B1 (Official	Form 1)(1/	08)										
			United Sou		s Bank District						Vo	luntary Petition
	Name of Debtor (if individual, enter Last, First, Middle):  DaveCo Farms LLC					Name	of Joint Do	ebtor (Spouse	e) (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 di (if more than 35-2081	igits of Soc. (a) one, state all)	Sec. or Indi	ividual-Taxṛ	oayer I.D. (	(ITIN) No./	Complete E	IN Last f	our digits o	of Soc. Sec. or state all)	r Individual-	Гахрауег I	.D. (ITIN) No./Complete EIN
Street Addr 13649 V	Street Address of Debtor (No. and Street, City, and State): 13649 W 256 Deputy, IN						Address of	f Joint Debtor	(No. and St	reet, City, a		
					Г	ZIP Code <b>47230</b>	:					ZIP Code
County of F	Residence or on	of the Prin	cipal Place	of Busines		<del>-11230</del>	Coun	ty of Reside	ence or of the	Principal Pla	ace of Bus	iness:
Mailing Ad	ldress of Deb	otor (if diffe	erent from st	reet addres	ss):		Maili	ng Address	of Joint Debt	or (if differe	nt from str	eet address):
						ZIP Code						ZIP Code
						ZII Couc						Zii Code
	f Principal Astrom street			r								
		f Debtor			Nature	of Business	3		Chapter	of Bankruj	tcy Code	Under Which
		rganization) one box)			`	one box)		the Petition is Filed (Check one box)				
l					ılth Care Bu gle Asset R		s defined	Chapt		□ С	hapter 15 I	Petition for Recognition
	ual (includes aibit D on pa		*	in 1	1 U.S.C. §			Chapter 9				
	ation (include		-	☐ Rail	ckbroker			☐ Chapter 12 ☐ Chapter 15 Petition for Recogn			C	
☐ Partners		os EEC una	LLI)		nmodity Br	oker		Chapter 13 of a Foreign Nonmain Pro			Nonmain Proceeding	
	f debtor is not			Oth	aring Bank er					Natur	e of Debts	
check thi	is box and stat	e type of enti	ity below.)		Tax-Exempt Entity						k one box)	
				und	(Check box otor is a tax- er Title 26 of the (the Inter	of the Unite	anization d States	defined "incuri	are primarily condinated in 11 U.S.C. § ared by an indivioual, family, or	§ 101(8) as idual primarily	for	Debts are primarily business debts.
		Filing F	ee (Check o	ne box)			Checl	one box:		Chapter 11	Debtors	
Full Fili	ing Fee attac	hed										n 11 U.S.C. § 101(51D). ed in 11 U.S.C. § 101(51D).
	ee to be paid						Check	c if:				2 , ,
	le to pay fee								aggregate nor s or affiliates)			debts (excluding debts owed 00.
☐ Filing F	ee waiver re	quested (ap	plicable to	chapter 7 i	ndividuals of	only). Must		Check all applicable boxes:				
attach s	igned applica	ation for the	e court's con	sideration	. See Official	Form 3B.		Acceptan	being filed w ces of the pla creditors, in	n were solici	ted prepeti	ition from one or more S.C. § 1126(b).
I	Administrat			6 11	9	,	11.			THIS	SPACE IS	FOR COURT USE ONLY
Debtor	estimates that estimates that ill be no fund	it, after any	exempt pro	perty is ex	cluded and	administrat		es paid,				
	Number of C		Tor district	tion to uni	, course ore					†		
□ 1- 49	50- 99	100- 199	□ 200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated A		_	_	_		_	_	_	_	1		
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,000 to \$500 million	\$500,000,001 to \$1 billion				
Estimated I	_	П	П			П	П	П	П	]		
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,000 to \$500 million	\$500,000,001 to \$1 billion				

Case 09-91948-BHL-11 Doc 1 Filed 06/04/09 EOD 06/04/09 08:14:38 Pg 2 of 17

BI (Official Fol	III 1)(1/08)		rage 2
Voluntar	y Petition	Name of Debtor(s):  DaveCo Farms LLC	
(This page mi	ust be completed and filed in every case)		
	All Prior Bankruptcy Cases Filed Within Las		
Location Where Filed:	- None -	Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
	ending Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If mor	e than one, attach additional sheet)
Name of Debt	tor:	Case Number:	Date Filed:
District:		Relationship:	Judge:
	Exhibit A	(To be completed if debtor is an indi	Exhibit B ividual whose debts are primarily consumer debts.)
forms 10K a	oleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)	have informed the petitioner that 12, or 13 of title 11, United State	named in the foregoing petition, declare that I t [he or she] may proceed under chapter 7, 11, es Code, and have explained the relief available er certify that I delivered to the debtor the notice
☐ Exhibit	A is attached and made a part of this petition.	X Signature of Attorney for Del	btor(s) (Date)
	Fyl	L nibit C	
	or own or have possession of any property that poses or is alleged to Exhibit C is attached and made a part of this petition.		ifiable harm to public health or safety?
	Ext	nibit D	
☐ Exhibit	letted by every individual debtor. If a joint petition is filed, ea D completed and signed by the debtor is attached and made	-	tach a separate Exhibit D.)
If this is a jo	ont petition:  D also completed and signed by the joint debtor is attached a	and made a part of this petition.	
	Information Regardin	ng the Debtor - Venue	
	(Check any ap	•	
-	Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	al place of business, or principal a longer part of such 180 days t	assets in this District for 180 han in any other District.
	There is a bankruptcy case concerning debtor's affiliate, g	eneral partner, or partnership per	nding in this District.
	Debtor is a debtor in a foreign proceeding and has its print this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or the sought in this District.	s in the United States but is a def	fendant in an action or
	Certification by a Debtor Who Reside (Check all app		roperty
	Landlord has a judgment against the debtor for possession	of debtor's residence. (If box che	ecked, complete the following.)
	(Name of landlord that obtained judgment)	<u> </u>	
	(Address of landlord)		
	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment		
	Debtor has included in this petition the deposit with the coafter the filing of the petition.	ourt of any rent that would becon	ne due during the 30-day period
-	Debtor certifies that he/she has served the Landlord with t	his certification. (11 U.S.C. § 36	2(l)).

B1 (Official Form 1)(1/08) Page 3

# **Voluntary Petition**

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

#### 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.

 $\mathbf{X}$ 

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

#### Signature of Attorney\*

### X /s/ David M Cantor

Signature of Attorney for Debtor(s)

#### David M Cantor

Printed Name of Attorney for Debtor(s)

#### Seiller Waterman LLC

Firm Name

22nd Floor - Meidinger Tower 462 S 4th Street Louisville, KY 40202

Address

502-584-7400 Fax: 502-583-2100

Telephone Number

June 4, 2009

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 /s/ David Ferguson

Signature of Authorized Individual

#### **David Ferguson**

Printed Name of Authorized Individual

#### Member

Title of Authorized Individual

June 4, 2009

Date

Name of Debtor(s):

DaveCo Farms LLC

#### Signatures

#### 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 bankrutpcy 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.)

v

Date

Address

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.

# MINUTES OF SPECIAL MEETING OF DAVECO FARMS, LLC

A special meeting of the members of Daveco Farms, LLC, was held on June 3, 2009. Present was David Ferguson, who comprises the entire board.

The sole member of the company stated that the company was unable to pay its debts as they accrued. Upon motion duly made, and seconded, the following resolutions were unanimously carried:

RESOLVED, that the company file a voluntary petition for relief pursuant to Chapter 11 of 11 U.S.C. and that David Ferguson, Sole Member is authorized to sign any and all documents and take whatever action is necessary to effectuate this resolution.

BE IT FURTHER RESOLVED that the company retain David M. Cantor and the firm of Seiller Waterman LLC to represent it in its bankruptcy proceeding.

There being no additional business to come before the members, the meeting was adjourned.

/s/ David Ferguson
DAVID FERGUSON

 $G:\ \ \ Corp\ Res.wpd$ 

**B4** (Official Form 4) (12/07)

# **United States Bankruptcy Court** Southern District of Indiana

In re	DaveCo Farms LLC			
		Debtor(s)	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)
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]
Ag Production Enterprises Inc 6564 W Co Rd 100 N Greensburg, IN 47240	Ag Production Enterprises Inc 6564 W Co Rd 100 N Greensburg, IN 47240			77,853.15
Anthony Oesch 904 Imperial Dr Olney, IL 62450	Anthony Oesch 904 Imperial Dr Olney, IL 62450			9,066.67
Azalia Elevator 6701 E 800 S Elizabethtown, IN 47232	Azalia Elevator 6701 E 800 S Elizabethtown, IN 47232			8,348.32
Bobb Farm Rentals 7818 E Co Rd 600 S Crothersville, IN 47229	Bobb Farm Rentals 7818 E Co Rd 600 S Crothersville, IN 47229			44,799.99
Bose McKinney & Evans LLP 111 Monument Circle Ste 2700 Indianapolis, IN 46204	Bose McKinney & Evans LLP 111 Monument Circle Ste 2700 Indianapolis, IN 46204			71,198.06
Bunge North America (East) Inc POB 798300 Saint Louis, MO 63179-8000	Bunge North America (East) Inc POB 798300 Saint Louis, MO 63179-8000			94,447.12
Cardmember Services POB 94014 Palatine, IL 60094-4014	Cardmember Services POB 94014 Palatine, IL 60094-4014			43,326.01
Denver Klinge 4755 S 625 East Crothersville, IN 47229	Denver Klinge 4755 S 625 East Crothersville, IN 47229			10,560.00
Discover POB 15735 Wilmington, DE 19886-5735	Discover POB 15735 Wilmington, DE 19886-5735			9,285.41
Dubois Distributors Inc POB 28 Huntingburg, IN 47542	Dubois Distributors Inc POB 28 Huntingburg, IN 47542			21,005.43
Farm Bureau Insurance POB 1270 Indianapolis, IN 46206-1270	Farm Bureau Insurance POB 1270 Indianapolis, IN 46206-1270			17,428.05

B4 (Offi	cial Form 4) (12/07) - Cont.		
In re	DaveCo Farms LLC	Case No.	
	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]
Farm Credit Services POB 2205 Columbus, IN 47202	Farm Credit Services POB 2205 Columbus, IN 47202			9,696.97
Ferrellgas POB 173940 Denver, CO 80217-3940	Ferrellgas POB 173940 Denver, CO 80217-3940			10,151.50
Furst McNess 120 E Clark St Freeport, IL 61032	Furst McNess 120 E Clark St Freeport, IL 61032			43,436.59
Glenn Peters 6586 S 550 West Vallonia, IN 47281	Glenn Peters 6586 S 550 West Vallonia, IN 47281			15,000.00
Lloyd Owens 14480 W State Rd 256 Deputy, IN 47230	Lloyd Owens 14480 W State Rd 256 Deputy, IN 47230			12,808.60
Old National Bank POB 550 Jasper, IN 47547-0550	Old National Bank POB 550 Jasper, IN 47547-0550	All Assets		5,200,000.00 (3,000,000.00 secured)
Precision Management 13649 W State Rd 256 Deputy, IN 47230	Precision Management 13649 W State Rd 256 Deputy, IN 47230			12,085.80
Randy Rexing 1744 E 950 South Haubstadt, IN 47639	Randy Rexing 1744 E 950 South Haubstadt, IN 47639			234,610.43
Reeves Pork Farm 96 N Walnut St Poseyville, IN 47633	Reeves Pork Farm 96 N Walnut St Poseyville, IN 47633			36,000.00

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

I, the Member 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	June 4, 2009	Signature	/s/ David Ferguson
			David Ferguson
			Member

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			
Southern District of Indiana			

na	
Case No.	
	44
Cnapter_	11
Y HOLDERS ordance with Rule 1007(a	a)(3) for filing in this chapter 11 case
Number of Securities	Kind of Interest
	Sole Member
LF OF CORPORAT	ΓΙΟΝ OR PARTNERSHIP
declare under penalty of to the best of my infor	of perjury that I have read the mation and belief.
/s/ David Ferguson	
•	
e_ [	et to the best of my infor e <u>/s/ David Ferguson</u> David Ferguson Member

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** Southern District of Indiana

In re	DaveCo Farms LLC		Case No.	
		Debtor(s)	Chapter 11	
	VERIF	ICATION OF CREDITOR	MATRIX	
I, the M	Member of the corporation named as the	ne debtor in this case, hereby verify that t	he attached list of creditors is true and co	rrect to
the bes	t of my knowledge.			
Date:	June 4, 2009	/s/ David Ferguson		
		David Ferguson/Member		
		Signer/Title		

AG PRODUCTION ENTERPRISES INC 6564 W CO RD 100 N GREENSBURG, IN 47240

AGRI-CENTRAL SALES INC 1207 E 6TH ST HUNTINGBURG, IN 47542

ANDERSONS SALES & SERVICES 2914 CLIFTY DR MADISON, IN 47250

ANTHONY OESCH 904 IMPERIAL DR OLNEY, IL 62450

ARAMARK UNIFORM SERVICES POB 329 EVANSVILLE, IN 47702

AZALIA ELEVATOR 6701 E 800 S ELIZABETHTOWN, IN 47232

BANK OF AMERICA POB 15019 WILMINGTON, DE 19886-5019 BEST WAY INC POB 238 SEYMOUR, IN 47274

BOBB FARM RENTALS
7818 E CO RD 600 S
CROTHERSVILLE, IN 47229

BOSE MCKINNEY & EVANS LLP 111 MONUMENT CIRCLE STE 2700 INDIANAPOLIS, IN 46204

BROWNSTOWN ANIMAL HOSPITAL 1328 E COMMERCE ST BROWNSTOWN, IN 47220

BUNGE NORTH AMERICA (EAST) INC POB 798300 SAINT LOUIS, MO 63179-8000

CARDMEMBER SERVICES POB 94014 PALATINE, IL 60094-4014

CBS FARMS
4863 S STATE RD 39
BROWNSTOWN, IN 47220

DENVER KLINGE 4755 S 625 EAST CROTHERSVILLE, IN 47229

DISCOVER
POB 15735
WILMINGTON, DE 19886-5735

DIVERSIFIED SERVICES 3164 SOUTHSIDE AVE CINCINNATI, OH 45204

DTN POB 3546 OMAHA, NE 68103-0546

DUBOIS DISTRIBUTORS INC POB 28 HUNTINGBURG, IN 47542

EASY AUTOMATION 102 MILL ST POB 412 WELCOME, MN 56181

FARM BUREAU INSURANCE POB 1270 INDIANAPOLIS, IN 46206-1270

FARM CREDIT SERVICES POB 2205 COLUMBUS, IN 47202

FARM PLAN POB 4450 CAROL STREAM, IL 60197

FERRELLGAS
POB 173940
DENVER, CO 80217-3940

FURST MCNESS 120 E CLARK ST FREEPORT, IL 61032

GLENN PETERS 6586 S 550 WEST VALLONIA, IN 47281

GRINDLAY & GRINDLAY 105 W SECOND ST SEYMOUR, IN 47274

HALDERMAN REAL ESTATE SERVICES POB 297 WABASH, IN 46992 HANKS SIGN SHOP LLC 330 MAIN ST FERDINAND, IN 47532

HSBC CARD SERVICES
DEPT 9600
CAROL STREAM, IL 60128-9600

INDIANA SPRAY CENTER POB 218 FISHERS, IN 46038-0218

ITSI PROVISIONS 400 S MAIN ST WALWORTH, WI 53184

IVESCO
POB 8232
DES MOINES, IA 50301

JACKSON COUNTY CO-OP CREDIT UNION 705 W 2ND ST SEYMOUR, IN 47274

JENNER AUXIES & PATTISON LLP 508 E MAIN ST MADISON, IN 47250

JOHN HACKMAN 854 W CO RD 650 S VALLONIA, IN 47281

JONES AND SONS POB 2357 DEPUTY, IN 47230

KEVIN KALB 230 N KIRBY RD SALEM, IN 47167

KUBOTA CREDIT CORP USA POB 0559 CAROL STREAM, IL 60132-0559

LLOYD OWENS 14480 W STATE RD 256 DEPUTY, IN 47230

MARK LOWE 2284 W COUNTY RD 300 S FRANKFORT, IN 46041

MARTY TORMOEHLEN 519 E COUNTY RD 350 S VALLONIA, IN 47281 MILLER TIRE AND AUTO CARE INC 19 JACKSON ST NORTH VERNON, IN 47265

NATIONAL PORK BOARD POB 9113 DES MOINES, IA 50306

OLD NATIONAL BANK POB 550 JASPER, IN 47547-0550

PHI FINANCIAL SERVICES POB 660635 DALLAS, TX 75266

PRECISION MANAGEMENT 13649 W STATE RD 256 DEPUTY, IN 47230

RANDY REXING 1744 E 950 SOUTH HAUBSTADT, IN 47639

REDNECK COMPUTERS 105 E MAIN ST CROTHERSVILLE, IN 47229 REEVES PORK FARM 96 N WALNUT ST POSEYVILLE, IN 47633

RLM VETERINARY SERVICES PPC 2805 S STATE HIGHWAY 3 NORTH VERNON, IN 47265

SANDY HILLS FARM 4350 W COUNTY RD 500 S VALLONIA, IN 47281

SCHEPMAN & SCHEPMAN 9800 S COUNTY RD 800 W PARIS CROSSING, IN 47270

STEVE HENRY 12612 W HENRY RD DEPUTY, IN 47230

SURVIVOR W 5583 DOUBLE DR WALWORTH, WI 53184

VEOLIA ENVIRONMENTAL SERVICE POB 6484 CAROL STREAM, IL 60197-6484 VERIZON NORTH
POB 9688
MISSION HILLS, CA 91346-9688

WARRICK VETERINARY CLINIC 186 HIGHWAY 261 BOONVILLE, IN 47601

WIN ENERGY REMC POB 270 SULLIVAN, IN 47882-0270

WISCHMEIER TRUCKING POB 244 BROWNSTOWN, IN 47220