B1 (Official	Form 1) (4/10										
United States Bankruptcy Court District of Minnesota				ourt	Voluntary Potition						
Name of Debtor (if individual, enter Last, First, Middle)					Name of Joint Debtor (Spouse) (Last, First, Middle)						
Duke and King Missouri, LLC					Tambo et volta 2 vota (apouto) (2mo, 1 no, 1 nom)						
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):								Joint Debtor in d trade names):	the last 8 years		
	an one, state a		l-Taxpayer I.l	D. (ITIN) No./Co		Last four digit more than one		ec or Inc	dividual-Taxpaye	er I.D. (ITIN) No./	Complete EIN (if
Street Ad	dress of Deb	tor (No. and S	Street, City,	and State):		Street Addre	ss of Joint	Debto	r (No. and Stre	et, City, and Sta	ite):
	icollet Ave.	,, South									
Burnsvi				ZIP COD						ZIP COD	E:
Dakota	f Residence o	or of the Princ	npal Place o	f Business:		County of Ro	esidence o	r the P	rincipal Place o	of Business:	
Mailing A	Address of De	ebtor (if differ	rent from str	reet address):		Mailing Add	ress of Joi	int Deb	otor (if different	from street add	lress):
				ZIP COD	E:					ZIP COD	E:
Location See Ann	_	Assets of Bus	iness Debtor	r (if different fr	om street addre	ess above):				ZIP COI	DE:
	Type of	f Debtor		Nat	ture of Busines	S		Cha	pter of Bankrup	tcy Code Under	Which
(Form of Organization) (Check one box)  ☐ Individual (include Joint Debtors) See Exhibit D on page 2 of this form. ☐ Corporation (includes LLC and LLP) ☐ Partnership ☐ Other (If debtor is not one of the above entities, check this box and state type of entity)  ☐ (Check one box.) ☐ Health Care Business ☐ Single Assets Real Estate at 11 U.S.C. § 101 (51B) ☐ Railroad ☐ Stockbroker ☐ Commodity Broker ☐ Clearing Bank		c.) e Business ets Real Estate as 101 (51B)  r 7 Broker ank		the Petition is Filed (Check one box)  efined in  Chapter 7 Chapter 9 Chapter 11 Chapter 12 Chapter 12 Chapter 13 Recognition of a Foreign Recognition of a Foreign Recognition of a Foreign Recognition of a Foreign Nonmain Proceeding			for oreign for oreign				
				✓ Other Rest					(Check	e of Debts cone Box)	
					box, if applica	debts, defined in 11 U.S.C. business debts.					
				under Ti	s a tax-exempt or tle 26 of the Unit e Internal Revenu	organization § 101(8) as "incurred by an individual primarily for a					
	Time Free March		(Check one b	ox)		GI . I			Chapter 11 De	btors	
<ul> <li>□ Full Filing Fee attached</li> <li>□ 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.</li> <li>□ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must</li> </ul>				debtor is cial Form 3A.	<ul> <li>Check one box:         <ul> <li>□ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).</li> <li>☑ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).</li> </ul> </li> <li>Check if:         <ul> <li>□ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter).</li> </ul> </li> </ul>						
attach signed application for the court's consideration. See Official Form 3B.				Check all applicable boxes:  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  ☐ Debtor estimates that funds will be available for distribution to unsecured cred ☐ Debtor estimates that, after any exempt property is excluded and administrative unsecured creditors.  Estimated Number of Creditors					ors.					This Space is For Court Use Only	
				×							
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 2 \$0 to \$50,000	Assets  50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1	\$1,000,001 to \$10	\$10,000,001 to \$50	\$50,000,001 to \$100	\$100,00 to \$500		\$500,000,001 to \$1 billion	☐ More than \$1 billion	
Estimated 1	Liabilities		million	million	million	million	million				1
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1	\$1,000,001 to \$10	\$10,000,001 to \$50 million	\$50,000,001 to \$100	\$100,00 to \$500		\$500,000,001 to \$1 billion	☐ More than \$1 billion	

B1 (Official Form	1) (1/10)		Page 2		
Voluntary Petiti		Name of Debtor(s):			
(1 ms page must	be completed and filed in every case)	Duke and King Missouri, LLC			
Location	All Prior Bankruptcy Cases Filed by Within Las	Case Number:	wo, attached additional sheet)  Date Filed:		
Where Filed:		Case Number.	Date Flied.		
Location		Case Number:	Date Filed:		
Where Filed:					
	nding Bankruptcy Case Filed by any Spouse, Partner or				
Name of Debto		Case Number:	Date Filed		
See Annex II District:		Relationship:	Judge:		
District.		Kelationship.	Juage.		
10K and 10Q) Section 13 or 1 requesting relie	Exhibit A  ted if debtor is required to file periodic reports (e.g., forms with the Securities and Exchange Commission pursuant to 5(d) of the Securities Exchange Act of 1934 and is ef under chapter 11.)  is attached and made a part of this petition.	I, the attorney for the p I have informed the per 11, 12, or 13 of title 11 available under each su debtor the notice require	Exhibit B be completed if debtor is an individual ose debts are primarily consumer debts.)  etitioner named in the foregoing petition, declare that titioner that [he or she] may proceed under chapter 7, United States Code, and have explained the relief such chapter. I further certify that I delivered to the red by 11 U.S.C.§ 342(b).		
		Signature of Attorne hibit C	ey for Debtor(s) Date		
safety?  □ Yes, and Ex	r own or have possession of any property that poses or is alle whibit C is attached and made a part of this petition.		uminent and identifiable harm to public health or		
⊠ No.		hibit D			
☐ Ex		nade a part of this petition	L.		
$\Box$ Ex	hibit D also completed and signed by the joint debtor is attac	ing the Debtor – Venue			
		applicable box)			
$\boxtimes$	Debtor has been domiciled or has had a residence, princ immediately preceding the date of this petition or for a l	ipal place of business, or	principal assets in this District for 180 days ys than in any other District.		
$\boxtimes$	There is a bankruptcy case concerning debtor's affiliate,	general partner, or partn	ership pending in this District.		
	Debtor is a debtor in a foreign proceeding and has its prodict, or has no principal place of business or assets in federal or state court in this District, or the interests of the product of the produc	the United States but is the parties will be served	a defendant in an action or proceeding [in a in regard to the relief sought in this District.		
	Certification by a Debtor Who Resi (Check all ap	pplicable boxes.)	ential Property		
	Landlord has a judgment against the debtor for possession	on of debtor's residence.	(If box checked, complete the following.)		
		(Name of landlord t	hat obtained judgment)		
		(Address of landlore	<u>H</u> )		
		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 after the filing of the petition.	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	S.C. § 362(1)).		

B1 (Official Form 1) (1/10)	Page 3
Voluntary Petition	Name of Debtor(s):
(This page must be completed and filed in every case)	Duke and King Missouri, LLC
Ç: <sub>-</sub>	
	gnatures Signature of a Foreign Representative
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 by11 U.S.C. § 342(b).  I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.  X  Signature of Debtor	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)
X Signature of Joint Debtor Telephone Number (If not represented by attorney)  Date	(Printed Name of Foreign Representative)  Date
Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer
X /s/ Clinton E. Cutler Clinton E. Cutler (#158094) Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, MN 55402 Telephone: (612) 492-7000 Facsimile: (612) 492-7077 E-mail: ccutler@fredlaw.com  and Shawn M. Riley (OH# 0037235) McDonald Hopkins LLC 600 Superior Avenue, East Suite 2100 Cleveland, OH 44114-2653 Telephone: (216) 348-5400 Facsimile: (216) 348-5474 E-mail: sriley@mcdonaldhopkins.com  December 4, 2010 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: (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 19B 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
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 the relief in accordance with the chapter of title 11, United States Code, specified in this petition.  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.

### ANNEX I

# DUKE AND KING MISSOURI, LLC LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR:

Rest.				
#	Address	City	State	Zip
1227	935 W. Kearney	Springfield	MO	65803-1233
1558	1411 S. Range Line Road	Joplin	MO	64801-5589
3232	3009 S. Campbell Avenue	Springfield	MO	65807-4908
3475	2138 N. Glenstone Avenue	Springfield	MO	65803-4646
4513	1077 S. Jefferson Avenue	Lebanon	MO	65536-3672
5357	1022 Kings Highway Street	Rolla	МО	65401-2921
5539	1101 S. Limit Avenue	Sedalia	MO	65301-5127
6030	1011 W. Central Avenue	Carthage	MO	64836-1028
6609	3020 E. Sunshine Street	Springfield	MO	65804-2053
7203	525 S. National Avenue	Springfield	MO	65802-3433
7204	1699 W. Jackson Street	Ozark	MO	65721-9160
8384	1911 S. Springfield Avenue	Bolivar	MO	65613-9684
8964	1220 E. Republic Road	Springfield	MO	65804-7209
9331	1317 Preacher Roe Blvd	West Plains	MO	65775-2939
9744	1429 Main Street	Parsons	KS	67357-3330
9907	1710 Maiden Lane	Joplin	МО	64801-3826
10725	1312 S. Madison Street	Webb City	MO	64870-2801
11049	3095 Gardner Edgewood Drive	Neosho	MO	64850-3109
11751	808 S Illinois Avenue	Republic	MO	65738-1177
12281	2200 E. Austin Blvd	Nevada	МО	64772-4213
12413	315 N. Massey Blvd	Nixa	МО	65714-9006
12415	875 E. Highway 60	Monett	МО	65708-9360

#### **Annex II**

#### **Affiliated Debtors**

On the date hereof, each of the affiliated entities listed below also filed voluntary petitions for relief under Chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Minnesota. Such entities have filed or shortly will file a motion requesting that their Chapter 11 cases be consolidated for procedural purposes only and jointly administered.

Company	Relationship to Debtor
Duke and King Missouri Holdings, Inc.	Parent
Duke and King Acquisition Corp.	Affiliate
Duke and King Real Estate, LLC	Subsidiary
DK Florida Holdings, Inc.	Affiliate

#### United States Bankruptcy Court District of Minnesota

In re	Duke and King Missouri, LLC	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 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 holdings 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 Joe Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

(1)  Name of creditor and complete mailing address, including zip code		(2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	(3)  Nature of claim (trade debt, bank loan, government contract, etc.)	(4) Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	(5)  Amount of claim (if secured, also state value of security)
1.	Kinderhook 521 Fifth Ave 34th Floor New York, NY 10175	Telephone: 212-201-6780 Fax: 212-201-6790 Email: ttuttle@kinderhook.com	Unsecured Note		\$2,769,000.00
2.	Burger King Corporation PO Box 93290 Atlanta, GA 31193-2980	Contact: Frank Taylor Telephone: 305-378-3072 Email: ftaylor@whopper.con	Executory Contract		\$2,021,369.00
3.	Swisshelm 3765 East Turtle Hatch Road Springfield, MO 65809	Contact: Bruce Swisshelm Telephone: 417-887-8816	Executory Contract	Contingent, Disputed	\$625,000.00
4.	Reinhart Foodservice LLC 230 North Front Street La Crosse, WI 54601	Contact: Ray Rytilahti Telephone: 608-793-9244 Email: rerytilahti@rfsdelivers.com	Trade Debt		\$622,940.63
5.	MBM Corporation P.O. Box 841170 Dallas, TX 75284-1170	Contact: Dana Demers Telephone: 252-450-4048 Fax: 252-467-4520 Email: ddemers@mbmfoodservice.com	Trade Debt		\$127,733.35
6.	Sicom Systems Inc. 4140 Skyron Drive Doylestown, PA 18901	Contact: mdeily@sicom.com Telephone: 800-547-4266	Professional Services		\$40,474.87
7.	Gilbert Mechanical Cont. inc. 4451 West 76 <sup>th</sup> Street Minneapolis, MN 55435	Telephone: 952-835-3810 Email: mgoelz@gilbertmech.com	Trade Debt		\$30,474.89
8.	OI Distribution 12900 Southwest 89 <sup>th</sup> Court Miami, FL 33176	Telephone: 800-827-2747 Fax: 305-971-6069 Email: iliana@originalimpressions.com	Trade Debt		\$27,123.92

(1)  Name of creditor and complete mailing address, including zip code	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	(3)  Nature of claim (trade debt, bank loan, government contract, etc.)	(4)  Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	(5)  Amount of claim (if secured, also state value of security)
9. Pan-O-Gold Baking Co. 444 East St. Germain St. St. Cloud, MN 56304	Telephone: 320-251-9361 Fax: 320-251-6894 Email: info@panogold.com	Trade Debt		\$25,358.32
10. Legacy Enterprises 1109 S Pickwick Ave Springfield, MO 65804	Contact: John Strong	Landlord		\$21,677.60
11. Sunflower Square Shopping Center PMB 339 20841 Ventura Blvd Woodland Hills, CA 91364		Landlord		\$20,702.50
12. Moac Mall Holdings LLC Attn: Leagl Department 60 E Broadway Bloomington, MN 55425-5510	Telephone: 952- 883-8810	Landlord		\$20,004.28
13. Enviromatic Corp of America 5936 Pillsbury Avenue S Minneapolis, MN 55419	Telephone: 612- 861-3330 Email: wayne@enviromatic.com Fax: 612-861-5578	Trade Debt		\$19,961.40
14. SS&G Financial Services Inc 32125 Solon Road Cleveland, OH 44139	Contact: Adam Berebitsky Telephone: 440-248-8787 Fax: 440-248-0841 Email: ABerebitsky@SSandG.com	Professional Services		\$17,175.00
15. Oreel Family Ltd. Partnership c/o Shannon Oreel P.O.Box 3243 Madison, WI 53704-0243		Landlord		\$16,667.49
16. P&C Rentals LLP P.O. Box 14366 Scottsdale, AZ 85267-4366		Landlord		\$14,543.33
17. The Lakes at Raintree Village The Lakes Adventure LLC 30100 Town Center Dr, Suite 341 Laguna Niguel, CA 92677		Landlord		\$14,116.67
18. Tom Strong 415 E. Chestnut Expressway Springfield, MO 65802		Landlord		\$14,077.71
19. Gabe and Karen Fazzini 37072 Galileo Lane Murrieta, CA 92563		Landlord		\$14,075.55
20. AMB Property LP Pier 1, Bay1 San Franciso, CA 94111	Telephone: 415-394-9000 Fax: 415-394-90001	Landlord		\$13,120.00

### **United States Bankruptcy Court District of Minnesota**

In re	Duke and King Missouri, LLC Debtor.	Case No Chapter 11
the fore	OF A CORPO	R PENALTY OF PERJURY ON BEHALF DRATION OR PARTNERSHIP  y named as debtor in this case, declare under penalty of perjury that I have read I Claims and that it is true and correct to the best of my information and belief.
Date:	December 3, 2010	Signature /s/ Rodger Head Printed Name: Rodger Head Title: CEO & President, and Director
	for making a false statement or concealing property: and 3571.	Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C.

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

In re:

Duke and King Missouri, LLC

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

Debtor.

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, Rodger Head, declare under penalty of perjury that I am the CEO, President and Director

of Duke and King Missouri, LLC, a Delaware limited liability company and that on December 3,

2010 the following resolution was duly adopted by the Board of Directors of this corporation:

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the

United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code; Be It

Therefore Resolved, that Rodger Head, President of this corporation, is authorized and directed to

execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary

bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Rodger Head, President of this corporation, is authorized and

directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do

and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the

corporation in connection with such bankruptcy case; and

Be It Further Resolved, that Rodger Head, President of this corporation, is authorized and

directed to employ Clinton E. Cutler, attorney and the law firm of Fredrikson & Byron, P.A., and

Shawn M. Riley, attorney and law firm of McDonald Hopkins LLC to represent the corporation in

such bankruptcy case."

Executed on: December 4, 2010

Signed: <u>/s/ Rodger Head</u>

Rodger Head, CEO, President and Director

12281 Nicollet Ave., South Burnsville, MN 55337

Duilisville, Min

**LOCAL RULE REFERENCE: 1008-1** 

4843279

# **United States Bankruptcy Court District of Minnesota**

In re	Duke and King Missouri, LLC		Case No.	
		Debtor(s)	Chapter	11
	CORPORATE (	OWNERSHIP STATEMENT (R	ULE 7007.1)	
recusa follow	ant to Federal Rule of Bankruptcy Procedul, the undersigned counsel for Duke a ring is a (are) corporation(s), other than of any class of the corporation's(s') equit	and King Missouri, LLC in the a the debtor or a governmental unit	above caption, that directly	ed action, certifies that the or indirectly own(s) 10% or
Duke :	and King Missouri Holdings, Inc.			
□ Nor	ne [Check if applicable]			
	mber 4, 2010	/s/ Clinton E. Cutler		
Date		Clinton E. Cutler 158094 Signature of Attorney or Litigant		
		Counsel for Duke and King Mi		
		Fredrikson & Byron, P.A.	,	
		200 South Sixth St Suite 4000		
		Minneapolis, MN 55402		
		612.492.7000 Fax:612.492.7077		