

# United States Bankruptcy Court Northern District of Indiana

## Voluntary Petition

|   |   |
|---|---|
| Name of Debtor (if individual, enter Last, First, Middle):<br><b>DeHabe, Richard A.</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):                                    | 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)<br><b>xxx-xx-0280</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):<br><b>3431 Ludwig Road<br/>Fort Wayne, IN</b>                             | Street Address of Joint Debtor (No. and Street, City, and State):   |
| ZIP Code<br><b>46818</b>  | ZIP Code  |
| County of Residence or of the Principal Place of Business:<br><b>Allen</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><br>(Form of Organization)<br>(Check one box)<br><br><input checked="" type="checkbox"/> Individual (includes Joint Debtors)<br><i>See Exhibit D on page 2 of this form.</i><br><input type="checkbox"/> Corporation (includes LLC and LLP)<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) | <b>Nature of Business</b><br>(Check one box)<br><br><input type="checkbox"/> Health Care Business<br><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)<br><input type="checkbox"/> Railroad<br><input type="checkbox"/> Stockbroker<br><input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Clearing Bank<br><input type="checkbox"/> Other<br><hr/> <b>Tax-Exempt Entity</b><br>(Check box, if applicable)<br><input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code). | <b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box)<br><br><input type="checkbox"/> Chapter 7<br><input type="checkbox"/> Chapter 9<br><input checked="" type="checkbox"/> Chapter 11<br><input type="checkbox"/> Chapter 12<br><input type="checkbox"/> Chapter 13<br><br><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding<br><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding |
|   |  | <b>Nature of Debts</b><br>(Check one box)<br><br><input checked="" 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."<br><input type="checkbox"/> Debts are primarily business debts.  |

|  |   |
|--|---|
| <b>Filing Fee</b> (Check one box)<br><br><input checked="" type="checkbox"/> Full Filing Fee attached<br><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.<br><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. | Check one box:<br><input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).<br><input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).<br>Check if:<br><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.<br>Check all applicable boxes:<br><input type="checkbox"/> A plan is being filed with this petition.<br><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). |
|--|---|

|   |   |
|---|---|
| <b>Statistical/Administrative Information</b><br><input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.<br><input checked="" 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.  | <b>THIS SPACE IS FOR COURT USE ONLY</b> |
| <b>Estimated Number of Creditors</b><br><input checked="" type="checkbox"/> 1-49 <input 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><br><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><br><input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" 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 |   |

**Voluntary Petition**

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

Name of Debtor(s):

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

|  |              |             |
|--|--------------|-------------|
| Location<br>Where Filed: <b>- None -</b> | Case Number: | Date Filed: |
| Location<br>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:<br><b>- None -</b> | 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.)

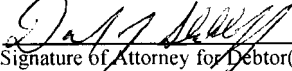
☐ Exhibit A is attached and made a part of this petition.

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

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).

**X**

  
Signature of Attorney for Debtor(s)

(Date)

**Daniel J. Skekloff 146-02****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***(This page must be completed and filed in every case)*

Name of Debtor(s):

**DeHabe, Richard A.****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 Richard A. DeHabe  
Signature of Debtor **Richard A. DeHabe**

X \_\_\_\_\_  
Signature of Joint Debtor  
8/5/08

Telephone Number (If not represented by attorney)

Date

**Signature of Attorney\***

X Dan J. Skekloff  
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**

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

Telephone Number

8/5/08

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

Printed Name of Authorized Individual

Title of Authorized Individual

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.*

United States Bankruptcy Court  
Northern District of Indiana

In re Richard A. DeHabe

Debtor(s)

Case No.

Chapter

11

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH  
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 **before the filing of my bankruptcy case**, 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 **before the filing of my bankruptcy case**, 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. *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 15 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five 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. *[Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.]* \_\_\_\_\_

**If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.**

**Official Form 1, Exh. D (10/06) - Cont.**

☐ 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: Richard A. DeHabe  
Richard A. DeHabe

Date: 8/5/08

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

In re Richard A. DeHabe

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)<br><i>Name of creditor and complete mailing address including zip code</i>  | (2)<br><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)<br><i>Nature of claim (trade debt, bank loan, government contract, etc.)</i> | (4)<br><i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i> | (5)<br><i>Amount of claim [if secured, also state value of security]</i> |
|---|---|--|---|--|
| Chase<br>Attn: Bankruptcy Dept<br>Po Box 100018<br>Kennesaw, GA 30156   | Chase<br>Attn: Bankruptcy Dept<br>Po Box 100018<br>Kennesaw, GA 30156   | CreditCard   |   | 12,123.00  |
| Chase<br>800 Brooksedge Blvd<br>Westerville, OH 43081   | Chase<br>800 Brooksedge Blvd<br>Westerville, OH 43081   | CreditCard   |   | 10,092.00  |
| Discover Financial<br>Attention: Bankruptcy Department<br>Po Box 3025<br>New Albany, OH 43054                           | Discover Financial<br>Attention: Bankruptcy Department<br>Po Box 3025<br>New Albany, OH 43054   | CreditCard   |   | 13,845.00  |
| Discover Financial<br>Attention: Bankruptcy Department<br>Po Box 3025<br>New Albany, OH 43054                           | Discover Financial<br>Attention: Bankruptcy Department<br>Po Box 3025<br>New Albany, OH 43054   | CreditCard   |   | 12,216.00  |
| LHR Inc<br>56 Main St<br>Hamburg, NY 14075  | LHR Inc<br>56 Main St<br>Hamburg, NY 14075  | First National Bank<br>Of Omaha  |   | 5,675.71   |
| Resurgent Capital<br>Service/Sherman Acquis<br>Attention: Bankruptcy Department<br>Po Box 10587<br>Greenville, SC 29603 | Resurgent Capital Service/Sherman Acquis<br>Attention: Bankruptcy Department<br>Po Box 10587<br>Greenville, SC 29603  | Sears  |   | 6,883.00   |
|   |   |  |   |  |
|   |   |  |   |  |
|   |   |  |   |  |
|   |   |  |   |  |

In re Richard A. DeHabe

Debtor(s)

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

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**  
(Continuation Sheet)

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

I, **Richard A. DeHabe**, 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 8/5/08

Signature

*Richard A. DeHabe*  
**Richard A. DeHabe**  
 Debtor

*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 Richard A. DeHabe

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>3,834.00 retainer to<br/>be applied to<br/>hourly fees</b>                      |
| Prior to the filing of this statement I have received..... | \$ | <b>4,602.00</b>  |
| Balance Due.....   | \$ | <b>Hourly rates: \$235<br/>- \$280/hr - partners<br/>\$175/hr -<br/>associates</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: 8/5/08

  
\_\_\_\_\_  
**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

**NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b)  
OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

**1. Services Available from Credit Counseling Agencies**

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

**2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

**Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)**

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

**Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)**

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

**Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)**

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

**Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)**

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

**3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

**Certificate of Attorney**

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Daniel J. Skekloff 146-02

Printed Name of Attorney

Address:

927 South Harrison Street

Fort Wayne, IN 46802

260/407-7000

X

Duff Skekloff

Signature of Attorney

8/5/08

Date

**Certificate of Debtor**

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Richard A. DeHabe

Printed Name(s) of Debtor(s)

X

Richard A. DeHabe

Signature of Debtor

8/5/08

Date

Case No. (if known) \_\_\_\_\_

X

Signature of Joint Debtor (if any)

Date

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

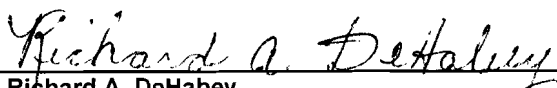
In re Richard A. DeHabeY  
Debtor(s)

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

**VERIFICATION OF CREDITOR MATRIX**

The above-named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date: 8/5/08

  
Richard A. DeHabeY  
Signature of Debtor

BANK OF AMERICA  
ATTN: BANKRUPTCY DEPT NC4-105-03-14  
PO BOX 26012  
GREENSBORO, NC 27420

BANK OF AMERICA  
POB 17054  
WILMINGTON, DE 19884

CHASE  
800 BROOKSEdge BLVD  
WESTERVILLE, OH 43081

CHASE  
ATTN: BANKRUPTCY DEPT  
PO BOX 100018  
KENNESAW, GA 30156

CHASE VISA CREDIT CARD SERVICES  
ATTENTION: BANKRUPTCY DEPARTMENT  
PO BOX 100018  
KENNESAW, GA 30156

CHASE/CC  
PO BOX 100019  
KENNESAW, GA 30156

CITIBANK USA  
ATTN.: CENTRALIZED BANKRUPTCY  
PO BOX 20507  
KANSAS CITY, MO 64195

DISCOVER FINANCIAL  
ATTENTION: BANKRUPTCY DEPARTMENT  
PO BOX 3025  
NEW ALBANY, OH 43054

FARM CREDIT SERVICES

FARM CREDIT SERVICES  
P.O. BOX 147  
COLUMBIA CITY, IN 46725

FCS OF MIDAM  
375 JACKSON STREET  
SAINT PAUL, MN 55101

FIRST USA BANK - CHASE  
ATTENTION: CUSTOMER SERVICE  
PO BOX 94014  
PALATINE, IL 60094

FIRST USA BANK N A  
ATTENTION: CUSTOMER SERVICE  
PO BOX 94014  
PALATINE, IL 60094

FIRST USA BANK N A  
BANK ONE CARD SERV  
WESTERVILLE, OH 43081

GEMB/MEIJER  
ATTN: BANKRUPTCY  
PO BOX 103104  
ATLANTA, GA 30076

GEMB/SHOPNBC PLCC  
PO BOX 981400  
EL PASO, TX 79998

HSBC BANK  
ATTN: BANKRUPTCY  
PO BOX 5213  
CAROL STREAM, IL 60197

JC PENNEY  
ATTENTION: BANKRUPTCY DEPARTMENT  
PO BOX 103106  
ROSWELL, GA 30076

LHR INC  
56 MAIN ST  
HAMBURG, NY 14075

MIDWEST AMERICA FED CU  
1104 MEDICAL PARK  
FORT WAYNE, IN 46825

PROVIDENT BANK  
PO BOX 5253  
CAROL STREAM, IL 60197

RESURGENT CAPITAL SERVICE/SHERMAN ACQUIS  
ATTENTION: BANKRUPTCY DEPARTMENT  
PO BOX 10587  
GREENVILLE, SC 29603

RSHK/CBSD  
PO BOX 6497  
SIOUX FALLS, SD 57117

SAMS CLUB  
ATTENTION: BANKRUPTCY DEPARTMENT  
PO BOX 103104  
ROSWELL, GA 30076

SEARS/CBSD  
PO BOX 20363  
KANSAS CITY, MO 64195

UNVL/CITI  
PO BOX 20507  
KANSAS CITY, MO 64195

WFNNB/DUTYFREE.COM  
4590 E BROAD ST  
COLUMBUS, OH 43213

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CAROL STREAM, IL 60197

JC PENNEY  
ATTENTION: BANKRUPTCY DEPARTMENT  
PO BOX 103106  
ROSWELL, GA 30076

KEITH KUENHART (TENANT)

LHR INC  
56 MAIN ST  
HAMBURG, NY 14075



MIDWEST AMERICA FED CU  
1104 MEDICAL PARK  
FORT WAYNE, IN 46825

PROVIDENT BANK  
PO BOX 5253  
CAROL STREAM, IL 60197

RESURGENT CAPITAL SERVICE/SHERMAN ACQUIS  
ATTENTION: BANKRUPTCY DEPARTMENT  
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GREENVILLE, SC 29603

RSHK/CBSD  
PO BOX 6497  
SIOUX FALLS, SD 57117

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ROSWELL, GA 30076

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WFNNB/DUTYFREE.COM  
4590 E BROAD ST  
COLUMBUS, OH 43213

|                              |  |                    |
|------------------------------|--|--------------------|
| 11                           | <b>Total current monthly income.</b> If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.   | \$ <b>2,102.52</b> |
| <b>Part II. VERIFICATION</b> |  |                    |
| 12                           | I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this is a joint case, both debtors must sign.)</i><br>Date: <u>8/5/08</u> Signature: <u>Richard A. DeHabeey</u><br><b>Richard A. DeHabeey</b><br>(Debtor) |                    |

In re Richard A. DeHabeY  
 Debtor(s)  
 Case Number: \_\_\_\_\_  
 (If known)

## CHAPTER 11 STATEMENT OF CURRENT MONTHLY INCOME

In addition to Schedules I and J, this statement must be completed by every individual Chapter 11 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

| Part I. CALCULATION OF CURRENT MONTHLY INCOME                                   |   |           |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
|---|---|-----------|--|---|---|-----------|-------------------|-----------|----|--|---------|----|--|-----------------------------|--|-----------|----|
| 1   | <b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.<br>a. <input checked="" type="checkbox"/> Unmarried. <b>Complete only Column A ("Debtor's Income") for Lines 2-10.</b><br>b. <input type="checkbox"/> Married, not filing jointly. <b>Complete only column A ("Debtor's Income") for Lines 2-10.</b><br>c. <input type="checkbox"/> Married, filing jointly. <b>Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.</b><br>All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.  |           |  | <b>Column A</b><br><b>Debtor's</b><br><b>Income</b>                             | <b>Column B</b><br><b>Spouse's</b><br><b>Income</b> |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 2   | <b>Gross wages, salary, tips, bonuses, overtime, commissions.</b>   |           |  | \$ 1,998.35   | \$  |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 3   | <b>Net income from the operation of a business, profession, or farm.</b> Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If more than one business profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. <table border="1" style="width: 100%; margin-top: 5px;"> <thead> <tr> <th></th> <th style="text-align: center;">Debtor</th> <th style="text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td>a. Gross receipts</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b. Ordinary and necessary business expenses</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c. Business income</td> <td colspan="2" style="text-align: right;">Subtract Line b from Line a</td> </tr> </tbody> </table>                             |           |  |   | Debtor  | Spouse    | a. Gross receipts | \$ 0.00   | \$ | b. Ordinary and necessary business expenses  | \$ 0.00 | \$ | c. Business income                     | Subtract Line b from Line a |  | \$ 0.00   | \$ |
|   | Debtor  | Spouse    |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| a. Gross receipts   | \$ 0.00   | \$        |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| b. Ordinary and necessary business expenses                                     | \$ 0.00   | \$        |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| c. Business income  | Subtract Line b from Line a   |           |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 4   | <b>Net Rental and other real property income.</b> Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. <table border="1" style="width: 100%; margin-top: 5px;"> <thead> <tr> <th></th> <th style="text-align: center;">Debtor</th> <th style="text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td>a. Gross receipts</td> <td style="text-align: right;">\$ 104.17</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b. Ordinary and necessary operating expenses</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c. Rent and other real property income</td> <td colspan="2" style="text-align: right;">Subtract Line b from Line a</td> </tr> </tbody> </table>   |           |  |   | Debtor  | Spouse    | a. Gross receipts | \$ 104.17 | \$ | b. Ordinary and necessary operating expenses | \$ 0.00 | \$ | c. Rent and other real property income | Subtract Line b from Line a |  | \$ 104.17 | \$ |
|   | Debtor  | Spouse    |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| a. Gross receipts   | \$ 104.17   | \$        |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| b. Ordinary and necessary operating expenses                                    | \$ 0.00   | \$        |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| c. Rent and other real property income  | Subtract Line b from Line a   |           |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 5   | <b>Interest, dividends, and royalties.</b>  |           |  | \$ 0.00   | \$  |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 6   | <b>Pension and retirement income.</b>   |           |  | \$ 0.00   | \$  |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 7   | <b>Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose.</b> Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse if Column B is completed.   |           |  | \$ 0.00   | \$  |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 8   | <b>Unemployment compensation.</b> Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 30%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 35%;">Debtor \$ 0.00</td> <td style="width: 35%;">Spouse \$</td> </tr> </table>   |           |  | Unemployment compensation claimed to be a benefit under the Social Security Act | Debtor \$ 0.00                                      | Spouse \$ | \$ 0.00           | \$        |    |  |         |    |  |                             |  |           |    |
| Unemployment compensation claimed to be a benefit under the Social Security Act | Debtor \$ 0.00  | Spouse \$ |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 9   | <b>Income from all other sources.</b> Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. <b>Do not include alimony or separate maintenance payments paid by your spouse if Column B is completed, but include all other payments of alimony or separate maintenance. Do not include</b> any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. <table border="1" style="width: 100%; margin-top: 5px;"> <thead> <tr> <th></th> <th style="text-align: center;">Debtor</th> <th style="text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">\$</td> </tr> </tbody> </table> |           |  |   | Debtor  | Spouse    | a.                | \$        | \$ | b.   | \$      | \$ | \$ 0.00                                | \$                          |  |           |    |
|   | Debtor  | Spouse    |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| a.  | \$  | \$        |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| b.  | \$  | \$        |  |   |   |           |                   |           |    |  |         |    |  |                             |  |           |    |
| 10  | <b>Subtotal of current monthly income.</b> Add lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 thru 9 in Column B. Enter the total(s).   |           |  | \$ 2,102.52   | \$  |           |                   |           |    |  |         |    |  |                             |  |           |    |