

**United States Bankruptcy Court
District of Minnesota**

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Points Excavating, LLC	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) 41-1518144	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 37002 Zest Street NE Stanchfield, MN	Street Address of Joint Debtor (No. and Street, City, and State):
ZIP Code 55080	ZIP Code
County of Residence or of the Principal Place of Business: Isanti	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
ZIP Code	ZIP Code

Location of Principal Assets of Business Debtor (if different from street address above):

Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other <hr/> Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding <hr/> Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.
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Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> 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. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (<i>amount subject to adjustment on 4/01/13 and every three years thereafter</i>). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information

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

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Assets

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion

Estimated Liabilities

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Points Excavating, LLC	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)			
Location Where Filed: - None -		Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: - None -		Case Number:	Date Filed:
District:		Relationship:	Judge:
Exhibit A		Exhibit B	
(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 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.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		(To be completed if debtor is an individual whose debts are primarily consumer debts.) 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 each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b). X _____ Signature of Attorney for Debtor(s) (Date)	
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? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> 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.) <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> 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)			
<input checked="" type="checkbox"/> 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.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> 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)			
<input type="checkbox"/> 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)			
<input type="checkbox"/> 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			
<input type="checkbox"/> Debtor has included in 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.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

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

Name of Debtor(s):

Points Excavating, LLC**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.
 [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
 [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
 Signature of Debtor

X _____
 Signature of Joint Debtor

 Telephone Number (If not represented by attorney)

 Date

Signature of Attorney*

X /s/ Steven B. Nosek
 Signature of Attorney for Debtor(s)

Steven B. Nosek 79960
 Printed Name of Attorney for Debtor(s)

Steven B. Nosek, P.A.
 Firm Name

Attorney at Law
2855 Anthony Lane S, #201
St. Anthony, MN 55418

 Address

Email: snosek@visi.com

612-335-9171 Fax: 612-789-2109
 Telephone Number

May 24, 2011
 Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Gary C. Points
 Signature of Authorized Individual

Gary C. Points
 Printed Name of Authorized Individual

President
 Title of Authorized Individual

May 24, 2011
 Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
 Signature of Foreign Representative

 Printed Name of Foreign Representative

 Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

 Printed Name and title, if any, of Bankruptcy Petition Preparer

 Social-Security number (If the 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 _____
 Date

 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.

**United States Bankruptcy Court
District of Minnesota**

In re Points Excavating, LLC

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)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Bjorklund Companies, LLC 27072 Polk Street NE Isanti, MN 55040	Bjorklund Companies, LLC 27072 Polk Street NE Isanti, MN 55040			5,004.81
Blum Sand and Gravel 2201 Pheasant Street Brook Park, MN 55007	Blum Sand and Gravel 2201 Pheasant Street Brook Park, MN 55007			5,217.50
Currie Pangrel & Assoc Ltd 1015 Hillside Ave SW #2 Pine City, MN 55063	Currie Pangrel & Assoc Ltd 1015 Hillside Ave SW #2 Pine City, MN 55063			5,189.01
Dex Media East, LLC PO Box 78041 Phoenix, AZ 85062-8041	Dex Media East, LLC PO Box 78041 Phoenix, AZ 85062-8041			3,114.47
Discover Card PO Box 6103 Carol Stream, IL 60197-6103	Discover Card PO Box 6103 Carol Stream, IL 60197-6103			11,759.13
East Central Energy 412 Main Avenue North Box 39 Braham, MN 55006-0039	East Central Energy 412 Main Avenue North Box 39 Braham, MN 55006-0039			695.79
East Central Energy 412 Main Avenue North Box 39 Braham, MN 55006-0039	East Central Energy 412 Main Avenue North Box 39 Braham, MN 55006-0039			561.42
East Central Sanitation PO Box 671 Cambridge, MN 55008	East Central Sanitation PO Box 671 Cambridge, MN 55008			2,152.75
General Equipment & Supplies PO Box 2145 Fargo, ND 58107-2145	General Equipment & Supplies PO Box 2145 Fargo, ND 58107-2145			32,104.70
Goldade Ditching, Inc. PO Box 193 Circle Pines, MN 55014	Goldade Ditching, Inc. PO Box 193 Circle Pines, MN 55014			1,137.45
Hilltop Trailer Sales, Inc. 7810 University Ave NE Fridley, MN 55432	Hilltop Trailer Sales, Inc. 7810 University Ave NE Fridley, MN 55432			3,534.21

B4 (Official Form 4) (12/07) - Cont.
In re **Points Excavating, LLC**

Case No. _____

Debtor(s) _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Kanabec State Bank 730 Forest Avenue East Mora, MN 55051	Kanabec State Bank 730 Forest Avenue East Mora, MN 55051	See Attached Exhibit A Kanabec State Bank		400,000.00 (80,000.00 secured)
Ken Carlson's Roll-Off Svc PO Box 82 Isanti, MN 55040	Ken Carlson's Roll-Off Svc PO Box 82 Isanti, MN 55040			2,620.00
Lumberland Home Center Inc 1465 East 1st Avenue Cambridge, MN 55008	Lumberland Home Center Inc 1465 East 1st Avenue Cambridge, MN 55008			10,571.16
Minnesota Revenue PO Box 64649 Saint Paul, MN 55164-0649	Minnesota Revenue PO Box 64649 Saint Paul, MN 55164-0649			1,143.60
Pioneer Propane 1400 County Rd 5 NW Isanti, MN 55040	Pioneer Propane 1400 County Rd 5 NW Isanti, MN 55040			511.77
Pipeline Supply 9668 Fallon Ave Monticello, MN 55362	Pipeline Supply 9668 Fallon Ave Monticello, MN 55362			4,052.36
Steve's Tire Inc. 206 Main Street North Cambridge, MN 55008	Steve's Tire Inc. 206 Main Street North Cambridge, MN 55008			479.93
Theco, Inc. PO Box 1138 Maple Grove, MN 55311	Theco, Inc. PO Box 1138 Maple Grove, MN 55311			9,547.83
Winnick Supply 92 SW 11th Avenue PO Box 97 Forest Lake, MN 55025	Winnick Supply 92 SW 11th Avenue PO Box 97 Forest Lake, MN 55025			3,270.66

**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 May 24, 2011Signature /s/ Gary C. Points**Gary C. Points
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.

BJORKLUND COMPANIES, LLC
27072 POLK STREET NE
ISANTI MN 55040

BLUM SAND AND GRAVEL
2201 PHEASANT STREET
BROOK PARK MN 55007

C.U. RECOVERY
26263 FOREST BLVD.
WYOMING MN 55092-8033

CLOVIS AND ROCHE, INC.
PO BOX 1164
METAIRIE LA 70004

CURRIE PANGREL & ASSOC LTD
1015 HILLSIDE AVE SW #2
PINE CITY MN 55063

DEX MEDIA EAST, LLC
PO BOX 78041
PHOENIX AZ 85062-8041

DISCOVER CARD
PO BOX 6103
CAROL STREAM IL 60197-6103

EAST CENTRAL ENERGY
412 MAIN AVENUE NORTH
BOX 39
BRAHAM MN 55006-0039

EAST CENTRAL SANITATION
PO BOX 671
CAMBRIDGE MN 55008

GARY & SUSAN POINTS
37002 ZEST STREET NE
STANCHFIELD MN 55080

GENERAL EQUIPMENT & SUPPLIES
PO BOX 2145
FARGO ND 58107-2145

GOLDADE DITCHING, INC.
PO BOX 193
CIRCLE PINES MN 55014

HILLTOP TRAILER SALES, INC.
7810 UNIVERSITY AVE NE
FRIDLEY MN 55432

JOHN A. HALPERN
JOHN A HALPERN & ASSOC
12 S 6TH STREET #500
MINNEAPOLIS MN 55402-1510

KANABEC STATE BANK
730 FOREST AVENUE EAST
MORA MN 55051

KEN CARLSON'S ROLL-OFF SVC
PO BOX 82
ISANTI MN 55040

LUMBERLAND HOME CENTER INC
1465 EAST 1ST AVENUE
CAMBRIDGE MN 55008

MINNCO CREDIT UNION
235 W 1ST AVENUE
CAMBRIDGE MN 55008

MINNESOTA REVENUE
PO BOX 64649
SAINT PAUL MN 55164-0649

PIONEER PROPANE
1400 COUNTY RD 5 NW
ISANTI MN 55040

PIPELINE SUPPLY
9668 FALLON AVE
MONTICELLO MN 55362

QWEST
PO BOX 91154
SEATTLE WA 98111-9254

SHAWN M. DUNLEVY
FRYBERG BUCHANAN SMITH ET AL
302 W SUPERIOR ST #700
DULUTH MN 55802

SPRINT
PO BOX 4181
CAROL STREAM IL 60197-4191

STAR
ISANTI-CHISAGO COUNTY
930 S CLEVELAND STREET
CAMBRIDGE MN 55008

STEVE'S TIRE INC.
206 MAIN STREET NORTH
CAMBRIDGE MN 55008

SUSAN E. SHEELY
BARNA GUZY & STEFFEN LTD.
200 COON RAPIDS BLVD #400
MINNEAPOLIS MN 55433-5894

THECO, INC.
PO BOX 1138
MAPLE GROVE MN 55311

UNITED LEASING
1121 WESTRAC DR
PO BOX 9020
FARGO ND 58106-9020

WINNICK SUPPLY
92 SW 11TH AVENUE
PO BOX 97
FOREST LAKE MN 55025