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B1 (Official Form 1)(4/10)

United States Bankruptcy Court District of Montana					Voluntar	y Petition		
Name of Debtor (if individual, enter Last, First, Embe Contracting, Inc.	Middle):		Name	of Joint De	ebtor (Spouse	e) (Last, First, I	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-Taxpa (if more than one, state all) 81-0490591	yer I.D. (ITIN) No./Cor	nplete EIN	Last fo	our digits o than one, state	f Soc. Sec. or all)	r Individual-Ta	axpayer I.D. (ITIN)	No./Complete EIN
Street Address of Debtor (No. and Street, City, a 5316 Spur Lane Florence, MT		7IB Code	Street	Address of	Joint Debtor	r (No. and Stre	eet, City, and State)	ZIP Code
		ZIP Code 833	-					ZIP Code
County of Residence or of the Principal Place o Ravalli		033	Count	y of Reside	ence or of the	Principal Plac	ce of Business:	
Mailing Address of Debtor (if different from strue PO Box 789 Florence, MT	eet address):		Mailin	g Address	of Joint Debt	tor (if different	t from street addres	s):
		ZIP Code						ZIP Code
		833						
Location of Principal Assets of Business Debtor (if different from street address above):								
Type of Debtor	Nature of I	Business					cy Code Under W	
(Form of Organization) (Check one box)	(Check on	· ·				Petition is File	ed (Check one box))
	☐ Health Care Busin ☐ Single Asset Real		efined	Chapt		□ Ch	apter 15 Petition fo	r Recognition
Individual (includes Joint Debtors)	in 11 U.S.C. § 101	(51B)		ed Chapter 9 □ Chapter 15 Petition for Recognition □ Chapter 11 □ Chapter 15 Petition for Recognition of a Foreign Main Proceeding				
See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP)	☐ Railroad ☐ Stockbroker			🛛 Chapt	er 12		apter 15 Petition for	U
Partnership	Commodity Broke	er		Chapt	er 13	of a	a Foreign Nonmain	Proceeding
 Other (If debtor is not one of the above entities, 	Clearing Bank Other					Natura	of Debts	
check this box and state type of entity below.)	Tax-Exemp	ot Entity					one box)	
	Check box, if applicable) □ Debtor is a tax-exempt organiz: under Title 26 of the United Sta Code (the Internal Revenue Co		tates "incurred by an individual primarily for					
Filing Fee (Check one box	()	Check one	box:	1	Chap	oter 11 Debto	rs	
Full Filing Fee attached						ned in 11 U.S.C.		
Filing Fee to be paid in installments (applicable to		Check if:	tor 1s not	a small busi	ness debtor as o	defined in 11 U.	S.C. § 101(51D).	
attach signed application for the court's considerat debtor is unable to pay fee except in installments.							uding debts owed to in	
Form 3A.			less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). applicable boxes:					
						creditors,		
Statistical/Administrative Information							SPACE IS FOR COUI	RT USE ONLY
Debtor estimates that funds will be available								
Debtor estimates that, after any exempt prop there will be no funds available for distributi Estimated Number of Creditors			expense	es paid,		-		
□ □ □ □ 1- 50- 100- 200-		0,001- 25	5,001- 0,000	□ 50,001- 100,000	□ OVER 100,000			
Estimated Assets	,					1		
S0 to \$50,001 to \$100,001 to \$500,001 so \$50,000 \$100,000 \$500,000 to \$1	to \$10 to \$50 to	50,000,001 \$1 \$100 to	00,000,001 \$500 illion	\$500,000,001 to \$1 billion				
\$50,000 \$100,000 \$500,000 to \$1	to \$10 to \$50 to	50,000,001 \$1 \$100 to		\$500,000,001 to \$1 billion				

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B1 (Official For	rm 1)(4/10)		Page 2
Voluntar	y Petition	Name of Debtor(s): Embe Contracting, Inc.	
(This page mi	ust be completed and filed in every case)		
	All Prior Bankruptcy Cases Filed Within Las		
Location Where Filed:	- None -	Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If mor	re than one, attach additional sheet)
Name of Debt - None -	tor:	Case Number:	Date Filed:
District:		Relationship:	Judge:
forms 10K a pursuant to s and is reque	Exhibit A pleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.) A is attached and made a part of this petition. Exh	I, the attorney for the petitioner have informed the petitioner tha 12, or 13 of title 11, United Stat	Exhibit B lividual whose debts are primarily consumer debts.) named in the foregoing petition, declare that I at [he or she] may proceed under chapter 7, 11, tes Code, and have explained the relief available er certify that I delivered to the debtor the notice ebtor(s) (Date)
	or own or have possession of any property that poses or is alleged to Exhibit C is attached and made a part of this petition.		tifiable harm to public health or safety?
☐ Exhibit If this is a jo	leted by every individual debtor. If a joint petition is filed, ea D completed and signed by the debtor is attached and made	a part of this petition.	ttach a separate Exhibit D.)
	Information Regardin	ng the Debtor - Venue	
	(Check any ap Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	al place of business, or principa	
	There is a bankruptcy case concerning debtor's affiliate, ge	• •	•
	Debtor is a debtor in a foreign proceeding and has its print this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or th sought in this District.	s in the United States but is a de	fendant in an action or
	Certification by a Debtor Who Reside (Check all app		roperty
	Landlord has a judgment against the debtor for possession		ecked, complete the following.)
	(Name of landlord that obtained judgment)		
	Debtor claims that under applicable nonbankruptcy law, the		
	the entire monetary default that gave rise to the judgment in Debtor has included in this petition the deposit with the co- after the filing of the petition.		-

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

B1 (Official Form 1)(4/10)	Page 3
Voluntary Petition	Name of Debtor(s):
	Embe Contracting, Inc.
(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 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
	Printed Name of Foreign Representative
X	Timed Fund of Polegn Representative
	Date
Telephone Number (If not represented by attorney)	Signature of Non-Attorney Bankruptcy Petition Preparer
	Signature of Non-Attorney Bankrupicy retution rreparer
Date	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
Signature of Attorney*	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),
X /s/ Edward A. Murphy Signature of Attorney for Debtor(s) Edward A. Murphy 1108 Printed Name of Attorney for Debtor(s) Murphy Law Offices Firm Name P.O. Box 2639 Missoula, MT 59806	 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 bankrutpcy petition preparer is not an individual, state the Social Security number of the officer,
Address	principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)
Email: rusty@murphylawoffices.net (406) 728-2671 Fax: (866) 705-2260 Telephone Number May 3, 2011	
Date	Address
*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.	X
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.	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:
🗙 /s/ Angela Brosious	
X Isingle biosious Signature of Authorized Individual	
Angela Brosious	If more than one person prepared this document, attach additional sheets
Printed Name of Authorized Individual	conforming to the appropriate official form for each person.
Vice-President	A bankruptcy petition preparer's failure to comply with the provisions of
Title of Authorized Individual	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.
May 3, 2011	
Date	

B4 (Official Form 4) (12/07)

United States Bankruptcy Court District of Montana

In re Embe Contracting, Inc.

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)
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]
Ally Financial	Ally Financial			8,000.00
PO Box 380902 Minneapolis, MN 55438-0902	PO Box 380902 Minneapolis, MN 55438-0902			(0.00 secured)
American Express PO Box 650448 Dallas, TX 75265-0448	American Express PO Box 650448 Dallas, TX 75265-0448			20,000.00
Caterpillar Financial Service 2120 West End Ave	Caterpillar Financial Service 2120 West End Ave			208,000.00
Nashville, TN 37203 CHS 4570 N. Reserve Missoula, MT 59808	Nashville, TN 37203 CHS 4570 N. Reserve Missoula, MT 59808			(0.00 secured) 7,500.00
Department Of Revenue PO Box 6309 Helena, MT 59604	Department Of Revenue PO Box 6309 Helena, MT 59604			12,000.00
Dig It PO Box 1327 Lolo, MT 59847	Dig It PO Box 1327 Lolo, MT 59847			9,000.00
First Interstate Bank PO Box 4667 Missoula, MT 59806	First Interstate Bank PO Box 4667 Missoula, MT 59806			341,000.00 (0.00 secured)
Godwin Pumps of America, Inc PO Box 191 Bridgeport, NJ 08014	Godwin Pumps of America, Inc PO Box 191 Bridgeport, NJ 08014			27,000.00
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346	Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346			95,000.00
JCCS PO Box 16237 Missoula, MT 59801	JCCS PO Box 16237 Missoula, MT 59801			6,150.00
Knife River 4800 Wilkie Rd Missoula, MT 59808	Knife River 4800 Wilkie Rd Missoula, MT 59808			23,560.00

B4 (Official Form 4) (12/07) - Cont. In re **Embe Contracting, Inc.**

Debtor(s)

Case No.

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete	Name, telephone number and complete	Nature of claim (trade	Indicate if claim is	Amount of claim [if
mailing address including zip	mailing address, including zip code, of	debt, bank loan,	contingent,	secured, also state
code	employee, agent, or department of creditor	government contract,	unliquidated,	value of security]
	familiar with claim who may be contacted	etc.)	disputed, or subject	
			to setoff	40.000.00
Mastercard/ First Interstate	Mastercard/ First Interstate Bank			48,000.00
Bank PO Box 31615	PO Box 31615			
Billings, MT 59107	Billings, MT 59107			
Montana Dept. of Labor &	Montana Dept. of Labor & Industry			12,203.00
Industry	Unemployment Insurance Division			12,203.00
Unemployment Insurance	PO Box 6339			
Division	Helena, MT 59604-6339			
PO Box 6339				
Helena, MT 59604-6339				
Patricia K. Brosious	Patricia K. Brosious			80,000.00
2420 S. 4th St. W.	2420 S. 4th St. W.			
Missoula, MT 59801	Missoula, MT 59801			
Poteet Construction	Poteet Construction			10,000.00
9435 Summit Drive	9435 Summit Drive			,
Missoula, MT 59808	Missoula, MT 59808			
Ravalli Coumty Treasurer	Ravalli Coumty Treasurer			6,800.00
215 S. 4th Ste. H	215 S. 4th Ste. H			
Hamilton, MT 59840	Hamilton, MT 59840			
Time Payment Corp.	Time Payment Corp.			33,000.00
10-M Commerce Way	10-M Commerce Way			
Woburn, MA 01801	Woburn, MA 01801			(0.00 secured)
Titan Machinery	Titan Machinery			9,000.00
PO Box 9218	PO Box 9218			
Old Bethpage, NY 11804-9218	Old Bethpage, NY 11804-9218			
US Bank Credit Card Center	US Bank Credit Card Center			28,884.00
PO Box 790408	PO Box 790408			
Saint Louis, MO 63179-0408	Saint Louis, MO 63179-0408			
Western States	Western States			15,000.00
500 E. Overland	500 E. Overland			
Meridian, ID 83642-6606	Meridian, ID 83642-6606 DECLARATION UNDER PE			

ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, the Vice-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 3, 2011

Signature /s/ Angela Brosious

Angela Brosious

Vice-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.

United States Bankruptcy Court District of Montana

re

Embe Contracting, Inc.

Debtor

Case No.		
Chapter	11	

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with Rule 1007(a)(3) for filing in this chapter 11 case.

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest	
Angela Brosious 5316 Spur Lane Florence, MT 59833	Common	20%		
Michael A. Brosious 4320 S/. 4th W. Missoula, MT 59801	Common	19%		
Michael G. Brosious 469 El Capitan Rd Stevensville, MT 59870	Common	30 %		
Sharon J Brosious 469 El Capitan Rd Stevensville, MT 59870	Common	31%		

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Vice-President 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 May 3, 2011

Signature <u>/s/ Angela Brosious</u> Angela Brosious Vice-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.

United States Bankruptcy Court District of Montana

In re Embe Contracting, Inc.

Debtor(s)

Case No. Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Vice-President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: May 3, 2011

/s/ Angela Brosious

Angela Brosious/Vice-President Signer/Title

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Embe Contracting, Inc. PO Box 789 Florence, MT 59833

Edward A. Murphy Murphy Law Offices P.O. Box 2639 Missoula, MT 59806

Ally Financial PO Box 380902 Minneapolis, MN 55438-0902

Caterpillar Financial Service 2120 West End Ave Nashville, TN 37203

First Interstate Bank PO Box 4667 Missoula, MT 59806

Time Payment Corp. 10-M Commerce Way Woburn, MA 01801

Department Of Revenue PO Box 6309 Helena, MT 59604

Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346

Montana Dept. of Labor & Industry Unemployment Insurance Division PO Box 6339 Helena, MT 59604-6339 Montana DOR Attn Kim Davis PO Box 7701 Helena, MT 59604-7701

Advatage Asphalt PO Box 1444 Lolo, MT 59847

Allied Interstate PO Box 361774 Columbus, OH 43236

American Express PO Box 650448 Dallas, TX 75265-0448

American Express PO Box 981535 El Paso, TX 79998-1535

American Welding & Gas, Inc. PO Box 30118 Billings, MT 59107

Blahnik Construction 759 US Hwy 93 N. Hamilton, MT 59840

Broadway Splicing PO Box 1029 Rathdrum, ID 83858

Cederberg Law Offices PO Box 8234 Missoula, MT 59807 Chase Card Memeber Services PO Box 94014 Palatine, IL 60094

Christopher Roberts 72861 Williams Way Arlee, MT 59821

CHS 4570 N. Reserve Missoula, MT 59808

Coast to Coast Lube Inc. 3000 American Way Missoula, MT 59808

Collection Bureau Services PO Box 7339 Missoula, MT 59807

Crum Construction Co. PO Box 1660 Missoula, MT 59806

D& B PO Box 01793 Chicago, IL 60675-1793

Dig It PO Box 1327 Lolo, MT 59847

Donaldson Bros. Ready Mix, Inc. 477 US Hwy 93 North Hamilton, MT 59840

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ECKERT'S Services 151 N. Kootenai Stevensville, MT 59870

Farm Plan PO Box 650215 Dallas, TX 75265-0215

Godwin Pumps of America, Inc PO Box 191 Bridgeport, NJ 08014

HD Supply Waterworks File 56214

Hunton Pre-Cast Concrete, Inc. PO Box 7091 Missoula, MT 59807-7091

J-5 Construction 696 Hwy 93 N. Hamilton, MT 59840

Jason and Ruby Crum 3764 Rodeo Missoula, MT 59803

JCCS PO Box 16237 Missoula, MT 59801

Joseph and Ruby Crum 3764 Rodeo Rd. Missoula, MT 59803 Knife River 4800 Wilkie Rd Missoula, MT 59808

Lloyd A. Twite Construction 3000 Eldora Lane Missoula, MT 59803

Lockwood Storage Solutions 13055 Hwy 93 S. Lolo, MT 59847

Mastercard/ First Interstate Bank PO Box 31615 Billings, MT 59107

Mike Brosious

Missoula Plans Exchange PO Box 3109 Missoula, MT 59806

Mountain Supply Co 2101 Mullan Road Missoula, MT 59808

Northwestern Energy 40 East Broadway Butte, MT 59701

Pacific Steel PO Box 8477 Missoula, MT 59807 Patricia K. Brosious 2420 S. 4th St. W. Missoula, MT 59801

Payne Financial Group PO Box 3327 Missoula, MT 59806

Peterson Trucking, Inc. 1700 Hudson Street Missoula, MT 59808

Poteet Construction 9435 Summit Drive Missoula, MT 59808

Ravalli Coumty Treasurer 215 S. 4th Ste. H Hamilton, MT 59840

Shadow Asphalt PO Box 17380 Missoula, MT 59808

SK Geotechnical PO Box 80190 Billings, MT 59108-0190

Star Rental 2105 South Ave. West Missoula, MT 59801

Sullivan, Taberacci & Rhoades 1821 South Ave West 3rd Floor Missoula, MT 59802 The Home Depot CRG/GECF Dept 24 PO Box 105991 Atlanta, GA 30348-5991

Titan Machinery PO Box 9218 Old Bethpage, NY 11804-9218

US Bank Credit Card Center PO Box 790408 Saint Louis, MO 63179-0408

Utility Trench Technology PO Box 1800 Veradale, WA 99037

Western States 500 E. Overland Meridian, ID 83642-6606

Whalen Tire PO Box 16107 Missoula, MT 59808

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United States Bankruptcy Court District of Montana

In re Embe Contracting, Inc.

Debtor(s)

Case No. Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Embe Contracting, Inc. in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

■ None [*Check if applicable*]

May 3, 2011

Date

/s/ Edward A. Murphy

Edward A. Murphy 1108 Signature of Attorney or Litigant Counsel for Embe Contracting, Inc. **Murphy Law Offices** P.O. Box 2639 Missoula, MT 59806 (406) 728-2671 Fax:(866) 705-2260 rusty@murphylawoffices.net