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Estimated Liabilities

 $\overline{\mathbf{V}}$ 

\$10 million

\$50,001 to \$100,001 to \$500,001 to \$1,000,001 to \$10,000,001

\$1 million

to \$50 million \$100 million

\$50,000,001 to \$100,000,001

to \$500 million to \$1 billion

\$500,000,001 More than

\$0 to

Case 10-92288 **B1** (Official Form 1) (4/10) Filed 11/05/10 Entered 11/05/10 15:22:39 Desc Main Doc 1 Document Page 1 of 12 **United States Bankruptcy Court** Voluntary Petition **Central District of Illinois** Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): Herrington, Victor Herrington, Diane All Other Names used by the Joint Debtor in the last 8 years All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): 9824 EIN (if more than one, state all): 7674 Street Address of Debtor (No. & Street, City, State & Zip Code): Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 326 Naples Drive 326 Naples Drive Rantoul, IL Rantoul, IL **ZIPCODE 61866 ZIPCODE 61866** County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Champaign Champaign Mailing Address of Debtor (if different from street address) Mailing Address of Joint Debtor (if different from street address): ZIPCODE ZIPCODE Location of Principal Assets of Business Debtor (if different from street address above): 801 S. Poplar, Urbana, IL **ZIPCODE 61801** Type of Debtor **Chapter of Bankruptcy Code Under Which Nature of Business** (Form of Organization) (Check **one** box.) the Petition is Filed (Check one box.) (Check one box.) Chapter 15 Petition for Health Care Business Chapter 7 ✓ Individual (includes Joint Debtors) Single Asset Real Estate as defined in 11 Chapter 9 Recognition of a Foreign U.S.C. § 101(51B) See Exhibit D on page 2 of this form. Chapter 11 Main Proceeding Corporation (includes LLC and LLP) Railroad Chapter 12 Chapter 15 Petition for Stockbroker Chapter 13 Partnership Recognition of a Foreign Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding check this box and state type of entity below.) Clearing Bank **Nature of Debts ✓** Other (Check one box.) Debts are primarily Debts are primarily consumer Tax-Exempt Entity debts, defined in 11 U.S.C. business debts. (Check box, if applicable.) § 101(8) as "incurred by an Debtor is a tax-exempt organization under individual primarily for a Title 26 of the United States Code (the personal, family, or house-Internal Revenue Code). hold purpose." Filing Fee (Check one box) **Chapter 11 Debtors** 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 Debtor's aggregate noncontingent liquidated debts owed to non-insiders or affiliates are less except in installments. Rule 1006(b). See Official Form 3A. than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Filing Fee waiver requested (Applicable to chapter 7 individuals Check all applicable boxes: only). Must attach signed application for the court's A plan is being filed with this petition consideration. See Official Form 3B. 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  $\checkmark$ 50,001-200-999 1.000-5,001-25.001-1-49 50-99 100-199 10.001-Over 5,000 10,000 25,000 50,000 100,000 100,000 Estimated Assets  $\checkmark$ \$50,001 to \$100,001 to \$500,001 to \$1,000,001 to \$10,000,001 \$50,000,001 to \$100,000,001 \$500,000,001 More than \$50,000 \$100,000 \$500,000 \$1 million \$10 million to \$50 million \$100 million to \$500 million to \$1 billion \$1 billion

| Pending Bankruptcy Case Filed by any Spouse, Partner of   | r Affiliate of this Debtor (If mo  | ore than one, attach additional 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.)  Exhibit A is attached and made a part of this petition.  | (To be completed whose debts are properties of the petitioner of that I have informed the petition chapter 7, 11, 12, or 13 of the explained the relief available under the complete of the co | xhibit B if debtor is an individual rimarily consumer debts.) named in the foregoing petition, declar ner that [he or she] may proceed unde tle 11, United States Code, and hav ider each such chapter. I further certif he notice required by § 342(b) of th |
|   | Signature of Attorney for Debtor(s)  | Date  |
| Yes, and Exhibit C is attached and made a part of this petition.  No  Exh  (To be completed by every individual debtor. If a joint petition is filed, of Exhibit D completed and signed by the debtor is attached and made of this is a joint petition:  Exhibit D also completed and signed by the joint debtor is attached. | ade a part of this petition.   | ach a separate Exhibit D.)  |
| Information Regard  | ing the Debtor - Venue applicable box.) of business, or principal assets in the days than in any other District. partner, or partnership pending in lace of business or principal assets but is a defendant in an action or principal assets.  | this District. in the United States in this District, occeeding [in a federal or state court]   |
| Certification by a Debtor Who Resid   | les as a Tenant of Residential I   | Property  |
| (Name of landlord or less   | sor that obtained judgment)  |   |
| (Address of la  | ndlord or lessor)  |   |

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

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

Case 10-92288 B1 (Official Form 1) (4/10)

filing of the petition.

(This page must be completed and filed in every case)

Voluntary Petition

Location

Location

Where Filed:

Where Filed: None

Doc 1

Filed 11/05/10

**Document** 

Entered 11/05/10 15:22:39

Herrington, Victor & Herrington, Diane

Page 2 of 12
Name of Debtor(s):

Case Number:

Case Number:

Prior Bankruptcy Case Filed Within Last 8 Years (If more than two, attach additional sheet)

Desc Main

Date Filed:

Date Filed:

Page 2

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Desc Main

Page 3

(This page must be completed and filed in every case)

Case 10-92288

Name of Debtor(s):

Herrington, Victor & Herrington, Diane

### **Signatures**

### $Signature(s) \ of \ Debtor(s) \ (Individual/Joint)$

Doc 1

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 State 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.

X /s/ Victor Herrington

Signature of Debtor

Victor Herrington

**Diane Herrington** 

X /s/ Diane Herrington

Signature of Joint Debtor

(217) 892-5741

Telephone Number (If not represented by attorney)

November 5, 2010

Date

#### Signature of a Foreign Representative

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.

| ) | < |
|---|---|
|   |   |

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

#### Signature of Attorney\*

X /s/ Jason S. Bartell

Signature of Attorney for Debtor(s)

Jason S. Bartell Bartell & Barickman, LLP 2919 Crossing Court Suite 10 Champaign, IL 61822

## **Signature of Non-Attorney 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); 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 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.)

Address

#### November 5, 2010

Date

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.

| Sign      | ature of Authoriz | ed Individual  |     |  |
|-----------|-------------------|----------------|-----|--|
| <br>Print | ed Name of Auth   | orized Individ | ual |  |
| Title     | of Authorized Ir  | dividual       |     |  |

X

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Date

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 10-92288 Doc 1 Filed 11/05/10 Entered 11/05/10 15:22:39 Document Page 4 of 12 United States Bankruptcy Court

Desc Main

B1D (Official Form 1, Exhibit D) (12/09)

**Central District of Illinois** 

| IN RE:  |  | Case No   |
|---|--|---|
| Herrington, Victor  |  | Chapter 11  |
| EXHIB   |  | OR'S STATEMENT OF COMPLIANCE<br>LING REQUIREMENT  |
| do so, you are not eligible to f<br>whatever filing fee you paid,   | file a bankruptcy case, and the co<br>and your creditors will be able to<br>otcy case later, you may be requir                                   | statements regarding credit counseling listed below. If you cannot urt can dismiss any case you do file. If that happens, you will lose o resume collection activities against you. If your case is dismissed red to pay a second filing fee and you may have to take extra steps   |
|   | le this Exhibit D. If a joint petition is<br>w and attach any documents as dire  | s filed, each spouse must complete and file a separate Exhibit D. Check<br>ected.   |
| the United States trustee or bar<br>performing a related budget and   | nkruptcy administrator that outlined   | use, I received a briefing from a credit counseling agency approved by the opportunities for available credit counseling and assisted me in the agency describing the services provided to me. Attach a copy of the tagh the agency.  |
| the United States trustee or bar<br>performing a related budget and<br>a copy of a certificate from the   | nkruptcy administrator that outlined alysis, but I do not have a certificate   | use, I received a briefing from a credit counseling agency approved by all the opportunities for available credit counseling and assisted me in from the agency describing the services provided to me. You must file wided to you and a copy of any debt repayment plan developed through the ded.   |
| days from the time I made my  |  | pproved agency but was unable to obtain the services during the seven nt circumstances merit a temporary waiver of the credit counseling igent circumstances here.]   |
| you file your bankruptcy petit<br>of any debt management plan<br>case. Any extension of the 30-<br>also be dismissed if the court<br>counseling briefing. | tion and promptly file a certificate<br>developed through the agency. F<br>day deadline can be granted only<br>is not satisfied with your reason | obtain the credit counseling briefing within the first 30 days after from the agency that provided the counseling, together with a copy failure to fulfill these requirements may result in dismissal of your for cause and is limited to a maximum of 15 days. Your case may as for filing your bankruptcy case without first receiving a credit |
| motion for determination by th  | e court.]  | use of: [Check the applicable statement.] [Must be accompanied by a   |
| of realizing and making  Disability. (Defined in  | rational decisions with respect to f<br>11 U.S.C. § 109(h)(4) as physical<br>bunseling briefing in person, by tele                               | ly impaired to the extent of being unable, after reasonable effort, to  |
| 5. The United States trustee does not apply in this district.   | or bankruptcy administrator has de   | termined that the credit counseling requirement of 11 U.S.C. § 109(h)   |
| I certify under penalty of per  | jury that the information provid   | ed above is true and correct.   |

Date: November 5, 2010

Signature of Debtor: /s/ Victor Herrington

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Certificate Number: 02114-ILC-CC-012844940



02114-ILC-CC-012844940

# CERTIFICATE OF COUNSELING

I CERTIFY that on 10/30/2010, at 01:51 o'clock PM EST, Victor Herrington received from CredAbility, an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the Central District of Illinois, an individual [or group] briefing (including a briefing conducted by telephone or on the internet) that complied with the provisions of 11 U.S.C. §§ 109(h) and 111. A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate. This counseling session was conducted by internet.

Date: 10/30/2010

By /s/Brian Young

Name Brian Young

Title Vice President of Counseling

Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy code are required to file within the United States Bankruptcy Court a complete certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521 (b).

Case 10-92288 Doc 1 B1D (Official Form 1, Exhibit D) (12/09)

Filed 11/05/10 Entered 11/05/10 15:22:39 Desc Main Document Page 6 of 12 United States Bankruptcy Court

**Central District of Illinois** 

| IN RE:            |           | Case No.   |
|-------------------|-----------|------------|
| Herrington, Diane |           | Chapter 11 |
| •                 | Debtor(s) | •          |

## EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE **CREDIT COUNSELING REQUIREMENT**

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

| Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.   |
|---|
| 1. Within the 180 days <b>before the filing of my bankruptcy case</b> , I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.  |
| 2. Within the 180 days <b>before the filing of my bankruptcy case</b> , I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. <i>You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.</i> |
| □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]   |
|   |
| If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your  |

case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

| 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a  |
|---|
| motion for determination by the court.]   |
| ☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);     |
| Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.); |
| Active military duty in a military combat zone.   |
| 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.   |

I certify under penalty of perjury that the information provided above is true and correct.

| Signature of Debtor: | /s/ Diane Herrington                  |
|----------------------|---------------------------------------|
| _                    | · · · · · · · · · · · · · · · · · · · |

Date: November 5, 2010

Certificate Number: 02114-ILC-CC-012844941



# **CERTIFICATE OF COUNSELING**

I CERTIFY that on 10/30/2010, at 01:51 o'clock PM EST, Diane Herrington received from CredAbility, an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the Central District of Illinois, an individual [or group] briefing (including a briefing conducted by telephone or on the internet) that complied with the provisions of 11 U.S.C. §§ 109(h) and 111. A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate. This counseling session was conducted by internet.

Date: 10/30/2010

By /s/Brian Young

Name Brian Young

Title Vice President of Counseling

Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy code are required to file within the United States Bankruptcy Court a complete certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521 (b).

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**Central District of Illinois** 

| IN RE:  |  | Case No              |  |
|---|--|----------------------|--|
| Herrington, Victor & Herrington, Diane  | Debtor(s)  | Chapter 11           |  |
|   | VERIFICATION OF CREDITOR MATR                      | IX                   |  |
| $The above \ named \ debtor(s) \ hereby \ verify (ies) \ that \ the \ attached \ matrix \ listing \ creditors \ is \ true \ to \ the \ best \ of \ my (our) \ knowledge.$ |  |                      |  |
|   |  |                      |  |
| Date: <b>November 5, 2010</b>   | Signature: /s/ Victor Herrington Victor Herrington | Debtor               |  |
|   | viole: normigle:                                   | Deotor               |  |
| Date: November 5, 2010  | Signature: /s/ Diane Herrington                    |                      |  |
|   | Diane Herrington                                   | Joint Debtor, if any |  |

AIG 123 W. Main St. Urbana, IL 61801

Allied Waste P.O. Box 985 Danville, IL 61834

Applied Bank 4700 Exchange Court Boca Raton, FL 33431-0966

Capital One P.O. Box 30285 Salt Lake City, UT 84130-0285

Capital One Bank
P.O. Box 30285
Salt Lake City, UT 84130-0285

Carle Clinic Association P.O. Box 6002 Urbana, IL 61803

Carle Foundation Hospital 611 W. Park St. Urbana, IL 61801

Chase P.O. Box 901076 Fort Worth, TX 76101-2076

Chase Bank
P.O. Box 15298
Wilmington, DE 19850-5298

Citi P.O. Box 6497 Sioux Falls, SD 57117-6497

Credit One Bank
P.O. Box 98873
Las Vegas, NV 89193

Diamond Resorts FS 10600 W. Charleston Blvd. 50 Las Vegas, NV 89135

Dona Abel C/O Dodd, Ludwig, Maatuka LLC 303 S. Mattis Ave., Suite 201 Champaign, IL 61821

Edgar County Bank 177 W. Wood Paris, IL 61944

GEMB/QVC P.O. Box 981402 El Paso, TX 79998

Hanson Auto Repair 1202 E. Washington Urbana, IL 61801

Hilti, Inc. C/O Zimmerly, Gadau, Selin & Otto P.O. Box 3998 Champaign, IL 61826 HSBC Bank P.O. Box 5253 Carol Stream, IL 60197

Illini FS 1509 E. University Ave. Urbana, IL 61802

Illinois Dep. Of Employment Security Insolvency/Bky Subunit-Field Audit Sect. 33 S. State St., 10th Floor Chicago, IL 60603

Illinois Department Of Revenue Bankruptcy Section P.O. Box 64338 Chicago, IL 60664-0338

Internal Revenue Service P.O. Box 21126 Philadelphia, PA 19114

JC Penney Credit Services Customer Service C/O GEMB P.O. Box 981131 El Paso, TX 79998-1131

Negwer Materials 49 Airport Rd. St. Louis, MO 63135

Nick's Porterhouse Of Paints 110 W. John Champaign, IL 61820 Nicor Gas P.O. Box 190 Aurora, IL 60507-0190

Sprint P.O. Box 8077 London, KY 40742

Tool World P.O. Box 258 Arthur, IL 61911

Wells Fargo P.O. Box 98798 Las Vegas, NV 89193

Wells Fargo Cards 800 Walnut St. Des Moines, IA 50309