Official Form 1 (4/07)							
United Eastern Distric	States Bank ct of North Car			ivision			Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Phillips, W. Jackson				of Joint De Illips, Diar	_	e) (Last, First,	Middle):
All Other Names used by the Debtor in the last (include married, maiden, and trade names):	8 years					Joint Debtor i trade names)	in the last 8 years ):
Last four digits of Soc. Sec./Complete EIN or c	other Tax ID No. (if m	ore than one, state a		our digits of	f Soc. Sec./C	complete EIN	or other Tax ID $N_0$ . (if more than one, state all)
Street Address of Debtor (No. and Street, City, 120 Edwards Drive Morehead City, NC	and State):	ZIP Code	12	Address of 0 Edward orehead C	s Drive	r (No. and Str	reet, City, and State):  ZIP Code
County of Residence or of the Principal Place of Carteret	of Business:	28557		y of Reside	nce or of the	Principal Pla	28557 ace of Business:
Mailing Address of Debtor (if different from st PO Box 1137 Morehead City, NC	reet address):	ZIP Code	PC	ng Address O Box 113 Orehead C	37	tor (if differer	nt from street address):  ZIP Code
Location of Principal Assets of Business Debto (if different from street address above):		28557	1				28557
Type of Debtor (Form of Organization) (Check one box)  ■ Individual (includes 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 below.)	(Chec  ☐ Health Care Bu ☐ Single Asset R in 11 U.S.C. § ☐ Railroad ☐ Stockbroker ☐ Commodity Bu ☐ Clearing Bank ☐ Other ☐ Tax-Exe	eal Estate as de 101 (51B)  roker  empt Entity x, if applicable)exempt organ of the United S	ization States	defined	the I er 7 er 9 er 11 er 12 er 13 er primarily co	Petition is File   Character   Character   Character   Check    Check   Check   Check    Check    Check    Check    Check    Check	business debts.
Filing Fee (Check of Full Filing Fee attached  Filing Fee to be paid in installments (applicattach signed application for the court's consist is unable to pay fee except in installments.  Filing Fee waiver requested (applicable to a attach signed application for the court's constant.	able to individuals or sideration certifying Rule 1006(b). See Off chapter 7 individuals	that the debtor ficial Form 3A. only). Must	Check	Debtor is a if: Debtor's a to insiders all applica A plan is l Acceptance	a small busin not a small b aggregate not s or affiliates; ble boxes: being filed w ces of the pla	ncontingent li ncontingent li nconti	defined in 11 U.S.C. § 101(51D).  or as defined in 11 U.S.C. § 101(51D).  iquidated debts (excluding debts owed a \$2,190,000.
Statistical/Administrative Information  ■ Debtor estimates that funds will be availabl  □ Debtor estimates that, after any exempt pro there will be no funds available for distribu	perty is excluded and	l administrative		es paid,		THIS	SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors  1- 50- 100- 200- 49 99 199 999	1,000- 5,001- 5,000 10,000		25,001- 50,000	50,001- 100,000	OVER 100,000		
Estimated Assets  \$0 to \$10,001 to \$100,000	\$100,001 to \$1 million	\$1,000 \$100 n	0,001 to million	_	ore than 00 million	_	
Estimated Liabilities  \$\Begin{array}cccccccccccccccccccccccccccccccccc	\$100,001 to \$1 million	\$1,000 \$100 n	0,001 to		ore than 00 million		

Official Form 1 (4/07) FORM B1, Page 2 Name of Debtor(s): Voluntary Petition Phillips, W. Jackson Phillips. Dianne Willis (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Location Case Number: Date Filed: Where Filed: - None -Location Case Number: Date Filed: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission 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 pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. X /s/ Trawick H. Stubbs, Jr. November 9, 2007 Signature of Attorney for Debtor(s) (Date) Trawick H. Stubbs, Jr. 4221 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? Yes, and Exhibit C 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) 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. П 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. Statement 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 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.

Official Form 1 (4/07) FORM B1, Page 3

### **Voluntary Petition**

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

#### 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 /s/ W. Jackson Phillips

Signature of Debtor W. Jackson Phillips

X /s/ Dianne Willis Phillips

Signature of Joint Debtor Dianne Willis Phillips

Telephone Number (If not represented by attorney)

November 9, 2007

Date

### Signature of Attorney

X /s/ Trawick H. Stubbs, Jr.

 $Signature \ of \ Attorney \ for \ Debtor(s)$ 

Trawick H. Stubbs, Jr. 4221

Printed Name of Attorney for Debtor(s)

Stubbs & Perdue, P.A.

Firm Name

PO Box 1654

New Bern, NC 28563

Address

252-633-2700

Telephone Number

November 9, 2007

Date

#### 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

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

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.)

Name of Debtor(s):

Phillips, W. Jackson Phillips, Dianne Willis

- ☐ 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 19B 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, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

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.

Official Form 1, Exhibit D (10/06)

# United States Bankruptcy Court Eastern District of North Carolina-Wilson Division

	W. Jackson Phillips			
In re	Dianne Willis Phillips		Case No.	
		Debtor(s)	Chapter	11

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.] \_\_\_\_

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

## Official Form 1, Exh. D (10/06) - Cont.

Date: November 9, 2007

☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable
statement.] [Must be accompanied by a motion for determination by the court.]
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, o
through the Internet.);
☐ Active military duty in a military combat zone.
☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
requirement of 11 oldies, 3 tox (ii) does not apply in this district
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: /s/ W. Jackson Phillips W. Jackson Phillips

Official Form 1, Exhibit D (10/06)

# United States Bankruptcy Court Eastern District of North Carolina-Wilson Division

	W. Jackson Phillips			
In re	Dianne Willis Phillips		Case No.	
		Debtor(s)	Chapter	11

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Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.] \_\_\_\_

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

## Official Form 1, Exh. D (10/06) - Cont.

□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.] □ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
□ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: /s/ Dianne Willis Phillips Dianne Willis Phillips
Date: November 9, 2007

Form 4 (10/05)

# **United States Bankruptcy Court Eastern District of North Carolina-Wilson Division**

	W. Jackson Phillips			
In re	Dianne Willis Phillips		Case No.	
		Debtor(s)	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, indicate that by stating "a minor child" and 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]
Bank of America	Bank of America			5,222.91
Attn: Manager or Agent	Attn: Manager or Agent			·
PO Box 37271	PO Box 37271			
Baltimore, MD 21297	Baltimore, MD 21297			

	son Phillips Villis Phillips			Case	No.	
			Debtor(s)			
	LIST O	OF CREDITORS HOLDI (Con	NG 20 LA		URED CLAIMS	<b>:</b>
(1)	)	(2)		(3)	(4)	(5)
Name of creditor a mailing address ind code		Name, telephone number and commailing address, including zip comployee, agent, or department of familiar with claim who may be a	ode, of of creditor	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [i, secured, also state value of security]
		DECLARATION UN ON BEHALF OF A CO				
		orporation named as the debtor it is true and correct to the best of			of perjury that I have	read the
Date November	9, 2007	Signature		ckson Phillips son Phillips		
Date November	9, 2007	Signature		e Willis Phillips Villis Phillips otor		

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 Eastern District of North Carolina-Wilson Division

	W. Jackson Phillips			
In re	Dianne Willis Phillips	Debtor(s)	Case No. Chapter	11
Γhe ab		TEICATION OF CREDITOR  that the attached list of creditors is true and c		of their knowledge.
Date:	November 9, 2007	/s/ W. Jackson Phillips W. Jackson Phillips Signature of Debtor		
Date:	November 9, 2007	/s/ Dianne Willis Phillips Dianne Willis Phillips		

W. JACKSON PHILLIPS PO BOX 1137 MOREHEAD CITY, NC 28557 DIANNE WILLIS PHILLIPS PO BOX 1137 MOREHEAD CITY, NC 28557 TRAWICK H. STUBBS, JR. STUBBS & PERDUE, P.A. PO BOX 1654 NEW BERN, NC 28563

SECRETARY OF TREASURY ATTN: MANAGING AGENT 1500 PENNSYLVANIA AVE NW WASHINGTON, DC 20220 BRANCH OF REORGANIZATION ATTN: MANAGING AGENT 3475 LENOX ROAD NE #1000 ATLANTA, GA 30326 INTERNAL REVENUE SERVICE PO BOX 21126 PHILADELPHIA, PA 19114

EMPLOYMENT SECURITY COM.
ATTN: MANAGING AGENT
PO BOX 25903
RALEIGH, NC 27611

NC DEPT. OF REVENUE ATTN: MANAGING AGENT PO BOX 25000 RALEIGH, NC 27640 UNITED STATES ATTORNEY 310 NEW BERN AVENUE FEDERAL BLDG SUITE 800 RALEIGH, NC 27601-1461

BANK OF AMERICA ATTN: MANAGER OR AGENT PO BOX 37271 BALTIMORE, MD 21297 COUNTRYWIDE HOME LOANS ATTN: MANAGER OR AGENT 4500 PARK GRANADA CALABASAS, CA 91302 GEORGE D. PHILLIPS, JR. 5210 DRIFTWOOD LANE MOREHEAD CITY, NC 28557

GEORGE D. PHILLIPS, SR. 5201 HOLLY COURT MOREHEAD CITY, NC 28557

PAK-A-SAK FOOD STORES INC ATTN: MANAGER OR AGENT P.O. BOX 1137 MOREHEAD CITY, NC 28557 PS, LLC ATTN: MANAGER OR AGENT 4920 ARENDELL STREET MOREHEAD CITY, NC 28557

SUMMITBRIDGE NAT'L INVEST C/O SCOTT VAUGHN, ESQ. P.O. BOX 31247 CHARLOTTE, NC 28231