B1 (Official Focas@413-61524-abf11 Doc 1 Filed 10/03/13 Entered 10/03/13 09:22:12 Desc Main						
UNITED STATES BANKRUPT		Page 1	of 11	VOLU	NTARY PETI	ΓΙΟΝ
WESTERN DISTRICT OF MISSOURI Name of Debtor (if individual, enter Last, First, Middle):			oint Debto	r (Spouse) (Last, First, N	Middle):	
Dally, LLC					,	
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 (if more than one, state all): 20-0623073)/Complete EIN	Last four d (if more th	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):			
Street Address of Debtor (No. and Street, City, and State):		Street Add	Street Address of Joint Debtor (No. and Street, City, and State):			
9589 W Farm Road 178 Republic, Missouri						
ZIP C	CODE 6573	8	ZIP CODE			
County of Residence or of the Principal Place of Business: GREENE			County of Residence or of the Principal Place of Business:			
Mailing Address of Debtor (if different from street address):		Mailing Ad	ddress of J	oint Debtor (if different	from street add	ress):
710.0	CODE	_			ZIP CO	DE
Location of Principal Assets of Business Debtor (if different fr):				4
Type of Debtor	Noture	f Business		Chanton of Do	ZIP COI nkruptcy Code	
(Form of Organization)	(Check one box.)	I Dusiness			n is Filed (Chec	
(Check one box.)	Health Care Bu			Chapter 7		ter 15 Petition for
 Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. 	Single Asset Re 11 U.S.C. § 101		fined in	Chapter 9 Chapter 11		gnition of a Foreign Proceeding
Corporation (includes LLC and LLP)	☐ Railroad☐ Stockbroker			Chapter 12 Chapter 13		ter 15 Petition for gnition of a Foreign
Other (If debtor is not one of the above entities, check	Commodity Bro	oker				nain Proceeding
this box and state type of entity below.)	Clearing Bank Other					
Chapter 15 Debtors		npt Entity if applicable.)			Nature of Debts Check one box.	
country of debtor s center of main merests.				Debts are primaril debts, defined in	ly consumer	X Debts are
Each country in which a foreign proceeding by, regarding, or	Debtor is a tax- under title 26 of	the United Sta	ites	§ 101(8) as "incu	rred by an	primarily business debts.
against debtor is pending: Code (the Internal Revenue Code). individual primarily for a personal, family, or						
Filing Fee (Check one box.)				household purpos Chapter 11 D		
- · · · · ·		Check one		_		
▼ Full Filing Fee attached.				all business debtor as des small business debtor as		
Filing Fee to be paid in installments (applicable to indivising application for the court's consideration certifying unable to pay fee except in installments. Rule 1006(b).	g that the debtor is	Check if:	Check if:			
Filing Fee waiver requested (applicable to chapter 7 indi	viduals only) Must		insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter).			
attach signed application for the court's consideration. S						
		A pla				
				the plan were solicited accordance with 11 U.S		one or more classes
Statistical/Administrative Information						THIS SPACE IS FOR 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		-			_	
X 1-49 50-99 100-199 200-999 1,000-	□ 5,001-	10,001-	□ 25,001-	5 0,001-	□ Over	
5,000 10,000 25,000 50,000 100,000 100,000						
Estimated Assets						
\$0 to \$50,001 to \$100,001 to \$500,001 \$1,000 \$50,000 \$100,000 \$500,000 to \$1 to \$10	,001 \$10,000,001	\$50,000,001 to \$100	\$100,000 to \$500		More than \$1 billion	
million million million million						
Estimated Liabilities						
\$0 to \$50,001 to \$100,001 to \$500,001 \$1,000 \$50,000 \$100,000 \$500,000 to \$1 to \$10	,001 \$10,000,001	\$50,000,001 to \$100	\$100,000 to \$500		More than \$1 billion	
550,000 \$100,000 \$500,000 to \$1 to \$10 million million		million	million	to φ1 billion	φισπισπ	

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	Pangeof2oofor1s1 Dally, LLC	
(This page must be completed and filed in every case.)		
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach addi	tional 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 (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10O) with the Securities and Exchange Commission pursuant to Section 13 or 15(d)	· · ·	or is an individual

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 have delivered to the debtor the notice required
by 11 U.S.C. § 342(b).

of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

Signature of Attorney for Debtor(s)

(Date)

Exhibit C

х

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.

Exhibit A is attached and made a part of this petition.

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.)

х 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)).

B1 (Official Focase043)61524-abf11 Doc 1 Filed 10/03	/13 Entered 10/03/13 09:22:12 Desc Main Page 3
Voluntary Petition Document	Rager Beof (1)1 Dally, LLC
(This page must be completed and filed in every case.)	
	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 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. Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition. X	chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.
Signature of Debtor	(Signature of Foreign Representative)
XSignature of Joint Debtor	(Printed Name of Foreign Representative)
Telephone Number (if not represented by attorney) Date	Date
Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer
X /s/David E. Schroeder Signature of Attorney for Debtor(s) David E. Schroeder Printed Name of Attorney for Debtor(s) David Schroeder Law Offices, P.C. Firm Name 1524 East Primrose, Suite A Springfield, Missouri 65804 Address (417) 890-1000 1000	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.
Telephone Number October 2, 2013 Date Bar No.: 32724 Fax: (417) 886-8563	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.)
E-mail: bk1@dschroederlaw.com *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)	
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 Signature
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Date
X /s/Lorie A. Lough, Managing Member Signature of Authorized Individual Lorie A. Lough, Managing Member Printed Name of Authorized Individual Managing Member Title of Authorized Individual October 2, 2013 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. <i>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.</i>

United States Bankruptcy Court Western District of Missouri

In Re:

Case No. _____ Chapter 11

DALLY, LLC

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

"I, Lorie A. Lough, declare under penalty of perjury that I am the Managing Member of DALLY, LLC, a Missouri limited liability entity and that I am authorized to file a voluntary petition commencing a Chapter 11 voluntary bankruptcy case on behalf of the LLC."

Executed on: 10-2-2013

/s/ Lorie A. Lough Lorie A. Lough, Managing Member

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF MISSOURI

In Re:

Dally, LLC,

Debtor

Case No.

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with Rule 1007, Fed. R. Bank. P. for filing in this Chapter 11 case.

Security Holder's Registered Name and Last Known Address or Place of Business	Class of Security	Number of Securities or Percentage	Kind of Interest
Lorie A. Lough 9589 W Farm Road 178 Republic, MO 65738		33.3%	Member
Albert W. Lough 9589 W Farm Road 178 Republic, MO 65738		33.3%	Member
Nathan Davis 14788 Lawrence 1220 Aurora, MO 65605		33.3%	Member

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, <u>Lorie A. Lough, Managing Member, Managing Member</u> of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing **List of Equity Security Holders** and that it is true and correct to the best of my information and belief.

Date:

October 2, 2013

Signature:/s/Lorie A. Lough, ManagingPrinted Name:Lorie A. Lough, ManagingMemberMemberTitle:Managing Member

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

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

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF MISSOURI

In re Dally, LLC,			Case No.	
	Debtor		Chapter	11
LIST OF O	CREDITORS HOLDI	NG 20 LARGEST	·	CLAIMS
(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address, including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim [if secured also state value of security]
Great Southern Bank c/o Matt Bower, Commercial Loan Officer PO Box 1370 Springfield, MO 65801		Any claim arising from guaranty of debt owed by Dally, LLC and/or The Tots' Spot, LLC		\$407,039.07
RMI/SBA 3324 Emerald Lane Jefferson City, MO 65109		Any claim arising from guaranty of debt owed by Dally, LLC and/or The Tots' Spot, LLC		\$232,393.40
				\$0.00
Date: October	2. 2013			

/s/Lorie A. Lough, Managing Member Debtor

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

I, Lorie A. Lough, Managing Member, of Dally, LLC named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Creditors Holding 20 Largest Unsecured Claims and that it is true and correct to the best of my information and belief.

Case 13-61524-abf11 C

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

Date: October 2, 2013

/s/Lorie A. Lough, Managing Member Lorie A. Lough, Managing Member, Case 13-61524-abf11 Doc 1 Filed 10/03/13 Entered 10/03/13 09:22:12 Desc Main Document Page 8 of 11

United States Bankruptcy Court

WESTERN DISTRICT OF MISSOURI

In re

Dally, LLC

Case No.	

Debtor

Chapter 11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

 Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the abovenamed debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$ <u>10,000.00</u>
Prior to the filing of this statement I have received	\$ <u>10,000.00</u>
Balance Due	\$ 0.00

2. The source of the compensation paid to me was:

X Debtor	Other (specify)
----------	-----------------

3. The source of compensation to be paid to me is:

Debtor	Other (specify)
--------	-----------------

4. X I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

L I have agreed to share the above-disclosed compensation with a other person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

- 5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
 - a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
 - b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
 - c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

Case 13-61524-abf11 Doc 1 Filed 10/03/13 Entered 10/03/13 09:22:12 Desc Main Document Page 9 of 11 DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR (Continued)

- d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
- e. [Other provisions as needed]

NONE

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

a. For attorney's services Debtor shall be charged at attorney's standard hourly rate and Debtor has paid a retainer in the amount of \$10,000.00. b. See Attachment 1 for complete Attorney Employment Agreement.

	CERTIFICATION		
I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceedings.			
October 2, 2013	/s/David E. Schroeder		
October 2, 2013 Date	/s/David E. Schroeder David E. Schroeder		
October 2, 2013 Date			
	David E. Schroeder		

Case 13-61524-abf11 Doc 1 Filed 10/03/13 Entered 10/03/13 09:22:12 Desc Main Document Page 10 of 11 <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 \$10,000.00. 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 \$10,000.00 plus advance Court costs of \$1,213.00.

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 2nd day of October, 2013.

DALLY, LLC

By <u>/s/ Lorie A. Lough</u> Managing Member

APPROVED:

DAVID SCHROEDER LAW OFFICES, P.C.

BY:/s/ David E. Schroeder David E. Schroeder Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MISSOURI

)

)

IN RE:

Dally, LLC

Case No.

Debtor(s))

VERIFICATION BY DEBTOR(S)

I/We, **Dally, LLC**, named as the debtor(s) in this case, declare under the penalty of perjury that I/we have read the

	Schedule(s)	(A - J insert all that apply)	
	Amended Schedule(s)	(A - J insert all that apply)	
	Conversion Schedules	(A - J insert all that apply)	
	Statement/Amended Statement of Financial Affairs		
	Statement/Amended Statement of Intent		
	Statement/Amended Statement of Current Monthly Income		
X	Matrix		
	Amended Matrix		
	Other	(describe)	

and that they are true and correct to the best of my/our knowledge, information, and belief.

Date: October 2, 2013

<u>/s/Lorie A. Lough, Managing Member</u> Signature of Debtor

Signature of Joint Debtor

Instructions: File with original schedules or matrix not filed with the original petition or amended schedules/statements/matrix. Must be prepared as a separate document and must contain image of the debtor(s)' signature(s). Docket as a separate event or as a separate attachment to the schedules/statements/matrix.

ECF Event: If not filed as an attachment to the schedules/statements/matrix, but filed as a separate document use the event – Bankruptcy>Other>Verification by Debtor