Case 12-91998-BHL-11 Doc 1 Filed 09/10/12 EOD 09/10/12 12:10:48 Pg 1 of 11 9/10/12 12:05PM

B1 (Official Form 1)(12/11)

United Sou		Vol	untary Petition						
Name of Debtor (if individual, enter Last, First,	Name	of Joint De	ebtor (Spouse) (Last, First	Middle):				
Whittymore, Dillard III									
All Other Names used by the Debtor in the last 8 (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-Taxpa (if more than one, state all)	yer I.D. (ITIN) No./	Complete EIN	Last fo	our digits o	f Soc. Sec. or	Individual-	Taxpayer I.	D. (ITIN) No./Complete EIN	
xxx-xx-2543			(ii more	(if more than one, state all)					
Street Address of Debtor (No. and Street, City, a 1943 E. US Highway 50 Brownstown, IN	nd State):		Street	Street Address of Joint Debtor (No. and Street, City, and State):					
Brownstown, in	-	ZIP Code						ZIP Code	
Country of Desidence on of the Deinsie of Disease		47220	Count	v of Posida	ence or of the	Dringing Di	oo of Pusi	nassi	
County of Residence or of the Principal Place of Jackson				-		-			
Mailing Address of Debtor (if different from stree P.O. Box 101	et address):		Mailing Address of Joint Debtor (if different from street address):						
Brownstown, IN		ZIP Code						ZIP Code	
	Г	47220	1						
Location of Principal Assets of Business Debtor (if different from street address above):									
Type of Debtor		of Business	Chapter of Bankruptcy Code Under Which						
(Form of Organization) (Check one box) Individual (includes Joint Debtors)	(Chec	k one box) usiness		the Petition is Filed (Check one box) Chapter 7					
See Exhibit D on page 2 of this form.	Single Asset R	eal Estate as de	efined	Chapt					
 Corporation (includes LLC and LLP) Partnership 	in 11 U.S.C. §	101 (51B)		Chapt		of a Foreign Main Proceeding			
 □ Fathletship □ Other (If debtor is not one of the above entities, check this box and state type of entity below.) □ Commodity Broker □ Clearing Bank 				□ Chapter 12 □ Chapter 15 Petition for Recognition □ Chapter 13 □ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding					
Chapter 15 Debtors	Other						of Debts		
Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	nain interests: Tax-Exempt Entity (Check box, if applicable) □ Debtor is a tax-exempt organizati under Title 26 of the United State				"incurred by an individual primarily for				
Elling Eng (Charles and here	,	al Revenue Code		a perso					
Filing Fee (Check one box Full Filing Fee attached)	Check one Deb	e box: Chapter 11 Debtors btor is a small business debtor as defined in 11 U.S.C. § 101(51D).						
 Full Filing Fee to be paid in installments (applicable to attach signed application for the court's considerati debtor is unable to pay fee except in installments. 	tor is not a small business debtor as defined in 11 U.S.C. § 101(51D). tor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter).								
Form 3A. Filing Fee waiver requested (applicable to chapter) 	applicable	e boxes:	U	10 aajusimeni	0n 4/01/15 0	ana every inree years inereagier).			
attach signed application for the court's considerati		3B.	eptances	of the plan w	this petition. were solicited pr S.C. § 1126(b).	repetition from	one or more	e classes of creditors,	
Statistical/Administrative Information		I			. /	THIS	SPACE IS I	FOR COURT USE ONLY	
 Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. 									
Estimated Number of Creditors						1			
1- 50- 100- 200-	□ □ 1,000- 5,001- 5,000 10,000		 5,001- 0,000	□ 50,001- 100,000	OVER 100,000				
\$50,000 \$100,000 \$500,000 to \$1	1,000,001 \$10,000,001 0 \$10 to \$50 nillion million	to \$100 to	00,000,001 \$500 illion	\$500,000,001 to \$1 billion					
Estimated Liabilities	\$1,000,001 \$10,000,001 o \$10 to \$50	\$50,000,001 \$1 to \$100 to	00,000,001 \$500	\$500,000,001 to \$1 billion					
million	nillion million	million m	illion						

B1 (Official For	m 1)(12/11)		Page 2
Voluntary		Name of Debtor(s): Whittymore, Dillard III	
(This page mu	st be completed and filed in every case)		
	All Prior Bankruptcy Cases Filed Within Last		ditional sheet)
Location Where Filed:	- None	Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Per	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more than	n one, attach additional sheet)
Name of Debto Indiana Stee	or: el & Tube, Inc.	Case Number: 12-91512-BHL-11	Date Filed: 7/10/12
District: Southern D	istrict of Indiana	Relationship: Debtor is Shareholder	Judge: Basil H. Lorch III
forms 10K and pursuant to S and is reques	Exhibit A bleted if debtor is required to file periodic reports (e.g., nd 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.) A is attached and made a part of this petition.	(To be completed if debtor is an individual I, the attorney for the petitioner named have informed the petitioner that [he o 12, or 13 of title 11, United States Cod	
	Exh 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.	ibit C pose a threat of imminent and identifiable	harm to public health or safety?
Exhibit I If this is a join	leted by every individual debtor. If a joint petition is filed, eac D completed and signed by the debtor is attached and made a	a part of this petition.	ı separate Exhibit D.)
	Information Regardin		
	(Check any ap Debtor has been domiciled or has had a residence, principa days immediately preceding the date of this petition or for	al place of business, or principal asset	
	There is a bankruptcy case concerning debtor's affiliate, ge		-
	Debtor is a debtor in a foreign proceeding and has its princ this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or th sought in this District.	s in the United States but is a defendar	nt in an action or
	Certification by a Debtor Who Reside (Check all appl		ty
	Landlord has a judgment against the debtor for possession	·	complete the following.)
	(Name of landlord that obtained judgment)		
	Debtor claims that under applicable nonbankruptcy law, th		
	the entire monetary default that gave rise to the judgment f Debtor has included in this petition the deposit with the con after the filing of the petition.		•

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

B1 (Official Form 1)(12/11)	Page 3
Voluntary Petition	Name of Debtor(s):
·	Whittymore, Dillard III
(This page must be completed and filed in every case)	atures
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative
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 /s/ Dillard Whittymore, III Signature of Debtor Dillard Whittymore, III Signature of Joint Debtor	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 some Decion	Date
Telephone Number (If not represented by attorney)	
	Signature of Non-Attorney Bankruptcy Petition Preparer
September 10, 2012	I declare under penalty of perjury that: (1) I am a bankruptcy petition
Date Signature of Attorney * X /s/ Wendy D. Brewer (IN Signature of Attorney for Debtor(s) Wendy D. Brewer (IN #22669-49) Printed Name of Attorney for Debtor(s)	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.
Benesch Friedlander Coplan & Aronoff LLP Firm Name One American Square Suite 2300 Indianapolis, IN 46282	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.)
317-632-3232 Fax: 317-632-2962 Telephone Number September 10, 2012 Date *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a	Address X
certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.	Date
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.	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:
X Signature of Authorized Individual Printed Name of Authorized 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 of Authorized Individual	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.

Date

B4 (Official Form 4) (12/07)

United States Bankruptcy Court Southern District of Indiana

In re **Dillard Whittymore, Ill**

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)
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]
Christy S. Whittymore P.O. Box 98 Brownstown, IN 47220	Christy S. Whittymore P.O. Box 98 Brownstown, IN 47220	Dissolution Decree		924,999.63
Indiana Bank & Trust Co. 501 Washington Street Columbus, IN 47201	Indiana Bank & Trust Co. 501 Washington Street Columbus, IN 47201	Line of Credit extended to Indiana Steel & Tube, Inc.	Contingent Unliquidated	7,000,000.00
Indiana Bank & Trust Co. 501 Washington Street Columbus, IN 47201	Indiana Bank & Trust Co. 501 Washington Street Columbus, IN 47201	Term Loan to Indiana Steel and Tube, Inc.	Contingent Unliquidated	2,230,000.00
Indiana Bank & Trust Co. 501 Washington Street Columbus, IN 47201	Indiana Bank & Trust Co. 501 Washington Street Columbus, IN 47201	Mortgage Loan to Whittymore, LLC on 848 Sweet Street, Brownstown, IN 47220	Contingent Unliquidated	2,135,934.26
Indiana Bank & Trust Co. 501 Washington Street Columbus, IN 47201	Indiana Bank & Trust Co. 501 Washington Street Columbus, IN 47201	Mortgage Loan to Whittymore, LLC on 322 E. Bridge Street, Brownstown, IN 47220	Contingent Unliquidated	756,503.48
Indiana Department of Revenue Bankruptcy Department 100 N. Senate Avenue, Room N203 Indianapolis, IN 46204	Indiana Department of Revenue Bankruptcy Department 100 N. Senate Avenue, Room N203 Indianapolis, IN 46204	For Notice Purposes	Unliquidated	Unknown
Internal Revenue Service Centralized Insolvency Operations P.O. Box 7346 Philadelphia, PA 19101-7346	Internal Revenue Service Centralized Insolvency Operations P.O. Box 7346 Philadelphia, PA 19101-7346	For Notice Purposes	Unliquidated	Unknown
Jackson County Bank 125 South Chestnut Street Seymour, IN 47274	Jackson County Bank 125 South Chestnut Street Seymour, IN 47274	Farm and Personal Residence	Unliquidated	700,000.00 (Unknown secured)

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B4 (Official Form 4) (12/07) - Cont. In re Dillard Whittymore, III

Debtor(s)

Case No.

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]	
Jackson County Bank 125 South Chestnut Street Seymour, IN 47274	Jackson County Bank 125 South Chestnut Street Seymour, IN 47274	Mother's residence.		24,870.69 (Unknown secured)	
Jackson County Bank 125 South Chestnut Street Seymour, IN 47274	Jackson County Bank 125 South Chestnut Street Seymour, IN 47274	Loan to Whittymore, LLC	Unliquidated	1,982,317.03	
Jackson County Bank 125 South Chestnut Street Seymour, IN 47274	Jackson County Bank 125 South Chestnut Street Seymour, IN 47274	Purchase money loan to Indiana Steel and Tube, Inc. on Hisen Enterprises Welder, Serial No. FMS/HF-200-0609-1 3	Contingent Unliquidated	23,063.38	
Jackson County Treasurer 111 S. Main Street, #124 Brownstown, IN 47220	Jackson County Treasurer 111 S. Main Street, #124 Brownstown, IN 47220	Property taxes on personal residence and farm at 1943 E. US Highway 50, Brownstown, IN 47220	Unliquidated	Unknown	
John Deere Financial P.O. Box 4450 Carol Stream, IL 60197	John Deere Financial P.O. Box 4450 Carol Stream, IL 60197	Bobcat	Unliquidated	27,402.95 (Unknown secured)	
Lowes/GECRB P.O. Box 530914 Atlanta, GA 30353	Lowes/GECRB P.O. Box 530914 Atlanta, GA 30353	Credit Card Account	Unliquidated	12,500.00	
Mill Steel Company 5116 36th Street, SE Grand Rapids, MI 49512	Mill Steel Company 5116 36th Street, SE Grand Rapids, MI 49512	Trade debt of Indiana Steel and Tube, Inc.	Contingent Unliquidated Disputed	2,672,572.88	

B4 (Official Form 4) (12/07) - Cont. In re Dillard Whittymore, III

Debtor(s)

Case No.

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

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

I, **Dillard Whittymore**, **III**, 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 September 10, 2012

Signature /s/ Dillard Whittymore, III Dillard Whittymore, III 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. B6D (Official Form 6D) (12/07)

In re

Dillard Whittymore, III

Case No.

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

Debtor

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, 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 and Fed. R. Bankr. P. 1007(m). If all secured

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 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided. If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community". If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.) Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data. Ď

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

		Husband, Wife, Joint, or Community		C O	C U O N	D	AMOUNT OF	
CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U H	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN		L – Q – –	I S P U T E D	CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxx2509			Line of Credit Secured by Mortgage Lien	Т	D A T E D			
Jackson County Bank 125 South Chestnut Street Seymour, IN 47274		-	Farm and Personal Residence		x			
			Value \$ Unknown				700,000.00	Unknown
Account No. xxxx6082			Mortgage Lien on Real Property					
Jackson County Bank 125 South Chestnut Street Seymour, IN 47274		-	Mother's residence.					
			Value \$ Unknown	1			24,870.69	Unknown
Account No. xxxxxxx0025			Purchase Money Security Interest					
John Deere Financial P.O. Box 4450 Carol Stream, IL 60197		-	Bobcat		x		27,402,05	
Account No.		-	Value \$ Unknown	-			27,402.95	Unknown
			Value \$					
0 continuation sheets attached	Subtotal (Total of this page)					752,273.64	0.00	
	Total (Report on Summary of Schedules)					752,273.64	0.00	

United States Bankruptcy Court Southern District of Indiana

In re Dillard Whittymore, III

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: September 10, 2012

/s/ Dillard Whittymore, III Dillard Whittymore, III Signature of Debtor

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ANNETTE HAAS BARNES & THORNBURG LLP 11 S. MERIDIAN STREET INDIANAPOLIS, IN 46204

•

CHRISTY S. WHITTYMORE P.O. BOX 98 BROWNSTOWN, IN 47220

DEBORAH HUNNICUTT 615 W. SEVENTH STREET SEYMOUR, IN 47274

GARY L. HUNNICUTT 615 W. SEVENTH STREET SEYMOUR, IN 47274

INDIANA BANK & TRUST CO. 501 WASHINGTON STREET COLUMBUS, IN 47201

INDIANA DEPARTMENT OF REVENUE BANKRUPTCY DEPARTMENT 100 N. SENATE AVENUE, ROOM N203 INDIANAPOLIS, IN 46204

INDIANA STEEL AND TUBE, INC. 848 W. SWEET STREET PO BOX 316 BROWNSTOWN, IN 47220 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY OPERATIONS P.O. BOX 7346 PHILADELPHIA, PA 19101-7346

JACKSON COUNTY BANK 125 SOUTH CHESTNUT STREET SEYMOUR, IN 47274

JACKSON COUNTY TREASURER 111 S. MAIN STREET, #124 BROWNSTOWN, IN 47220

JOHN DEERE FINANCIAL P.O. BOX 4450 CAROL STREAM, IL 60197

JOHN GREGG BARNES & THORNBURG LLP 171 MONROE AVENUE, NW, SUITE 1000 GRAND RAPIDS, MI 49503

LOWES/GECRB P.O. BOX 530914 ATLANTA, GA 30353

MARK J. ROBERTS P.O. BOX 44961 INDIANAPOLIS, IN 46244 MILL STEEL COMPANY 5116 36TH STREET, SE GRAND RAPIDS, MI 49512

THOMAS C. SCHERER BINGHAM GREENEBAUM DOLL LLP 10 W. MARKET STREET, SUITE 2700 INDIANAPOLIS, IN 46204

WHITNEY L. MOSBY BINGHAM GREENBAUM DOLL LLP 10 W. MARKET STREET, SUITE 2700 INDIANAPOLIS, IN 46204

WHITTYMORE, LLC 848 W. SWEET STREET BROWNSTOWN, IN 47220