Case 08-35468 Doc 1 Filed 10/21/08 Entered 10/21/08 13:30:50 Desc Main

B 1 (Official Form 1) (1/08)	Document	Page 1.c	of 11		
United States Ban		-	Voluntary Petition		
District of M			to reference and the first extend of the second of the sec		
Name of Debtor (if individual, enter Last, First, Middle) Lam, Kevin Cheng	:	Name of Joint Lam, Kun	t Debtor (Spouse) (Last, First, Middle): rath Van		
All Other Names used by the Debtor in the last 8 years			nes used by the Joint Debtor in the last 8 years ied, maiden, and trade names):		
(include married, maiden, and trade names):		N/A	iou, maiden, and dade names).		
Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D.	(ITIN) No./Complete EIN	1	ts of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN		
(if more than one, state all): SSN: xxx-xx-8031		(if more than SSN: xxx	one, state all): -xx-0485		
Street Address of Debtor (No. and Street, City, and State 2230 Periwinkle Ave.	e):		s of Joint Debtor (No. and Street, City, and State): iwinkle Ave.		
West Lakeland, MN			eland, MN		
·	ZIP CODE 55082		ZIP CODE 55082		
County of Residence or of the Principal Place of Busine Washington	SS:	vvasningt	The state of the s		
Mailing Address of Debtor (if different from street addr-same-	ess):	Mailing Addr N/A	ess of Joint Debtor (if different from street address):		
	ZIP CODE		ZIP CODE		
Location of Principal Assets of Business Debtor (if diffe-same-	erent from street address above):		ZIP CODE		
Type of Debtor	Nature of Busine	ess	Chapter of Bankruptcy Code Under Which		
(Form of Organization) (Check one box.)	(Check one box.)		the Petition is Filed (Check one box.)		
✓ Individual (includes Joint Debtors)	☐ Health Care Business ☐ Single Asset Real Estate	e as defined in	Chapter 7 Chapter 15 Petition for Recognition of a Foreign		
See Exhibit D on page 2 of this form.	11 U.S.C. § 101(51B)		Chapter 9 Recognition of a Foreign Chapter 11 Main Proceeding Chapter 12 Chapter 15 Petition for		
Corporation (includes LLC and LLP) Partnership	Railroad Stockbroker		Chapter 13 Recognition of a Foreign		
Other (If debtor is not one of the above entities, check this box and state type of entity below.)	☐ Commodity Broker ☐ Clearing Bank		Nonmain Proceeding		
]	Other		Nature of Debts (Check one box.)		
	Tax-Exempt Ent (Check box, if applic		Debts are primarily consumer Debts are primarily		
		•	debts, defined in 11 U.S.C. business debts.		
	Debtor is a tax-exempt of under Title 26 of the Ui		§ 101(8) as "incurred by an individual primarily for a		
	Code (the Internal Reve		personal, family, or house- hold purpose."		
Filing Fee (Check one bo	x.)	G: :	Chapter 11 Debtors		
✓ Full Filing Fee attached.		Check one b Debtor	ox: is a small business debtor as defined in 11 U.S.C. § 101(51D).		
Filing Fee to be paid in installments (applicable to		☑ Debtor	is not a small business debtor as defined in 11 U.S.C. § 101(51D).		
signed application for the court's consideration counable to pay fee except in installments. Rule 10		Check if:			
Filing Fee waiver requested (applicable to chapte		insiders	's aggregate noncontingent liquidated debts (excluding debts owed to s or affiliates) are less than \$2,190,000.		
attach signed application for the court's considera	tion. See Official Form 3B.	Check all applicable boxes:			
		☐ A plan	is being filed with this petition. ances of the plan were solicited prepetition from one or more classes		
Statistical/Administration V-f	······		litors, in accordance with 11 U.S.C. § 1126(b). THIS SPACE IS FOR		
Statistical/Administrative Information	E_ 11 / 11 / 11 / 11	.dle	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					
1-49 50-99 100-199 200-999	1,000- 5,001-	10,001- 2	25,001- 50,001- Over 50,000 100,000 100,000		
Estimated Assets	d	<u> </u>			
\$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		
\$50,000 \$100,000 \$500,000 to \$1 million			to \$1 billion \$1 billion sillion		
Estimated Liabilities					
\$0 to \$50,001 to \$100,001 to \$500,001	\$1,000,001 \$10,000,001	\$50,000,001	□ □ □ □ □		
\$50,000 \$100,000 \$500,000 to \$1			to \$500 to \$1 billion \$1 billion		

B 1 (Official Form 1) (1/08) <u>Document</u> Page 2 of 11 Page 2 Voluntary Petition Name of Debtor(s): Lam, Kevin Cheng & Lam, Kunrath Van (This page must be completed and filed in every case.) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet. Location Case Number: N/A Date Filed: Where Filed: N/A N/A Location Case Number Date Filed: N/A Where Filed: ÑÄ Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.) Name of Debtor: Case N/A Date Filed: N/A District: Relationship: Judge N/A District of Minnesota Exhibit A Exhibit B (To be completed if debtor is an individual (To be completed if debtor is required to file periodic reports (e.g., forms 10K and whose debts are primarily consumer debts.) 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.) 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 leach such chapter. I further certify that I have delivered to the debtor the notion required by 11 U.S.C Exhibit A is attached and made a part of this petition. ature of Attorney for Debtor(s 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. Ø 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 with 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(1)).

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Document Page 3 of 11

B 1 (Official Form) 1 (1/08)	Page 3				
Voluntary Petition	Name of Debtor(s):				
(This page must be completed and filed in every case.)	Lam, Kevin Cheng & Lam, Kunrath Van				
Signatures					
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 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.				
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition. X Signature of Debtor X Signature of Joint Debtor Telephone Number (if not represented by attorney) Date	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 Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer				
Signature of Attorney for Debtor(s) Matthew L. Fling Printed Name of Attorney for Debtor(s) Matthew L. Fling Printed Name of Attorney for Debtor(s) Matthew L. Fling Firm Name 4018 W. 65th St. Ste. #100 Address Edina, MN 55435	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in II 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.				
Telephone Number / 20/08	Printed Name and title, if any, of Bankruptcy Petition Preparer				
*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.	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				
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.	x				
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Date Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.				
Signature of Authorized Individual Printed Name of Authorized Individual	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.				
Title of Authorized Individual Date	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.				

B 1D (Official Form 1, Exhibit D) (10/06)

UNITED STATES BANKRUPTCY COURT

District of Minnesota

In re Kevin Cheng Lam	Case No.
Debtor(s)	(if known)

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.

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

☐ 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.

- □ 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:

Date: 10/20/08

Certificate Number: <u>02645-MN-CC-005182239</u>

CERTIFICATE OF COUNSELING

I CERTIFY that on October 17, 2008	, a	t <u>3:49</u>	o'clock PM EDT,
Kevin C Lam		recei	ved from
A 123 Credit Counselors, Inc		T. C. St.	
an agency approved pursuant to 11 U.S.C.	§ 111 to	provide cre	dit counseling in the
District of Minnesota	, a	n individua	I [or group] briefing that complied
with the provisions of 11 U.S.C. §§ 109(h)	and 111		
A debt repayment plan was not prepared	If a c	lebt repayme	ent plan was prepared, a copy of
the debt repayment plan is attached to this	certificat	te.	
This counseling session was conducted by	internet a	and telephone	•
Date: October 17, 2008	Ву	/s/Cary Her	nandez
	Name	Cary Herna	ndez
	Title	Cetified Cre	edit Counselor

^{*} Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

B 1D (Official Form 1, Exhibit D) (10/06)

UNITED STATES BANKRUPTCY COURT

District of Minnesota

In re Kunrath Van Lam	Case No.
Debtor(s)	(if known)

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.

- I. 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.

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

☐ 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.

- □ 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.
- \Box 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.

Date: 10/20/08

Certificate Number: 02645-MN-CC-005182279

CERTIFICATE OF COUNSELING

I CERTIFY that on October 17, 2008	, at	3:51	o'clock PM EDT,
Kunrath V Lam		receiv	ed from
A 123 Credit Counselors, Inc			
an agency approved pursuant to 11 U.S.C.	§ 111 to	provide cred	it counseling in the
District of Minnesota	, aı	n individual	[or group] briefing that complied
with the provisions of 11 U.S.C. §§ 109(h)	and 111		
A debt repayment plan was not prepared	If a d	lebt repayme	nt plan was prepared, a copy of
the debt repayment plan is attached to this o	certificat	e.	
This counseling session was conducted by	internet a	nd telephone	
Date: October 17, 2008	Ву	/s/Cary Hern	andez
	Name	Cary Hernan	dez
	Title	Cetified Cree	dit Counselor

^{*} Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

B 4 (Official Form 4) (12/07)

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re	KEVIN LAM_,	Case No.
	Debtor	
		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 and Fed. R. Bankr. P. 1007(m).

and complete com mailing address, incl including zip emp code crea	(2) me, telephone number and nplete mailing address, luding zip code, of loyee, agent, or dept. of litor familiar with claim may be contacted.	(trade debt, bank loan, government	(4) Indicate if claim is contingent, unliquidated, disputed or subject to setoff	(5) Amount of claim [if secured, also state value of security]
1. BANKCARD USA 5701 Lindero Canyon Road Building #3 Westlake Village, CA 91362	800-589-8200	Credit card debt	N/A	\$10,000
2. CITY OF SOUTH ST. PAUL 125-3rd Ave. N. So. St. Paul, MN 55075	Housing & Redevelopment Authority	Personal guaranty on unsecured mortgage	N/A	\$50,000
3. BRICKWELL COMMUNITY BANK	Ivar Peterson, 651-289-5000	Personal guaranty on two bank loans	N/A	\$5,706,850

pt				
525 Commons Dr.				
Woodbury, MN				
55125				
4. CAPITAL	Capital One	Credit card debt	N/A	\$30,000
ONE CREDIT	Payment			
Attn: General	Investigations,		:	
Correspondence	800-955-7070			
P.O. Box 30285	P.O. Box 30287			
Salt Lake City,	Salt Lake City, UT			
UT	84130			
84130				
5. CITY &	Accts: 75836-01,	Personal	N/A	\$1,900,
COUNTY	75836-02,	guaranty on		495.28
CREDIT UNION	75836012,	four bank loans		
144 11th St. E.	75905-00;			İ
St. Paul, MN	651-225-2700			
55101				
6. UNIVERSITY	Accts: 32288,	Personal	N/A	\$1,654,000
BANK	33288	guaranty on		, ,
200 University	651-265-5600	two bank loans		
Ave. W.				
St. Paul, MN				
55103				
7. WESTERN	Lue Vang,	Personal	N/A	\$1,500,000
BANK	651-290-8100	guaranty on	}	
663 University		bank loan		
Ave.				
St. Paul, MN				
55104				
8. TWIN CITIES	April Nelson,	Personal	N/A	\$970,000
METRO-	4105 Lexington	guaranty on		, 4,5,5,5
CERTIFIED	Ave. N. Ste 170	SBA 504 loan		
DEVELOPMENT	Arden Hills, MN			
3495 Vadnais	55126			
Center Dr.	651-481-8081			
Vadnais Heights,				
MN 55110				
9. GE MONEY	Acct:	Personal Loan	N/A	\$5,000
BANK	6019181840504215	Kunrath		1
P.O. Box 960061				
1				
32896				
Orlando, FL 32896				