

Fill in this information to identify your case:

United States Bankruptcy Court for the:

NORTHERN DISTRICT OF GEORGIA

Case number (if known) Chapter **11**

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name **Thomas Ovation, LLC**

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) **47-3723065**

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

**45 Ansley Drive
Newnan, GA 30263**

Number, Street, City, State & ZIP Code

P.O. Box, Number, Street, City, State & ZIP Code

Coweta
County

Location of principal assets, if different from principal place of business

Ovation Parkway Franklin, TN 37067
Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **Thomas Ovation, LLC**
Name

Case number (if known)

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ 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).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☐ No.
- ☒ Yes.

If more than 2 cases, attach a separate list.

District	Northern District of Georgia	When	5/17/17	Case number	17-11046
District		When		Case number	

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
- ☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor		Relationship	
District		When	
		Case number, if known	

Debtor **Thomas Ovation, LLC**
Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, 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.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☒ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☒ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Thomas Ovation, LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **October 11, 2018**
MM / DD / YYYY

X /s/ Stanley E. Thomas
Signature of authorized representative of debtor

Title **Manager**

Stanley E. Thomas
Printed name

18. Signature of attorney **X /s/ David L. Bury, Jr.**
Signature of attorney for debtor

Date **October 11, 2018**
MM / DD / YYYY

David L. Bury, Jr. 133066
Printed name

Stone & Baxter, LLP
Firm name

577 Mulberry Street, Suite 800
Macon, GA 31201
Number, Street, City, State & ZIP Code

Contact phone **478-750-9898**

Email address **dbury@stoneandbaxter.com**

133066 GA
Bar number and State

Fill in this information to identify the case:

Debtor name **Thomas Ovation, LLC**
 United States Bankruptcy Court for the: **NORTHERN DISTRICT OF GEORGIA**
 Case number (if known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Ashley T. Roberts 105 Pickens Drive Newnan, GA 30263		Commissions				\$85,000.00
B.J. Yuill 481 Bexton Road Moreland, GA 30259		Leasing Consultant				\$2,500.00
Fourth Quarter Properties 100, LLC 45 Ansley Drive Newnan, GA 30263		Loan				\$21,985,490.78
GRE Kappa, LLC c/o Gamma Real Estate, LLC 101 Park Avenue, Suite 2602 New York, NY 10178		Guaranty	Contingent Disputed			\$10,200,000.00
Platform Real Estate 2501 Jarrett Avenue Austin, TX 78703		Leasing Consultant				\$5,000.00
Sherrard Roe Voigt & Harbeson PLC 150 3rd Avenue South, Suite 1100 Nashville, TN 37201		Legal Services				\$1,268.00
SWA Group P.O. Box 5904 Sausalito, CA 94966		Engineering Services				\$10,986.45
Tennessee Department of Revenue P.O. Box 190665 Nashville, TN 37219		Franchise Tax				\$212,531.00
Wakefield Beasley 5200 Avalon Boulevard Alpharetta, GA 30009		Architectural Services				\$243,803.40

Debtor **Thomas Ovation, LLC** Case number (if known) _____
Name

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Williamson County Trustee P.O. Box 1365 Franklin, TN 37065		Property Tax				\$321,559.87

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

In re **Thomas Ovation, LLC**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the 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: **October 11, 2018**

/s/ Stanley E. Thomas

Stanley E. Thomas/Manager

Signer/Title

Ashley T. Roberts
105 Pickens Drive
Newnan, GA 30263

B.J. Yuill
481 Bexton Road
Moreland, GA 30259

Bass, Berry & Sims, LLC
Attn: Scott M. McLeod
100 Peabody Place, Suite 1300
Memphis, TN 38103

Fourth Quarter Properties 100, LLC
45 Ansley Drive
Newnan, GA 30263

GRE Kappa, LLC
c/o Gamma Real Estate, LLC
101 Park Avenue, Suite 2602
New York, NY 10178

Michael Anthony Shaw
Jones Walker
11 N. Water Street, Suite 1200
Mobile, AL 36602

Ovation Loan Group, LLC
Attn: Greg Davis
1819 E. Southern Avenue, Suite B-10
Mesa, AZ 85204

Platform Real Estate
2501 Jarrett Avenue
Austin, TX 78703

Sherrard Roe Voigt & Harbeson PLC
150 3rd Avenue South, Suite 1100
Nashville, TN 37201

SWA Group
P.O. Box 5904
Sausalito, CA 94966

Tennessee Department of Revenue
P.O. Box 190665
Nashville, TN 37219

Thomas Ovation I, LLC
45 Ansley Drive
Newnan, GA 30263

Wakefield Beasley
5200 Avalon Boulevard
Alpharetta, GA 30009

Williamson County Trustee
P.O. Box 1365
Franklin, TN 37065

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

In re **Thomas Ovation, LLC**

Debtor(s)

Case No.

Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Thomas Ovation, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

October 11, 2018

Date

/s/ David L. Bury, Jr.

David L. Bury, Jr. 133066

Signature of Attorney or Litigant
Counsel for **Thomas Ovation, LLC**

Stone & Baxter, LLP

577 Mulberry Street, Suite 800

Macon, GA 31201

478-750-9898 Fax: 478-750-9899

dbury@stoneandbaxter.com

**JOINT RESOLUTIONS OF THE SOLE MEMBER AND SOLE MANAGER
OF
THOMAS OVATION, LLC**

The following joint action was taken by the Sole Member and the Sole Manager of Thomas Ovation, LLC (the "Company") by this written consent to said action signed by the Sole Member and the Sole Manager of the Company, said action to have full force and effect as if adopted at a duly called and held special meeting.

WHEREAS, the undersigned believe that it is in the best interests of the Company for the Company to file a voluntary petition under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Georgia.

NOW THEREFORE, IT IS HEREBY RESOLVED,

That the Company file a Petition for Reorganization under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Georgia; and

That Stanley Thomas, on behalf of the Company, is hereby authorized to take such actions and to execute such instruments and documents as, in his sole and explicit discretion, may be necessary or desirable in connection with filing, administering, and completing the Chapter 11 case.

Dated: October 10, 2018.

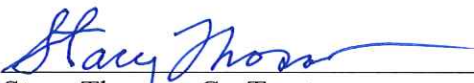
SOLE MEMBER

CAROLE THOMAS AND STACY THOMAS,
AS CO-TRUSTEES OF THE THOMAS FAMILY TRUST

By:



Carole Thomas, Co-Trustee



Stacy Thomas, Co-Trustee

SOLE MANAGER



Stanley Thomas, Manager