

UNITED STATES BANKRUPTCY COURT Northern District of Georgia VOLUNTARY PETITION

Name of Debtor (if individual, enter Last, First, Middle): Shivani Hospitality LLC d/b/a Days Inn
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)/Complete EIN (if more than one, state all): 26-1095238
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):

Street Address of Debtor (No. and Street, City, and State): 753 North Marietta Parkway Marietta, Georgia
Street Address of Joint Debtor (No. and Street, City, and State):
ZIP CODE 30060 ZIP CODE

County of Residence or of the Principal Place of Business: Cobb
County of Residence or of the Principal Place of Business:

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

Type of Debtor (Form of Organization) (Check one box.)
Nature of Business (Check one box.)
Chapter of Bankruptcy Code Under Which the Petition is Filed (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.)
Health Care Business
Single Asset Real Estate as defined in 11 U.S.C. § 101(51B)
Railroad
Stockbroker
Commodity Broker
Clearing Bank
Other
Chapter 7
Chapter 9
Chapter 11
Chapter 12
Chapter 13
Chapter 15 Petition for Recognition of a Foreign Main Proceeding
Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Chapter 15 Debtors
Country of debtor's center of main interests:
Each country in which a foreign proceeding by, regarding, or against debtor is pending:
Tax-Exempt Entity (Check box, if applicable.)
Debtor is a tax-exempt organization under title 26 of the United States Code (the Internal Revenue Code).
Nature of Debts (Check one box.)
Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
Debts are primarily business debts.

Filing Fee (Check one box.)
Full Filing Fee attached.
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.
Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.
Chapter 11 Debtors
Check one box:
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).
Check if:
Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter).
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
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.
THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors
Estimated Assets
Estimated Liabilities

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case.)</i>	Page of Debtors: _____
--	------------------------

**All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)**

Location Where Filed:	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date 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:
District:	Relationship:	Judge:

<p style="text-align: center;"><b>Exhibit A</b></p> <p>(To be completed if debtor is required to file periodic reports (c.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.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p style="text-align: center;"><b>Exhibit B</b></p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</p> <p>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).</p> <p>X _____ Signature of Attorney for Debtor(s) (Date)</p>
---	---

**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 with 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(l)).

<p><b>Voluntary Petition</b> <i>(This page must be completed and filed in every case.)</i></p>	<p><b>Name of Debtor(s):</b></p>
<b>Signatures</b>	
<p style="text-align: center;"><b>Signature(s) of Debtor(s) (Individual/Joint)</b></p> <p>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).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Debtor</p> <p>X _____ Signature of Joint Debtor</p> <p>_____ Telephone Number (if not represented by attorney)</p> <p>_____ Date</p>	<p style="text-align: center;"><b>Signature of a Foreign Representative</b></p> <p>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.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p>X _____ (Signature of Foreign Representative)</p> <p>_____ (Printed Name of Foreign Representative)</p> <p>_____ Date</p>
<p style="text-align: center;"><b>Signature of Attorney*</b></p> <p>X <u>/s/ Garrett A. Nail</u> Signature of Attorney for Debtor(s) <u>Garrett A. Nail</u> Printed Name of Attorney for Debtor(s) <u>Thompson Hine LLP</u> Firm Name <u>3580 Lenox Road, Suite 1600</u> <u>Atlanta, Georgia 30326</u> Address <u>4045412900</u> Telephone Number <u>08/20/2014</u> Date</p> <p>*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.</p>	<p style="text-align: center;"><b>Signature of Non-Attorney Bankruptcy Petition Preparer</b></p> <p>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.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ 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 the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)</p> <p>_____ Address</p> <p>X _____ Signature</p> <p>_____ Date</p> <p>Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.</p> <p>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.</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><i>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.</i></p>
<p style="text-align: center;"><b>Signature of Debtor (Corporation/Partnership)</b></p> <p>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.</p> <p>The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u></u> Signature of Authorized Individual <u>Suresh Sharma</u> Printed Name of Authorized Individual <u>Manager</u> Title of Authorized Individual <u>08/18/2014</u> Date</p>	

**WRITTEN CONSENT  
OF  
MEMBERS  
OF  
SHIVANI HOSPITALITY, LLC**

The undersigned, being the Members of Shivani Hospitality, LLC, a Georgia limited liability company (the "Company"), by affixing their signature(s) below on this 18th day of August 2014, hereby consent to and adopt the resolutions set forth below and waive any required notice in connection therewith:

**RECITALS**

**WHEREAS**, the Company has determined that it is in the best interests of the Company to file a petition for relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the Northern District of Georgia;

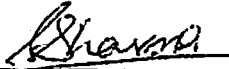
**WHEREAS**, the Company desires to ratify and approve all actions taken by the Company and the President of the Company in connection with such bankruptcy filing.

**NOW, THEREFORE, BE IT RESOLVED**, that the undersigned do hereby consent and agree as follows:

1. The Company is hereby authorized to retain Thompson Hine LLP of Atlanta, Georgia, to represent it in connection with the foregoing bankruptcy proceeding.
2. Suresh Sharma and Anila Sharma, members of the Company, and any other officer as the Company may designate, are hereby authorized and directed, in the name of and on behalf of the Company, to execute the voluntary bankruptcy petition, to take any other action, and to deliver such other instruments and documents in connection therewith, which the Company may be a party to or which may be necessary, appropriate, or desirable to effectuate the transactions contemplated thereby, with such changes as these individuals or other designee may approve in their sole discretion, and the execution by these individuals or other designee and delivery thereof shall constitute approval of the terms thereof.
3. All acts heretofore lawfully done or actions lawfully taken by the Company in connection with the reorganization of the Company or any matter related thereto, including the previous engagement of the firm Thompson Hine LLP, or such other firm, are hereby in all respects ratified, confirmed and approved.
4. A facsimile copy of this Written Consent shall be deemed an original.

*[Signature on following page]*

**IN WITNESS WHEREOF**, the undersigned Members of the Company have executed this Written Consent as of the day and year written above.

  
\_\_\_\_\_  
Suresh Sharma, Member

  
\_\_\_\_\_  
Anila Sharma, Member

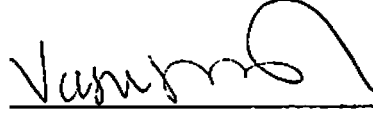
\_\_\_\_\_  
Vasu Shah, Member

\_\_\_\_\_  
Janak Shah, Member

**IN WITNESS WHEREOF**, the undersigned Members of the Company have executed this Written Consent as of the day and year written above.

\_\_\_\_\_  
Suresh Sharma, Member

\_\_\_\_\_  
Anila Sharma, Member



\_\_\_\_\_  
Vasu Shah, Member

\_\_\_\_\_  
Janak Shah, Member

**IN WITNESS WHEREOF**, the undersigned Members of the Company have executed this Written Consent as of the day and year written above.

\_\_\_\_\_  
Suresh Sharma, Member

\_\_\_\_\_  
Anila Sharma, Member

\_\_\_\_\_  
Vasu Shah, Member

  
\_\_\_\_\_  
Janak Shah, Member

## UNITED STATES BANKRUPTCY COURT

In re: Shivani Hospitality LLC dba Days Inn,

Case No.: \_\_\_\_\_

Debtor.

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 and Fed. R. Bankr. P. 1007(m).

(1) <i>Name of Creditor and complete mailing address, including zip code</i>	(2) <i>Name, telephone number and complete mailing address including zip code of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim (if secured also state value of security)</i>
Clackum Investments, Inc. 2709 Pinestream Drive Marietta, GA 30068	Clackum Investments, Inc. 2709 Pinestream Drive Marietta, GA 30068 c/o Esther C. Davis	Landlord	Disputed	\$27,167
Knight Johnson One Midtown Plaza 1360 Peachtree Street Suite 1201 Atlanta, Georgia 30309	Bryan Knight One Midtown Plaza 1360 Peachtree Street Suite 1201 Atlanta, Georgia 30309 Phone: 404-228-4822	Legal Fees	Subject to set-off for retainer	\$6116.71
Georgia Logo 6597 Peachtree Industrial Blvd, Suite A, Norcross, GA 30092	Georgia Logo 6597 Peachtree Industrial Blvd Suite A, Norcross, GA 30092 Phone: 770-447-6399	Trade		\$1,541.20
Suresh and Anila Sharma 753 North Marietta Parkway Marietta, GA 30060	Suresh and Anila Sharma 753 North Marietta Parkway Marietta, GA 30060	Loan		\$12,000



B 4 (Official Form 4) (12/07)

Farmer Brothers PO Box 79705 City of Industry, CA 91716-9705	Farmer Brothers PO Box 79705 City of Industry, CA 91716-9705	Trade		\$331.64
AVM PO Box 22283 Chattanooga, TN 37422- 2283	AVM PO Box 22283 Chattanooga, TN 37422-2283 Phone: 1-800-218-3995	Trade		\$278.38
Alsco Linens 4111 Pleasantdale Rd, Doraville, GA. 30340	Alsco Linens 4111 Pleasantdale Rd, Doraville, GA. 30340 Phone: 770-510-5900	Trade		\$2174.84
Republic Waste 3045 Donald Lee Hollowell Pkwy, Atlanta GA. 30318-440505	Republic Waste 3045 Donald Lee Hollowell Pkwy, Atlanta GA. 30318-440505 Phone: 404-693-9200	Trade		\$79.73
Comcast Cable PO Box 530098 Atlanta, GA 30353-0098	Comcast Cable PO Box 530098 Atlanta, GA 30353-0098 Phone: 1-877-229-5999	Trade		\$572.91
Comcast Tele PO Box 530098 Atlanta, GA 30353-0098	Comcast Cable PO Box 530098 Atlanta, GA 30353-0098 Phone: 1-877-229-5999	Trade		297.08
Marietta Power and Water 675 N Marietta Pkwy, Marietta, GA 30060-1528	Marietta Power and Water 675 N Marietta Pkwy, Marietta, GA 30060-1528 Phone: 770-794-5160	Trade		\$2830.02
Day's Inn 22 Sylvan Way, Parsippany, NJ 07054	Day's Inn 22 Sylvan Way, Parsippany, NJ 07054 Phone: 973-753-8101	Trade		\$15565.00
Cobb County Property Tax PO Box 100127 Marietta GA 30061	Cobb County PO Box 100127 Marietta GA 30061 Phone: 770-528-8600	Taxes		\$258.44
City of Marietta 205 Lawrence St. Marietta, GA 30060	City of Marietta 205 Lawrence St. Marietta, GA 30060 Phone: 770-794-5526	City taxes		\$4506.56

B 4 (Official Form 4) (12/07)

Community & Southern Bank 4800 Ashford Dunwoody Road Suite 250 Atlanta, Georgia 30338	Community & Southern Bank Attention: Andy Gerot 4800 Ashford Dunwoody Road Suite 250 Atlanta, Georgia 30338	Loan		Unknown
--	--	------	--	---------

Date: 08/22/2014

Signature: /s/ Suresh Sharma, President  
Shivani Hospitality LLC dba Days Inn  
Debtor

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

I, as President of 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: August 22, 2014

Signature: /s/ Suresh Sharma

Suresh Sharma, President  
Shivani Hospitality LLC dba Days Inn

*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.

Clackum Investments, Inc.  
2709 Pinestream Drive  
Marietta, GA 30068

Knight Johnson  
One Midtown Plaza  
1360 Peachtree Street  
Suite 1201  
Atlanta, Georgia 30309

Georgia Logo  
6597 Peachtree Industrial Blvd, Suite A  
Norcross, GA 30092

Suresh and Anila Sharma  
753 North Marietta Parkway  
Marietta, GA 30060

Farmer Brothers  
PO Box 79705  
City of Industry, CA 91716-9705

AVM  
PO Box 22283  
Chattanooga, TN 37422-2283

AlSCO Linens  
4111 Pleasantdale Road  
Doraville, GA 30340

Republic Waste  
3045 Donald Lee Hollowell Parkway  
Atlanta GA 30318-440505

Comcast Cable  
PO Box 530098  
Atlanta, GA 30353-0098

Comcast Tele  
PO Box 530098  
Atlanta, GA 30353-0098

Marietta Power and Water  
675 N Marietta Parkway  
Marietta, GA 30060-1528

Day's Inn  
22 Sylvan Way,  
Parsippany, NJ 07054

Cobb County Property Tax  
PO Box 100127  
Marietta GA 30061

City of Marietta  
205 Lawrence St.  
Marietta, GA 30060

Community & Southern Bank  
4800 Ashford Dunwoody Road  
Suite 250  
Atlanta, Georgia 30338