

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

**Voluntary Petition**

Name of Debtor (if individual, enter Last, First, Middle): <b>Burns Distributing Co., Inc.</b>	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): <b>DBA Burns Builders</b>	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) No./Complete EIN (if more than one, state all) <b>35-1893804</b>	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): <b>140 Green Drive Avilla, IN</b>	Street Address of Joint Debtor (No. and Street, City, and State):
ZIP Code <b>46710</b>	ZIP Code
County of Residence or of the Principal Place of Business: <b>Noble</b>	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):

<b>Type of Debtor</b> (Form of Organization) (Check one box) <ul style="list-style-type: none"> <li><input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i></li> <li><input checked="" type="checkbox"/> Corporation (includes LLC and LLP)</li> <li><input type="checkbox"/> Partnership</li> <li><input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)</li> </ul>	<b>Nature of Business</b> (Check one box) <ul style="list-style-type: none"> <li><input type="checkbox"/> Health Care Business</li> <li><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)</li> <li><input type="checkbox"/> Railroad</li> <li><input type="checkbox"/> Stockbroker</li> <li><input type="checkbox"/> Commodity Broker</li> <li><input type="checkbox"/> Clearing Bank</li> <li><input checked="" type="checkbox"/> Other</li> </ul> <hr/> <b>Tax-Exempt Entity</b> (Check box, if applicable) <ul style="list-style-type: none"> <li><input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).</li> </ul>	<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box) <ul style="list-style-type: none"> <li><input type="checkbox"/> Chapter 7</li> <li><input type="checkbox"/> Chapter 9</li> <li><input checked="" type="checkbox"/> Chapter 11</li> <li><input type="checkbox"/> Chapter 12</li> <li><input type="checkbox"/> Chapter 13</li> <li><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding</li> <li><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding</li> </ul> <hr/> <b>Nature of Debts</b> (Check one box) <ul style="list-style-type: none"> <li><input type="checkbox"/> 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."</li> <li><input checked="" type="checkbox"/> Debts are primarily business debts.</li> </ul>
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<b>Filing Fee</b> (Check one box) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Full Filing Fee attached</li> <li><input type="checkbox"/> 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.</li> <li><input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.</li> </ul>	Check one box: <b>Chapter 11 Debtors</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).</li> <li><input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).</li> </ul> Check if: <ul style="list-style-type: none"> <li><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.</li> </ul> Check all applicable boxes: <ul style="list-style-type: none"> <li><input type="checkbox"/> A plan is being filed with this petition.</li> <li><input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).</li> </ul>
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<b>Statistical/Administrative Information</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.</li> <li><input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.</li> </ul>	THIS SPACE IS FOR COURT USE ONLY										
<b>Estimated Number of Creditors</b> <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/> 1-49</td> <td><input checked="" type="checkbox"/> 50-99</td> <td><input type="checkbox"/> 100-199</td> <td><input type="checkbox"/> 200-999</td> <td><input type="checkbox"/> 1,000-5,000</td> <td><input type="checkbox"/> 5,001-10,000</td> <td><input type="checkbox"/> 10,001-25,000</td> <td><input type="checkbox"/> 25,001-50,000</td> <td><input type="checkbox"/> 50,001-100,000</td> <td><input type="checkbox"/> OVER 100,000</td> </tr> </table>	<input type="checkbox"/> 1-49	<input checked="" type="checkbox"/> 50-99	<input type="checkbox"/> 100-199	<input type="checkbox"/> 200-999	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 5,001-10,000	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> 25,001-50,000	<input type="checkbox"/> 50,001-100,000	<input type="checkbox"/> OVER 100,000	
<input type="checkbox"/> 1-49	<input checked="" type="checkbox"/> 50-99	<input type="checkbox"/> 100-199	<input type="checkbox"/> 200-999	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 5,001-10,000	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> 25,001-50,000	<input type="checkbox"/> 50,001-100,000	<input type="checkbox"/> OVER 100,000		
<b>Estimated Assets</b> <table style="width:100%; text-align: center;"> <tr> <td><input checked="" type="checkbox"/> \$0 to \$50,000</td> <td><input type="checkbox"/> \$50,001 to \$100,000</td> <td><input type="checkbox"/> \$100,001 to \$500,000</td> <td><input type="checkbox"/> \$500,001 to \$1 million</td> <td><input type="checkbox"/> \$1,000,001 to \$10 million</td> <td><input type="checkbox"/> \$10,000,001 to \$50 million</td> <td><input type="checkbox"/> \$50,000,001 to \$100 million</td> <td><input type="checkbox"/> \$100,000,001 to \$500 million</td> <td><input type="checkbox"/> \$500,000,001 to \$1 billion</td> <td><input type="checkbox"/> More than \$1 billion</td> </tr> </table>	<input checked="" type="checkbox"/> \$0 to \$50,000	<input type="checkbox"/> \$50,001 to \$100,000	<input type="checkbox"/> \$100,001 to \$500,000	<input type="checkbox"/> \$500,001 to \$1 million	<input type="checkbox"/> \$1,000,001 to \$10 million	<input type="checkbox"/> \$10,000,001 to \$50 million	<input type="checkbox"/> \$50,000,001 to \$100 million	<input type="checkbox"/> \$100,000,001 to \$500 million	<input type="checkbox"/> \$500,000,001 to \$1 billion	<input type="checkbox"/> More than \$1 billion	
<input checked="" type="checkbox"/> \$0 to \$50,000	<input type="checkbox"/> \$50,001 to \$100,000	<input type="checkbox"/> \$100,001 to \$500,000	<input type="checkbox"/> \$500,001 to \$1 million	<input type="checkbox"/> \$1,000,001 to \$10 million	<input type="checkbox"/> \$10,000,001 to \$50 million	<input type="checkbox"/> \$50,000,001 to \$100 million	<input type="checkbox"/> \$100,000,001 to \$500 million	<input type="checkbox"/> \$500,000,001 to \$1 billion	<input type="checkbox"/> More than \$1 billion		
<b>Estimated Liabilities</b> <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/> \$0 to \$50,000</td> <td><input type="checkbox"/> \$50,001 to \$100,000</td> <td><input type="checkbox"/> \$100,001 to \$500,000</td> <td><input checked="" type="checkbox"/> \$500,001 to \$1 million</td> <td><input type="checkbox"/> \$1,000,001 to \$10 million</td> <td><input type="checkbox"/> \$10,000,001 to \$50 million</td> <td><input type="checkbox"/> \$50,000,001 to \$100 million</td> <td><input type="checkbox"/> \$100,000,001 to \$500 million</td> <td><input type="checkbox"/> \$500,000,001 to \$1 billion</td> <td><input type="checkbox"/> More than \$1 billion</td> </tr> </table>	<input type="checkbox"/> \$0 to \$50,000	<input type="checkbox"/> \$50,001 to \$100,000	<input type="checkbox"/> \$100,001 to \$500,000	<input checked="" type="checkbox"/> \$500,001 to \$1 million	<input type="checkbox"/> \$1,000,001 to \$10 million	<input type="checkbox"/> \$10,000,001 to \$50 million	<input type="checkbox"/> \$50,000,001 to \$100 million	<input type="checkbox"/> \$100,000,001 to \$500 million	<input type="checkbox"/> \$500,000,001 to \$1 billion	<input type="checkbox"/> More than \$1 billion	
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<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): <b>Burns Distributing Co., Inc.</b>
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**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location Where Filed: <b>- None -</b>	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: <b>- None -</b>	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 (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.)</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 delivered to the debtor the notice required by 11 U.S.C. §342(b).</p> <p><b>X</b> _____ Signature of Attorney for Debtor(s) (Date)</p>
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**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 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.

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

**Voluntary Petition**

Name of Debtor(s):

**Burns Distributing Co., Inc.**

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

**Signatures**

**Signature(s) of Debtor(s) (Individual/Joint)**

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).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** \_\_\_\_\_  
Signature of Debtor

**X** \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (If not represented by attorney)

\_\_\_\_\_  
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.

**X** \_\_\_\_\_  
Signature of Foreign Representative

\_\_\_\_\_  
Printed Name of Foreign Representative

\_\_\_\_\_  
Date

**Signature of Non-Attorney Bankruptcy 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); 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.

\_\_\_\_\_  
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

**X** \_\_\_\_\_

\_\_\_\_\_  
Date


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

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.*

**Signature of Attorney\***

**X**  \_\_\_\_\_  
Signature of Attorney for Debtor(s)

**Daniel J. Skekloff 146-02**  
Printed Name of Attorney for Debtor(s)

**Skekloff, Adelsperger & Kleven, LLP**  
Firm Name

**927 South Harrison Street  
Fort Wayne, IN 46802**

\_\_\_\_\_  
Address

Email: [www.sak-law.com](http://www.sak-law.com)

**260/407-7000 Fax: 260/407-7137**

\_\_\_\_\_  
Telephone Number

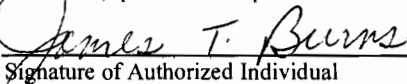
\_\_\_\_\_  
Date

\*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.

**X**  \_\_\_\_\_  
Signature of Authorized Individual

**James T. Burns**  
Printed Name of Authorized Individual

**President**  
Title of Authorized Individual

\_\_\_\_\_  
Date

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

In re Burns Distributing Co., Inc.

Debtor(s)

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

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

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<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>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Alpha Distributors 4700 N. Ronald St. Harwood Heights, IL 60706	Alpha Distributors 4700 N. Ronald St. Harwood Heights, IL 60706			5,975.40
Architectural Concepts, Inc. 7307-B W. Jefferson Blvd. Fort Wayne, IN 46804	Architectural Concepts, Inc. 7307-B W. Jefferson Blvd. Fort Wayne, IN 46804			6,147.50
B&W Equipment Co. Inc. 3520 Meyer Road Fort Wayne, IN 46806	B&W Equipment Co. Inc. 3520 Meyer Road Fort Wayne, IN 46806			8,670.51
Citi Driver's Edge CiteCard Box 6000 The Lakes, NV 89163-6000	Citi Driver's Edge CiteCard Box 6000 The Lakes, NV 89163-6000	Credit card		12,979.52
Clarkco Inc. 67230 County Road 11 Nappanee, IN 46550-4155	Clarkco Inc. 67230 County Road 11 Nappanee, IN 46550-4155			11,500.00
Duro-Last Roofing, Inc. 525 Morley Drive Saginaw, MI 48601-9482	Duro-Last Roofing, Inc. 525 Morley Drive Saginaw, MI 48601-9482			9,814.76
Ft. Wayne Wall Inc. 2701 S. Coliseum Blvd., Suite 1310 Fort Wayne, IN 46803	Ft. Wayne Wall Inc. 2701 S. Coliseum Blvd., Suite 1310 Fort Wayne, IN 46803			10,620.00
Indiana Department Workforce Dev. 10 North Senate Avenue Room SE106 Indianapolis, IN 46204-2277	Indiana Department Workforce Dev. 10 North Senate Avenue Room SE106 Indianapolis, IN 46204-2277	Unemployment taxes - 1st and 2nd quarter 2008		5,873.91
Irving Gravel Co., Inc./Readi Mix 13415 Coldwater Rd. Fort Wayne, IN 46845	Irving Gravel Co., Inc./Readi Mix 13415 Coldwater Rd. Fort Wayne, IN 46845			16,994.32
K & R Electric Inc. 2805 W. Sample St. South Bend, IN 46619	K & R Electric Inc. 2805 W. Sample St. South Bend, IN 46619			10,618.00

Debtor(s)

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(Continuation Sheet)

(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, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
LCD Electric Inc. 4410 Eagledale Court Fort Wayne, IN 46816	LCD Electric Inc. 4410 Eagledale Court Fort Wayne, IN 46816			29,868.68
Master-Bilt P.O. Box 533247 Atlanta, GA 30353-3247	Master-Bilt P.O. Box 533247 Atlanta, GA 30353-3247			9,367.94
McDevitt Mechanical LLC P.O. Box 15745 Fort Wayne, IN 46885-5745	McDevitt Mechanical LLC P.O. Box 15745 Fort Wayne, IN 46885-5745			39,996.24
Moss Building Products 2020 Lakeview Dr. Fort Wayne, IN 46808	Moss Building Products 2020 Lakeview Dr. Fort Wayne, IN 46808			5,220.61
Niezgodski Plumbing Inc. 232 N. Mayflower Rd. South Bend, IN 46619	Niezgodski Plumbing Inc. 232 N. Mayflower Rd. South Bend, IN 46619			5,729.43
Quality Glass 950 Lincolnway East South Bend, IN 46601	Quality Glass 950 Lincolnway East South Bend, IN 46601			8,712.00
Speedway Redi Mix, Inc. 1201 N. Taylor Road Garrett, IN 46738	Speedway Redi Mix, Inc. 1201 N. Taylor Road Garrett, IN 46738			6,397.08
TFC Canopy 1107 North Taylor Road Garrett, IN 46738	TFC Canopy 1107 North Taylor Road Garrett, IN 46738			18,852.22
Waste Management 2421 W. Peoria Suite 210 Phoenix, AZ 85029	Waste Management 2421 W. Peoria Suite 210 Phoenix, AZ 85029			5,547.15
Wayne Asphalt 6600 Ardmore Ave. Fort Wayne, IN 46809	Wayne Asphalt 6600 Ardmore Ave. Fort Wayne, IN 46809			15,970.50

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

I, the President 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 August 11, 2008

Signature \_\_\_\_\_

*James T. Burns*  
James T. Burns  
President

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.

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

In re Burns Distributing Co., Inc.  
Debtor(s)

Case No. \_\_\_\_\_  
Chapter 11

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept.....	\$	<b>15,000.00 retainer to be applied to hourly rates</b>
Prior to the filing of this statement I have received.....	\$	<b>0.00</b>
Balance Due.....	\$	<b>Hourly rates: \$235/hr - \$280/hr - partners \$175/hr - associate</b>

2. The source of the compensation paid to me was:

Debtor       Other (specify):

3. The source of compensation to be paid to me is:

Debtor       Other (specify):

4.  I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

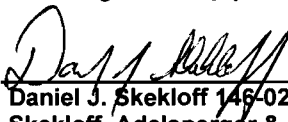
- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed] Representation of Debtor-in-Possession in chapter 11 proceeding.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service: Any non-bankruptcy related representation.

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: August 11, 2008

  
\_\_\_\_\_  
Daniel J. Skekloff 146-02  
Skekloff, Adelsperger & Kleven, LLP  
927 South Harrison Street  
Fort Wayne, IN 46802  
260/407-7000 Fax: 260/407-7137  
www.sak-law.com

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

In re Burns Distributing Co., Inc.  
Debtor

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

Chapter 11

**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with Rule 1007(a)(3) for filing in this chapter 11 case.

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
<b>James T. Burns</b> 6409 S. 425 E. Wolcottville, IN 46795			<b>100%</b>

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

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date August 11, 2008

Signature James T. Burns  
**James T. Burns**  
**President**

*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.

ACM ENGINEERING & ENVIRONMENTAL SVC  
2100 GOSHEN ROAD, SUITE 200  
FORT WAYNE, IN 46808

ALPHA DISTRIBUTORS  
4700 N. RONALD ST.  
HARWOOD HEIGHTS, IL 60706

ARCHITECTURAL CONCEPTS, INC.  
7307-B W. JEFFERSON BLVD.  
FORT WAYNE, IN 46804

ARNT ASPHALT SEALING INC.  
1240 S. CRYSTAL AVE.  
BENTON HARBOR, MI 49022

AWNINGS UNLIMITED INC.  
14844 COUNTY ROAD 8  
MIDDLEBURY, IN 46540

B&W EQUIPMENT CO. INC.  
3520 MEYER ROAD  
FORT WAYNE, IN 46806

BOBCAT OF FORT WAYNE  
3630 GOSHEN ROAD  
FORT WAYNE, IN 46818

BURNS REAL ESTATE PARTNERSHIP  
140 GREEN DRIVE  
AVILLA, IN 46710

C.M.A. SUPPLY CO. OF FORT WAYNE  
910 W. IRELAND RD.  
SOUTH BEND, IN 46614



CAPITAL ONE  
P.O. BOX 60024  
CITY OF INDUSTRY, CA 91716-0024

CHASE CARD SERVICES  
P.O. BOX 94014  
PALATINE, IL 60094-4014

CITI DRIVER'S EDGE  
CITECARD  
BOX 6000  
THE LAKES, NV 89163-6000

CLARKCO INC.  
67230 COUNTY ROAD 11  
NAPPANEE, IN 46550-4155

COMMUNITY STATE BANK  
802 E. ALBION ST.  
AVILLA, IN 46710

CREWS ROOFING INC.  
1681 N. COUNTY ROAD 0 EW  
FRANKFORT, IN 46041-0475

DISPLAY CRAFT  
803 W. WATER STREET  
PORTLAND, IN 47371

DIVERSIFIED FINANCIAL SERVICES  
P.O. BOX 95662  
CHICAGO, IL 60694

DURO-LAST ROOFING, INC.  
525 MORLEY DRIVE  
SAGINAW, MI 48601-9482

EASTERN ENGINEERING SUPPLY  
1239 N. WELLS ST.  
FORT WAYNE, IN 46808

ECASH  
140 GREEN DRIVE  
AVILLA, IN 46710

EXTRUTECH PLASTICS  
5902 W. CUSTER ST.  
MANITOWOC, WI 54220

FT. WAYNE WALL INC.  
2701 S. COLISEUM BLVD., SUITE 1310  
FORT WAYNE, IN 46803

H & H CONSTRUCTION LLC  
10616 FLUTTER ROAD  
FORT WAYNE, IN 46835

HOOSIER REFRIGERATION INC.  
1538 CARROLL RD.  
FORT WAYNE, IN 46845

INDIANA DEPARTMENT EMPLOYMENT SECURITY  
P.O. BOX 4385  
CHICAGO, IL 60680-4385

INDIANA DEPARTMENT ENVIRONMENTAL MGMT.

INDIANA DEPARTMENT OF REVENUE  
N203 ATTN: BANKRUPTCY  
100 N. SENATE AVE.  
INDIANAPOLIS, IN 46204

INDIANA DEPARTMENT WORKFORCE DEV.  
10 NORTH SENATE AVENUE  
ROOM SE106  
INDIANAPOLIS, IN 46204-2277

INTERNAL REVENUE SERVICE  
PO BOX 21126  
PHILADELPHIA, PA 19114-0326

IRVING GRAVEL CO., INC./READI MIX  
13415 COLDWATER RD.  
FORT WAYNE, IN 46845

J & N STONE INC.  
905 EAST WATERFORD  
WAKARUSA, IN 46573

JERRY BAILEY TRUCKING  
P.O. BOX 9277  
FORT WAYNE, IN 46899

JIM BURNS  
6409 S. 425 E.  
WOLCOTTVILLE, IN 46795

K & R ELECTRIC INC.  
2805 W. SAMPLE ST.  
SOUTH BEND, IN 46619

KOORSEN PROTECTION SERVICES INC.  
2719 N. ARLINGTON AVE.  
INDIANAPOLIS, IN 46218-3322

KUERT CONCRETE  
3402 LINCOLNWAY WEST  
SOUTH BEND, IN 46628-1455

LCD ELECTRIC INC.  
4410 EAGLEDALE COURT  
FORT WAYNE, IN 46816

MADIX INC.  
P.O. BOX 975214  
DALLAS, TX 75397

MASTER-BILT  
P.O. BOX 533247  
ATLANTA, GA 30353-3247

MCDEVITT MECHANICAL LLC  
P.O. BOX 15745  
FORT WAYNE, IN 46885-5745

MCDEVITT MECHANICAL LLC  
C/O JOHN R. BURNS  
111 E. WAYNE ST., SUITE 800  
FORT WAYNE, IN 46802

MECHANICAL FIRE & ICE INC.  
207 N. MILL ST.  
MISHAWAKA, IN 46544

MISTER ICE OF INDIANAPOLIS  
7954 E. 88TH ST.  
INDIANAPOLIS, IN 46256

MOSS BUILDING PRODUCTS  
2020 LAKEVIEW DR.  
FORT WAYNE, IN 46808

NIEZGODSKI PLUMBING INC.  
232 N. MAYFLOWER RD.  
SOUTH BEND, IN 46619

NIEZGODSKI PLUMBING INC.  
C/O PETER J. AGOSTINO ESQ.  
131 SOUTH TAYLOR  
SOUTH BEND, IN 46601

OHIO PETROLEUM MARKETERS  
4242 TULLER RD., SUITE B  
DUBLIN, OH 43017

PETROLEUM SYSTEMS INC.  
4630 NEWAYGO RD., SUITE C  
FORT WAYNE, IN 46808

PIT OHIO EXPRESS  
15 27TH ST.  
PITTSBURGH, PA 15222

PITNEY BOWES PURCHASE POWER  
P.O. BOX 856042  
LOUISVILLE, KY 40285-6042

QUALITY GLASS  
950 LINCOLNWAY EAST  
SOUTH BEND, IN 46601

S & S MASONRY  
311 E. RAILROAD STREET  
BUTLER, IN 46721

SCHENK'S PROFESSIONAL PAINTING  
22361 COUNTY ROAD 20  
GOSHEN, IN 46528

SCHROCK MASONRY & INSULATION  
6143 W. 1300 N.  
NAPPANEE, IN 46550

SPEEDWAY REDI MIX, INC.  
1201 N. TAYLOR ROAD  
GARRETT, IN 46738

STRESCORE INC.  
24445 STATE ROAD 23  
SOUTH BEND, IN 46614

SUPERIOR CANOPY CORPORATION  
2435 E. BELLEFONTAINE  
HAMILTON, IN 46742

TAYLOR RENTAL  
1315 LINCOLN HWY 14 E  
NEW HAVEN, IN 46774

TFC CANOPY  
1107 NORTH TAYLOR ROAD  
GARRETT, IN 46738

VAN OVERBERGHE BUILDERS INC.  
53922 OLIVE ROAD  
SOUTH BEND, IN 46628

WASTE MANAGEMENT  
2421 W. PEORIA  
SUITE 210  
PHOENIX, AZ 85029

WAYNE ASPHALT  
6600 ARDMORE AVE.  
FORT WAYNE, IN 46809

WOLFE MAILING  
3905 NW 36TH  
OKLAHOMA CITY, OK 73112

United States Bankruptcy Court  
Northern District of Indiana

In re Burns Distributing Co., Inc.

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 Burns Distributing Co., Inc. 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*]

August 11, 2008  
Date

  
\_\_\_\_\_

Daniel J. Skeloff 146-02

Signature of Attorney or Litigant

Counsel for Burns Distributing Co., Inc.

Skeloff, Adelsperger & Kleven, LLP

927 South Harrison Street

Fort Wayne, IN 46802

260/407-7000 Fax: 260/407-7137

[www.sak-law.com](http://www.sak-law.com)