer is not an individual.					
Signature of Authorized Individual	If more than one person prepared this document, attach to the appropriate official					
Rakesh Panday	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.					
Managing Member						

Managing Member Title of Authorized Individual

4/19/2012 Date

Case 12-60052-pwb Doc 1 Filed 04/19/12 Entered 04/19/12 13:04:43 Desc Main Document Page 4 of 11

United States Bankruptcy Court

Northern District of Georgia Atlanta Division

In re:			Case No.	
			Chapter	11
Alpharetta Hospitality,	LLC			
STATEMENT	T REGARDING AUTI	HOBITY TO SIG	N AND EILE D	ETITION
STATEMEN	I KEGARDING AUTI		N AND FILE F	LIIION
I, Rakesh Panday, declare un Corporation and that on 04/18/201 Corporation:	der penalty of perjury that I am 12 the following resolution was			
"Whereas, it is in the best int Bankruptcy Court pursuant to Cha	terest of this Corporation to file apter 11 of Title 11 of the Unite	* ·	he United States	
Be It Therefore Resolved, the deliver all documents necessary to	at Rakesh Panday, Managing M to perfect the filing of a Chapte			
Be It Further Resolved, that I bankruptcy proceedings on behal all necessary documents on behal		nerwise do and perform	all acts and deeds an	
Be It Further Resolved, that Near , attorney and the law firm of	Rakesh Panday, Managing Mer Near Law Firm to represent the			rected to employ Brian C.
Executed on: 4/19/2012		Signed: s/ Rake	sh Panday	

s/ Rakesh Panday Rakesh Panday

665 Wednesbury Rd. Alpharetta, GA 30022

United States Bankruptcy Court Northern District of Georgia Atlanta Division

In re Alpharetta Hospitality, LL		Debtor		,	Case No. Chapter	•	
LIST OF CRED	ITORS	HOLDING	20	LARGES	ST U	NSECURED	CLAIMS
(1) Name of creditor and complete mailing address including zip code	complete mai including zip employee, ag of creditor far	code, of gent, or department		(3) Nature of claim (trade debt, bank loan, gov- ernment 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]
Phalguni Panday 665 Wednesbury Rd. Alpharetta, GA 30022							\$260,217.42
Kaushik Patel 2026 Chambord Way Snellville, GA 30078							\$237,208.33
Berkadia Commercial Morgage, LLC c/o The Shopping Center Group, LLC 300 Gallaria Parkway, 12th Floor Atlanta, GA 30339						DISPUTED	\$112,992.00
Mahendra Patel c/o K Patel 2026 Chambord Way Snellville, GA 30078							\$81,000.00
Genesis Capital Ent., LLC 4500 Biscayne Blvd. Ste. 310 Miami, FL 33137							\$70,413.47
Rakesh Panday							\$60,000,00

\$60,000.00

Case 12-60052-pwb Doc 1 Filed 04/19/12 Entered 04/19/12 13:04:43 Desc Main Document Page 6 of 11

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

In re Alpharetta Hospitality, LLC		Case No.	
	Debtor	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]

Pankaj Patel 901 Cranbrook Glen Lane Snellville, GA 30078

\$60,000.00

Amitabh Agrawal 840 Ingleside Dr. Lawrenceville, GA 30044

\$60,000.00

Havenstone Bank Attn: Assignee CLMG Corp 7195 Dallas Pkwy Plano, TX 75024

\$51,383.67

Piyush Agrawal 840 Ingleside Dr. Lawrenceville, GA 30044

\$50,000.00

Amitabh Agrawal 840 Ingleside Dr. Lawrenceville, GA 30044

\$48,750.00

Pankaj Patel 901 Cranbrook Glen Lane Snellville, GA 30078

\$48,750.00

Doc 1 Case 12-60052-pwb Filed 04/19/12 Entered 04/19/12 13:04:43 Desc Main Page 7 of 11 Document

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

In re Alpharetta Hospitality, LLC		Case No.	
	Debtor	Chapter	11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Name of creditor and complete

(1)

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]

Kaushik Patel 2026 Chambord Way Snellville, GA 30078

Sushil Parmar 12 Mitcham Park Mitcham, Surrey CR4 3EG UK

Inchin's Bamboo Garden Franchising 11105 Statebridge Rd. Alpharetta, GA 30022

American Express PO Box 650448 Dallas, TX 75265-0448

Citibank Attention Bankruptcy PO Box 20507 Kansas City, MO 64915

State Farm Bank PO Box 23025 Columbus, GA 31902-3025 \$30,957.00

\$48,750.00

\$29,000.00

\$23,864.12

\$22,870.27

\$18,898.14

Case 12-60052-pwb Doc 1 Filed 04/19/12 Entered 04/19/12 13:04:43 Desc Main Document Page 8 of 11

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

In re Alpharetta Hospitality, LLC		Case No.	
	Debtor	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]

Rakesh Panday 665 Wednesbury Rd. Alpharetta, GA 30022

\$16,500.00

American Express P.O. Box 981535 El Paso, TX 79998

Date: 4/19/2012

\$12,708.42

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

I, Rakesh Panday, Managing Member 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.

Signature:

Rakesh Panday ,Managing Member

(Print Name and Title)

s/ Rakesh Panday

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.

Case 12-60052-pwb Doc 1 Filed 04/19/12 Entered 04/19/12 13:04:43 Desc Main Document Page 9 of 11

American Express
PO Box 650448
Dallas, TX 75265-0448

American Express P.O. Box 981535 El Paso, TX 79998

Amitabh Agrawal 840 Ingleside Dr. Lawrenceville, GA 30044

Bank Of America PO Box 17054 Wilmington, DE 19850

Bank Of America, NA Attn: Bankruptcy Dept Nc4-105-03-14 PO Box 26012 Greensboro, NC 27420

Berkadia Commercial Morgage, LLC c/o The Shopping Center Group, LLC 300 Gallaria Parkway, 12th Floor Atlanta, GA 30339

Citibank Attention Bankruptcy PO Box 20507 Kansas City, MO 64915

Genesis Capital Ent., LLC 4500 Biscayne Blvd. Ste. 310 Miami, FL 33137

Havenstone Bank Attn: Assignee CLMG Corp 7195 Dallas Pkwy Plano, TX 75024

Case 12-60052-pwb Doc 1 Filed 04/19/12 Entered 04/19/12 13:04:43 Desc Main Document Page 10 of 11

Inchin's Bamboo Garden Franchising 11105 Statebridge Rd. Alpharetta, GA 30022

Kaushik Patel 2026 Chambord Way Snellville, GA 30078

Mahendra Patel c/o K Patel 2026 Chambord Way Snellville, GA 30078

Moskowitz & Martain, LLP One Lakeside Commons 990 Hammond Dr., Ste. 990 Atlatna, GA 30328

Pankaj Patel 901 Cranbrook Glen Lane Snellville, GA 30078

Phalguni Panday 665 Wednesbury Rd. Alpharetta, GA 30022

Piyush Agrawal 840 Ingleside Dr. Lawrenceville, GA 30044

Rakesh Panday 665 Wednesbury Rd. Alpharetta, GA 30022

State Farm Bank PO Box 23025 Columbus, GA 31902-3025 Case 12-60052-pwb Doc 1 Filed 04/19/12 Entered 04/19/12 13:04:43 Desc Main Document Page 11 of 11

Sushil Parmar 12 Mitcham Park Mitcham, Surrey CR4 3EG UK