B1 (Officia Character 1)2161950-abf11 Doc 1 Filed 10/25/12 Entered 10/25/12 09:38:04 Desc Main Page 1 of 9 United States Bankrungevicent **Voluntary Petition** Western District of Mišsouri Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): Speight Family Partnership, LLLP All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than one, state all): than one, state all): 84-1322823 Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): 1440 State Highway 248, Suite Q Box 132 Branson, MO ZIP CODE 65616 ZIP CODE County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Tanev 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): ZIP CODE Type of Debtor Chapter of Bankruptcy Code Under Which Nature of Business (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box.) ■ Health Care Business ☐ Chapter 15 Petition for Chapter 7 Single Asset Real Estate as defined in Individual (includes Joint Debtors) Recognition of a Foreign Chapter 9 11 U.S.C. § 101(51B) See Exhibit D on page 2 of this form. Main Proceeding Chapter 11 ☐ Railroad Corporation (includes LLC and LLP) ☐ Chapter 15 Petition for Stockbroker Partnership Chapter 12  $\mathbf{\Lambda}$ Recognition of a Foreign Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding Chapter 13 check this box and state type of entity below.) Clearing Bank ☐ Other **Tax-Exempt Entity Nature of Debts Chapter 15 Debtors** (Check box, if applicable) (Check one box) Country of debtor's center of main interests: Debts are primarily consumer Debts are primarily Debtor is a tax-exempt organization debts, defined in 11 U.S.C. business debts under Title 26 of the United States § 101(8) as "incurred by an Each country in which a foreign proceeding by, Code (the Internal Revenue Code.) individual primarily for a regarding, or against debtor is pending: personal, family, or household purpose. **Chapter 11 Debtors** Filing Fee (Check one box) Check one box: ✓ Full Filing Fee attached Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). 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 Check if: unable to pay fee except in installments. Rule 1006(b) See Official Form 3A. ☐ 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). ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must Check all applicable boxes 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). THIS SPACE IS FOR Statistical/Administrative Information 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  $\square$ 200-100-1\_ 50-1,000-5,001-10,001-25,001-50,001-Over 49 99 199 999 5,000 10,000 25,000 50,000 100,000 100,000 Estimated Assets V \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$0 to \$50,001 to \$100,001 to \$500,000,001 More than \$50,000 \$100,000 \$500,000 to \$100 to \$500 to \$1 billion \$1 billion to \$10 to \$50 \$1 million million million million million Estimated Liabilities  $\square$ \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$100,001 to \$500,000,001 More than to \$10 to \$100 \$1 to \$50 to \$500 \$50,000 \$100,000 \$500,000 to \$1 billion \$1 billion million million million million million

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Voluntary Peti (This page must	tion Document be completed and filed in every case)	Name 96 e2 col () 9 Speight Family Partnership, LLLP		
	All Prior Bankruptcy Cases Filed Within La	st 8 Years (If more than two, attach additional sheet.)	)	
Location Where Filed:	Colorado	Case Number: <b>08-20691</b>	Date Filed: <b>07/22/2008</b>	
Location Where Filed:		Case Number:	Date Filed:	
Where I hea.	Pending Bankruptcy Case Filed by any Spouse, Partner of	r Affiliate of this Debtor (If more than one, attach a	additional sheet)	
Name of Debtor: <b>NONE</b>		Case Number:	Date Filed:	
District:		Relationship:	Judge:	
10Q) with the Secur	Exhibit A  debtor is required to file periodic reports (e.g., forms 10K and rities and Exchange Commission pursuant to Section 13 or 15(d) change Act of 1934 and is requesting relief under chapter 11.)	Exhibit B  (To be completed if debtor is whose debts are primarily con I, the attorney for the petitioner named in the foregone have informed the petitioner that [he or she] may prove 12, or 13 of title 11, United States Code, and have eavailable under each such chapter. I further certify the debtor the notice required by 11 U.S.C. § 342(b).	sumer debts)  oing petition, declare that I  oceed under chapter 7, 11,  explained the relief	
Exhibit A is a	ttached and made a part of this petition.	X Not Applicable Signature of Attorney for Debtor(s)	Date	
	Ext	l nibit C		
	n or have possession of any property that poses or is alleged to pose bit C is attached and made a part of this petition.		nealth or safety?	
	Exh	ibit D		
(To be completed by	y every individual debtor. If a joint petition is filed, each spouse mu	st complete and attach a separate Exhibit D.)		
· _	completed and signed by the debtor is attached and made a part of			
		uns petition.		
If this is a joint petit				
Exhibit D	also completed and signed by the joint debtor is attached and made	1		
		ling the Debtor - Venue applicable box)		
₫	Debtor has been domiciled or has had a residence, principal place preceding the date of this petition or for a longer part of such 180	of business, or principal assets in this District for 180 days than in any other District.	days immediately	
	There is a bankruptcy case concerning debtor's affiliate. general p	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.				
		des as a Tenant of Residential Property oplicable 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 entire monetary default that gave rise to the judgment for possess	-		
	Debtor has included in this petition the deposit with the court of a filing of the petition.	any rent that would become due during the 30-day peri	od after the	
	Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).			

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Voluntary Petition Document	Na Rage 3. Of 9		
(This page must be completed and filed in every case)	Speight Family Partnership, LLLP		
Sign	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	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.		
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.	(Check only <b>one</b> box.)		
[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 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.	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.		
X Not Applicable Signature of Debtor	X Not Applicable (Signature of Foreign Representative)		
X Not Applicable Signature of Joint Debtor	(Printed Name of Foreign Representative)		
Telephone Number (If not represented by attorney)	Date		
Date Simulation of Addition	Ci a AV Au Davi D		
Signature of Attorney X /s/ David E. Schroeder	Signature of Non-Attorney Petition Preparer		
Signature of Attorney for Debtor(s)	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		
David E. Schroeder Bar No. 32724			
Printed Name of Attorney for Debtor(s) / Bar No.			
David Schroeder Law Offices, P.C.  Firm Name	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.		
1524 East Primrose, Suite A Springfield, MO 65804			
Address	Not Applicable		
	Printed Name and title, if any, of Bankruptcy Petition Preparer		
(417) 890-1000 (417) 886-8563	Social-Security number (If the bankruptcy petition preparer is not an individual,		
Telephone Number 10/25/2012	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.)		
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.	Address		
Signature of Debtor (Corporation/Partnership)	X Not Applicable		
I declare under penalty of perjury that the information provided in this petition is true			
and correct, and that $\check{I}$ have been authorized to file this petition on behalf of the debtor.	Date Signature of bankruptcy petition preparer or officer, principal, responsible person, or		
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	partner whose Social-Security number is provided above.  Names and Social-Security numbers of all other individuals who prepared or excited in preparing this decument values the health provided in preparing this decument values the health provided in preparing the decument values.		
X s/Robert Speight	assisted in preparing this document unless the bankruptcy petition preparer is not an individual.		
Signature of Authorized Individual	If more than one person prepared this document, attach to the appropriate official		
Robert Speight Printed Name of Authorized Individual	form for each person.		
Managing Partner	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		
Title of Authorized Individual	both. 11 U.S.C. § 110; 18 U.S.C. § 156.		

10/25/2012 Date

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## United States Bankruptcy Court Western District of Missouri

Case No.

In Re:

	Chapter 11
SPEIGHT FAMILY PARTNERSHIP, LLLP	,
STATEMENT REGARDING AUT	THORITY TO SIGN AND FILE PETITION
	y of perjury that I am the co-managing member of Pentity and that I am authorized to file a voluntary ary bankruptcy case on behalf of the LLC."
Executed on:	/s/ Robert Speight Robert Speight, Managing Partner

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B 203 (12/94)

## UNITED STATES BANKRUPTCY COURT Western District of Missouri

n re:	Speight Family Partr	nership, LLLP			Case N		44	
		Debtor			Chapte	er	11	
	DISCI	LOSURE O		MPENSATIO R DEBTOR	N OF ATTORI	ΝE	Ý	
an pa	ursuant to 11 U.S.C. § 329(a) and that compensation paid to me aid to me, for services rendered connection with the bankruptcy case.	within one year befor to be rendered or	fore the filin	g of the petition in bar	nkruptcy, or agreed to be	ed del	otor(s)	
	For legal services, I have agre	ed to accept				\$		15,000.00
	Prior to the filing of this statem	ent I have received	b			\$		15,000.00
	Balance Due					\$		0.00
2. Th	ne source of compensation paid t	o me was:						
	✓ Debtor		Other (sp	ecify)				
3. Th	ne source of compensation to be	paid to me is:						
	□ Debtor		Other (sp	ecify)				
4. [	✓ I have not agreed to share to of my law firm.	he above-disclosed	d compensa	ation with any other pe	rson unless they are mer	mbers	and asso	ciates
	I have agreed to share the a my law firm. A copy of the a attached.	agreement, togethe	er with a list	of the names of the pe	eople sharing in the comp	ensa		of
	return for the above-disclosed fe ncluding:	e, i nave agreed to	render leg	ai service ioi aii aspec	cts of the bankruptcy case	₽,		
a)	Analysis of the debtor's finar a petition in bankruptcy;	ncial situation, and	rendering a	advice to the debtor in	determining whether to fi	le		
b)	Preparation and filing of any	petition, schedules	s, statemen	t of affairs, and plan w	hich may be required;			
c)	Representation of the debto	r at the meeting of	creditors ar	nd confirmation hearin	g, and any adjourned hea	arings	thereof;	
d)	Other provisions as needed	]						
	<ul><li>a. For attorney's service</li><li>in the amount of \$15,00</li><li>b. See Attachment 1 for</li></ul>	0.00.				d Del	otor has	paid a retainer
6. B	y agreement with the debtor(s) th	ne above disclosed	l fee does n	ot include the following	g services:			
	None							
			CE	RTIFICATION				
	certify that the foregoing is a corresentation of the debtor(s) in this	•		ment or arrangement	for payment to me for			
Date	ed: 10/25/2012							
1			(s/	David E. Schroede	er			
			Da	vid E Schroeder I	Bar No. 32724			

David Schroeder Law Offices, P.C.

Attorney for Debtor(s)

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# Document Page 6 of 9 <u>ATTORNEY EMPLOYMENT AGREEMENT</u> (CHAPTER 11 BANKRUPTCY PROCEEDING)

WHEREAS, the undersigned party, hereinafter designated as "Client" is desirous of retaining DAVID SCHROEDER LAW OFFICES, P.C., and the undersigned attorney to represent it with respect to its current legal financial situation and the law firm and attorney is desirous of representing Client, and

WHEREAS, The rules of professional conduct suggests that attorneys have written agreements with clients regarding matters being handled and fees, and

THEREFORE, it is mutually agreed to as follows:

- A. The attorney hereby agrees to represent Client with respect to the analysis of Client's financial situation and render advice and assistance to the Client in determining whether to file a Petition under Title 11 of the United States Code. Additional services to be rendered include the preparation and filing of the Petition, Schedules, and Statement of Affairs and other documents required by the Court, together with representation of the Client at the Debtor Interview and Meeting of Creditors. For compensation and for attorney's services, time and attorney fees limited to the service or services described, Client agrees to pay the attorney a prepaid advance payment retainer or fee of \$15,000.00. The prepaid charge paid may, in the law firm's sole discretion, be retained in the law firm trust account or applied against charges for the afore-described services and is deemed earned upon receipt. Client has also paid pre-bankruptcy legal service fees as indicated in the Disclosure of Compensation.
- B. All services rendered or to be rendered in the future beyond the services previously described shall be charged at the law firm's standard hourly rate currently ranging from \$200.00 to \$290.00 for attorneys and \$75.00 for legal assistants or paralegals. Hourly charges shall include telephone conferences, voice mail retrieval and response, research, receipt and review of correspondence and pleadings, drafting of pleadings and correspondence, trial preparation, as well as such other matters that may be necessary for disposition of the matter or matters relating to the representation. In addition to hourly charges, Client agrees to pay for all costs, including but not limited to court costs, filing fees, court reporting costs, transcripts, long distance telephone charges, postage and copy charges and any charges that the firm may in its discretion incur as the result of employment of investigators or appraisals. As security for payment of future services beyond the services and total fee charged in paragraph A above, Client shall pay the attorney a retainer of \$15,000.00 plus advance Court costs of \$1,046.00.
- C. Client agrees to pay all fees due upon request and understands that failure to pay attorney fees may be a basis for the attorney withdrawing from the case. Payment is due upon receipt of statements following Bankruptcy Court approval, if applicable. Unpaid balances shall bear interest at the rate of One and Five-Tenths percent (1.5%) per month for each Thirty (30) day period the balance remains unpaid. In the event legal action is taken to collect any past-due balance, Client agrees to pay costs of collection, including court costs and attorney fees.
- D. Client may discharge the attorney at any time, subject to Court approval. The attorney may withdraw with the Client's consent or for good cause, subject to Court approval, which includes any breach by the Client of this representation agreement. When the attorney's services conclude, all unpaid charges are immediately due, and the attorney will deliver to Client any funds or other property of Clients in the attorney's possession.

Executed and terms accepted this 25<sup>th</sup> day of October, 2012.

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	SPEIGHT FAMILY PARTNERSHIP LLLP
	By <u>/s/ Robert Speight</u> Client Representative
APPROVED:	
DAVID SCHROEDER LAW OFFICES, P.C.	
BY:/s/ David E. Schroeder  David E. Schroeder  Attorney for Debtor	

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#### United States Bankruptcy Court Western District of Missouri

In re: Speight Family Partnership, LLLP

Case No.

### **List of Equity Security Holders**

REGISTERED NAME OF HOLDER OF SECURITY LAST KNOWN ADDRESS OR PLACE OF BUSINESS	CLASS OF SECURITY	NUMBER REGISTERED	KIND OF INTEREST REGISTERED
Crystal Gray 6553 Trappers Trail Avenue Parker, CO 80134			1.5% L.P.
Michael Speight 12972 N Wedington Blacktop Lincoln, AR 72744			1.5% L.P.
Robert L. Speight 5040 State Highway 265 Branson, MO 65616			46% L.P.
Robert L. Speight 5040 State Highway 265 Branson, MO 65616			1.0% G.P.
Sandra L. Speight 6553 Trappers Trail Avenue Parker, CO 80134			49% L.P.
Sandra L. Speight 6553 Trappers Trail Avenue Parker, CO 80134			1.0% G.P.

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

I, Robert Speight, Managing Partner of the Partnership 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: 10/25/2012	s/ Robert Speight			
24.0.	Robert Speight, Managing Partner, Speight Family Paltnership, LLLP			

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B4 (Official Form 4) (12/07)

# United States Bankruptcy Court Western District of Missouri

In re Speight Family Partners	ship, LLLP	Cas	se No.	
	Debtor	Cha	apter 11	
LIST OF CRE	DITORS HOLDING	20 LARGEST	UNSECURE	D CLAIMS
(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address ncluding 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, gov- ernment contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim [if secured also state value of security]
Stone County Tax Collector PO Box 256 Galena, MO 65656				\$19,994.3
KPM 200 E. Sunshine Springfield, MO 65804				\$1,700.0
	DECLARATION UNDE ON BEHALF OF A CORP			
	rtner of the Partnership named as the deb to the best of my information and belief.	otor in this case, declare un	der penalty of perjury that	I have read the foregoing
Date: 10/25/2012	Signature	s/ Robert Speight		

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.

Robert Speight ,Managing Partner

(Print Name and Title)

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MOW 1009-1.2 (05/07)				
	_	ED STATES BANKRUPTO STERN DISTRICT OF M		
IN RE:		)		
Speight Family Partnership,	LLLP	)		
Debtor(s)		) Case No )		
	VERI	FICATION OF MAILING	MATRIX	
		reby verifies that the attached and address of my ex-spouse	list of creditors is true and corre (if any).	ect to the best
Date: 10/25/2012		s/ Robert S	peight	
		Robert Spe	ight,Managing Partner Signature of Debtor	