Case 15-51566 Doc 1	
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Filed 08/11/15 Entered 08/11/15 17:20:14 Desc Main Document Page 1 of 11

Type of Debtor (form of Organization) (Check one box) Individual (Includes Joint Debtors) See Exhibit D on page 2 of this form. Nature of Business (Check one box) Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) Individual (Includes Joint Debtors) See Exhibit D on page 2 of this form. Image Asset Real Estate as defined in 11 U.S.C. § 101 (S1B) Image Chapter 15 (Chapter 12) Image Chapter 15 (Chapter 12) Chapter 15 (Chapter 12) Other (f debrors in or one of the above entities, check this box and state type of entity below.) Image Chapter 15 (Chapter 15 (Chapter 15) Image Chapter 15 (Chapter 12) Image Chapter 13 (Chapter 12) Image Chapter 11 (Chapter 12) Image Chapter 13 (Chapter 12) Image Chapter	B1 (Official Form 1)(04/13)	Duc	ument	Pa	ge 1 of	11			
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□ 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. Check if: □ 	Full Filing Fee attached).
are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter). Form 3A. Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. A plan is being filed with this petition. 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 Estimated Assets So to \$50,000 \$100,000 \$100,000 to \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000			Check if:						
Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). Statistical/Administrative Information A comparative with 11 U.S.C. § 1126(b). Debtor estimates that funds will be available for distribution to unsecured creditors. THIS SPACE IS FOR COURT USE ONLY Estimated Number of Creditors Image: Comparative of the plan were solicited prepetition from one or more classes of creditors. Estimated Assets Image: Comparative of the plan were solicited prepetition from one or more classes of creditors in accordance with 11 U.S.C. § 0,001 So to S50,000 to S100,000 to S50,000 to S10,000		Rule 1006(b). See Officia	are are	less than S	\$2,490,925 (
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there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors Image: Colspan="4">Image: Colspan="4"					es paid,				
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million million million million Estimated Liabilities Image: Comparison of the state of	\$0 to \$50,001 to \$100,001 to \$500,001	\$1,000,001 \$10,000,001	\$50,000,001 \$	100,000,001	\$500,000,001	More than			
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	D 0 (11)	

B1 (Official For	m 1)(04/13) Document	Page 2 of 11	Page 2
, in the second s	y Petition	Name of Debtor(s): Upton Family, Inc.	
(This page mu	ust be completed and filed in every case)		
	All Prior Bankruptcy Cases Filed Within Last	t 8 Years (If more than two, attac	ch additional sheet)
Location Where Filed:	- None -	Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more	than one, attach additional sheet)
Name of Debt - None -	tor:	Case Number:	Date Filed:
District:		Relationship:	Judge:
	Exhibit A	(To be completed if debter is on indi	Exhibit B vidual whose debts are primarily consumer debts.)
forms 10K a pursuant to s and is reque	bleted 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.) A is attached and made a part of this petition.	I, the attorney for the petitioner n have informed the petitioner that 12, or 13 of title 11, United State	amed in the foregoing petition, declare that I [he or she] may proceed under chapter 7, 11, s Code, and have explained the relief available r certify that I delivered to the debtor the notice
		Signature of Automey for Deb	(Date)
		libit 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.	pose a threat of imminent and identia	fiable harm to public health or safety?
(To be comp	leted by every individual debtor. If a joint petition is filed, ea		ach a separate Exhibit D.)
	D completed and signed by the debtor is attached and made	a part of this petition.	
If this is a joi	int 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	oplicable box)	
	Debtor has been domiciled or has had a residence, princip- days immediately preceding the date of this petition or for		
	There is a bankruptcy case concerning debtor's affiliate, ge	eneral partner, or partnership pene	ding in this District.
	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.	in the United States but is a defe	endant in an action or
	Certification by a Debtor Who Reside (Check all app		operty
	Landlord has a judgment against the debtor for possession		sked, complete the following.)
	(Name of landlord that obtained judgment)		
	(Address of landlord)		
	Debtor claims that under applicable nonbankruptcy law, the the entire monetary default that gave rise to the judgment t	for possession, after the judgment	t for possession was entered, and
	Debtor has included with this petition the deposit with the after the filing of the petition.	court of any rent that would beco	ome due during the 30-day period

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

Case	15-51566	Doc 1	File

Case 15-51566 Doc 1 Filed 08/11/1	
B1 (Official Form 1)(04/13) Document	Page 3 of 11 Page 3
Voluntary Petition	Name of Debtor(s): Upton Family, Inc.
(This page must be completed and filed in every case)	opton ranny, nc.
	natures
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative
I declare under penalty of perjury that the information provided in this	I declare under penalty of perjury that the information provided in this petition
petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and	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.
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	(Check only one box.)
available under each such chapter, and choose to proceed under chapter 7.	☐ I request relief in accordance with chapter 15 of title 11. United States Code.
[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).	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
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	recognition of the foreign main proceeding is attached.
	X
X	Signature of Foreign Representative
	Printed Name of Foreign Representative
Signature of Joint Debtor	
Telephone Number (If not represented by attorney)	Date
	Signature of Non-Attorney Bankruptcy Petition Preparer
Date	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
Signature of Attorney*	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
X _/s/ Jamie L. Harris	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
Signature of Attorney for Debtor(s)	of the maximum amount before preparing any document for filing for a
Jamie L. Harris KY Bar No. 91387	debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.
Printed Name of Attorney for Debtor(s)	
_DelCotto Law Group PLLC Firm Name	Printed Name and title, if any, of Bankruptcy Petition Preparer
Pirm Name 200 North Upper Street	
Lexington, KY 40507-1017	Social-Security number (If the bankrutpcy petition preparer is not
	an individual, state the Social Security number of the officer,
Address	principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)
	proprietation of the time of t
(050) 024 5000 E-v. (050) 204 4470	
August 11, 2015	
Date	Address
*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a	X
certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.	A
	Date
Signature of Debtor (Corporation/Partnership)	Signature of bankruptcy petition preparer or officer, principal, responsible
I declare under penalty of perjury that the information provided in this	person, or partner whose Social Security number is provided above.
petition is true and correct, and that I have been authorized to file this petition	Names and Social-Security numbers of all other individuals who prepared or
on behalf of the debtor.	assisted in preparing this document unless the bankruptcy petition preparer is
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.	not an individual:
X /s/ James R. Upton	
Signature of Authorized Individual	
James R. Upton	If more than one person prepared this document, attach additional sheets
Printed Name of Authorized Individual	conforming to the appropriate official form for each person.
President	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.
August 11, 2015	
Date	

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B4 (Official Form 4) (12/07)

United States Bankruptcy Court Eastern District of Kentucky

In re Upton Family, Inc.

Debtor(s)

Case No. Chapter **11**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [*or* chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
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]
American Express P O Box 650448 Dallas, TX 75205-0448	American Express P O Box 650448 Dallas, TX 75205-0448	revolving credit		7,000.00
AT&T P.O. Box 105503 Atlanta, GA 30348	AT&T P.O. Box 105503 Atlanta, GA 30348	phone services		448.08
Berea Municipal Utilities P O Box 926 Berea, KY 40403	Berea Municipal Utilities P O Box 926 Berea, KY 40403	utility services		3,157.99
Bryant's Rent All 701 Red Mile Rd. Lexington, KY 40504	Bryant's Rent All 701 Red Mile Rd. Lexington, KY 40504	trade debt		342.64
Cintas 2512 Paulmbo Drive Lexington, KY 40509	Cintas 2512 Paulmbo Drive Lexington, KY 40509	trade debt		40.90
Coca Cola Bottling Co. P O Box 31487 Charlotte, NC 28231	Coca Cola Bottling Co. P O Box 31487 Charlotte, NC 28231	trade debt		1,637.93
Coca-Cola North America 1 Coca-Cola Plaza Atlanta, GA 30313	Coca-Cola North America 1 Coca-Cola Plaza Atlanta, GA 30313	trade debt		1,590.00
Delta Natural Gas Co., Inc. 129 Glades Rd. Berea, KY 40403	Delta Natural Gas Co., Inc. 129 Glades Rd. Berea, KY 40403	gas usage		848.85
DirectTV P O Box 60036 Los Angeles, CA 90060-0038	DirectTV P O Box 60036 Los Angeles, CA 90060-0038	trade debt		205.52
Koorseen Fire and Security 2719 North Arlington Ave. Indianapolis, IN 46218	Koorseen Fire and Security 2719 North Arlington Ave. Indianapolis, IN 46218	services		630.00
Kutler Tax Resolutions, Inc. 5275 Marshall St. #205 Arvada, CO 80002	Kutler Tax Resolutions, Inc. 5275 Marshall St. #205 Arvada, CO 80002	tax services		1,000.00
Richard's Hood & Duct P O Box 911 Jeffersonville, IN 47131	Richard's Hood & Duct P O Box 911 Jeffersonville, IN 47131	trade debt		405.00

Case 15-51566 Doc 1

Document

Debtor(s)

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B4 (Official Form 4) (12/07) - Cont. Upton Family, Inc. In re

Case No.

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

aim (trade Indicate if claim is Amount of)
contract, unliquidated, state value disputed, or security]	d, also
credit 440.12	
71.44	
99.00	
2,370.68	
19,172.72	2
vices 338.82	
-	/ices 338.82

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

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

Date August 11, 2015

/s/ James R. Upton Signature James R. Upton President

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

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United States Bankruptcy Court Eastern District of Kentucky

In re Upton Family, Inc.

Debtor

Chapter	11	

Case No._____

LIST OF EQUITY SECURITY HOLDERS

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

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest	
Brenda Upton 1777 Gayna Rd. Paint Lick, KY 40461			50%	
James Upton 1777 Gayna Rd. Paint Lick, KY 40461			50%	

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

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

Date August 11, 2015

James R. Upton President

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C §§ 152 and 3571.

Signature /s/ James R. Upton

United States Bankruptcy Court Eastern District of Kentucky

In re Upton Family, Inc. Case No. Chapter 11

VERIFICATION OF MAILING LIST MATRIX

I, the President of the corporation named as the petitioner(s) in the above-styled bankruptcy action, declare under penalty of perjury that the attached mailing list matrix of creditors and other parties in interest consisting of 3 page(s) is true and correct and complete, to the best of my (our) knowledge.

Date: August 11, 2015

/s/ James R. Upton James R. Upton/President Signer/Title

I, <u>Jamie L. Harris</u>, counsel for the petitioner(s) in the above-styled bankruptcy action, declare that the attached Master Address List consisting of <u>3</u> page(s) has been verified by comparison to Schedules D through H to be complete, to the best of my knowledge. I further declare that the attached Master Address List can be relied upon by the Clerk of Court to provide notice to all creditors and parties in interest as related to me by the debtor(s) in the above-styled bankruptcy action until such time as any amendments may be made.

Date: August 11, 2015

/s/ Jamie L. Harris Signature of Attorney Jamie L. Harris DelCotto Law Group PLLC

DelCotto Law Group PLLC 200 North Upper Street Lexington, KY 40507-1017 (859) 231-5800 Fax: (859) 281-1179

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ADT Security P. O. Box 371490 Pittsburgh PA 15250-7878

American Express P O Box 650448 Dallas TX 75205-0448

Americorp Leasing LLC Lease Finance Group, LLC 65 East Wacker Place - Suite 510 Chicago IL 60601

AT&T P.O. Box 105503 Atlanta GA 30348

Berea Municipal Utilities P O Box 926 Berea KY 40403

Bluegrass Professional Associate 4400 Breckenridge Lane Suite 400 Louisville KY 40218

Bryant's Rent All 701 Red Mile Rd. Lexington KY 40504

Cintas 2512 Paulmbo Drive Lexington KY 40509

City of Berea, Kentucky c/o James T. Gilbert 212 North Second St. Richmond KY 40475

Coca Cola Bottling Co. P O Box 31487 Charlotte NC 28231

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Coca-Cola North America 1 Coca-Cola Plaza Atlanta GA 30313

Delta Natural Gas Co., Inc. 129 Glades Rd. Berea KY 40403

DirectTV P O Box 60036 Los Angeles CA 90060-0038

Internal Revenue Service P.O. Box 7346 Philadelphia PA 19101-7346

KESA 200 Executive Park Louisville KY 40207

Koorseen Fire and Security 2719 North Arlington Ave. Indianapolis IN 46218

Kutler Tax Resolutions, Inc. 5275 Marshall St. #205 Arvada CO 80002

KY Dept. of Revenue Legal Branch - Bankruptcy Section P. O. Box 5222 Frankfort KY 40602

PDQ 460 E. New Circle Rd. Lexington KY 40505

Peoples Bank of Madison Co. P O Box 219 419 Chestnut St. Berea KY 40403

Richard's Hood & Duct P O Box 911 Jeffersonville IN 47131

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Sam's Club P O Box 965004 Orlando FL 32896-5004

Scott-Gross Co., Inc. 664 Magnolia Ave. Lexington KY 40505

Sentext Solutions 612 Wheelers Farps Rd. Milford CT 06461

SOFO Foods 331 Park East Blvd. New Albany IN 47150

State of the Art Exterminators P O Box 94 Bimble KY 40915

U.S. Foods 9399 West Higgins Rd. Suite 500 Rosemont IL 60018

Upton, Dennis 14505 Brambie Ct. Tampa FL 33624

Windstream P O Box 9001908 Louisville KY 40290-1908

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United States Bankruptcy Court Eastern District of Kentucky

In re Upton Family, Inc.

Debtor(s)

Case No. Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for <u>Upton Family, Inc.</u> in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

■ None [*Check if applicable*]

August 11, 2015

Date

/s/ Jamie L. Harris Jamie L. Harris

Signature of Attorney or Litigant Counsel for Upton Family, Inc. DelCotto Law Group PLLC 200 North Upper Street Lexington, KY 40507-1017 (859) 231-5800 Fax:(859) 281-1179