

B1 (Official Form 1)(4/10)

<b>United States Bankruptcy Court Eastern District of North Carolina</b>		<b>Voluntary Petition</b>
Name of Debtor (if individual, enter Last, First, Middle): <b>Smith, Eddie Jerome</b>		Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): <b>AKA Eddie Jerome Smith, Sr.; AKA Eddie J. Smith</b>		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) <b>xxx-xx-4211</b>		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): <b>335 Ashworth Manor Court Wilmington, NC</b> <div style="text-align: right;">ZIP Code <b>28412</b></div>		Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right;">ZIP Code</div>
County of Residence or of the Principal Place of Business: <b>New Hanover</b>		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): <div style="text-align: right;">ZIP Code</div>		Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right;">ZIP Code</div>
Location of Principal Assets of Business Debtor (if different from street address above):		
<b>Type of Debtor</b> (Form of Organization) (Check one box)  <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	<b>Nature of Business</b> (Check one box)  <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other  <b>Tax-Exempt Entity</b> (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box)  <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13  <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding  <b>Nature of Debts</b> (Check one box)  <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.
<b>Filing Fee</b> (Check one box)  <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		<b>Chapter 11 Debtors</b> Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
<b>Statistical/Administrative Information</b> <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY
<b>Estimated Number of Creditors</b> <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000		
<b>Estimated Assets</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input checked="" type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		
<b>Estimated Liabilities</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$50 million <input type="checkbox"/> \$10,000,001 to \$100 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		

<p><b>Voluntary Petition</b></p> <p><i>(This page must be completed and filed in every case)</i></p>	<p>Name of Debtor(s): <b>Smith, Eddie Jerome</b></p>
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**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location Where Filed: <b>- None -</b>	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: <b>- None -</b>	Case Number:	Date Filed:
District:	Relationship:	Judge:

<p style="text-align: center;"><b>Exhibit A</b></p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p style="text-align: center;"><b>Exhibit B</b></p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).</p> <p><b>X</b> _____ Signature of Attorney for Debtor(s) (Date)</p>
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**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.

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 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.

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

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

Name of Debtor(s):  
**Smith, Eddie Jerome**

**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.

/s/ Eddie Jerome Smith  
 Signature of Debtor **Eddie Jerome Smith**

\_\_\_\_\_  
 Signature of Joint Debtor

\_\_\_\_\_  
 Telephone Number (If not represented by attorney)

May 18, 2010  
 Date

**Signatures**

**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.

\_\_\_\_\_  
 Signature of Foreign Representative

\_\_\_\_\_  
 Printed Name of Foreign Representative

\_\_\_\_\_  
 Date

**Signature of Attorney\***

/s/ Dean R. Davis  
 Signature of Attorney for Debtor(s)

Dean R. Davis 9191  
 Printed Name of Attorney for Debtor(s)

Allen, MacDonald & Davis, PLLC  
 Firm Name

1508 Military Cutoff Road, Suite 102  
Wilmington, NC 28403  
 Address

(910) 256-6558 Fax: (910) 256-6538  
 Telephone Number

May 18, 2010  
 Date

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

**Signature of Non-Attorney Bankruptcy Petition Preparer**

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

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

\_\_\_\_\_  
 Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 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.

\_\_\_\_\_  
 Signature of Authorized Individual

\_\_\_\_\_  
 Printed Name of Authorized Individual

\_\_\_\_\_  
 Title of Authorized Individual

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

\_\_\_\_\_  
 If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.*

B 1D (Official Form 1, Exhibit D) (12/09)

**United States Bankruptcy Court  
Eastern District of North Carolina**In re Eddie Jerome Smith

Debtor(s)

Case No. \_\_\_\_\_

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 14 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 seven 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. *[Summarize exigent circumstances here.]* \_\_\_\_\_

**If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.**

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/ Eddie Jerome Smith  
Eddie Jerome Smith

Date:  May 18, 2010

B4 (Official Form 4) (12/07)

**United States Bankruptcy Court**  
**Eastern District of North Carolina**

In re **Eddie Jerome Smith**

Debtor(s)

Case No. \_\_\_\_\_

Chapter **11**

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
<b>Advanta Bank Corp. Attn: Managing Agent P.o. Box 30715 Salt Lake City, UT 84130-0715</b>	<b>Advanta Bank Corp. Attn: Managing Agent P.o. Box 30715 Salt Lake City, UT 84130-0715</b>			<b>18,000.00</b>
<b>Alliance Credit Union Attn: Managing Agent P.O. Box 18460 San Jose, CA 95158</b>	<b>Alliance Credit Union Attn: Managing Agent P.O. Box 18460 San Jose, CA 95158</b>			<b>17,500.00</b>
<b>America General Financial Services ATTN: Managing Agent 30 Northfield Center Whiteville, NC 28472-5691</b>	<b>America General Financial Services ATTN: Managing Agent 30 Northfield Center Whiteville, NC 28472-5691</b>			<b>5,500.00</b>
<b>American Express Attn: Managing Agent P.O. Box 650448 Dallas, TX 75265</b>	<b>American Express Attn: Managing Agent P.O. Box 650448 Dallas, TX 75265</b>			<b>9,500.00</b>
<b>American Express Attn: Managing Agent P.O. Box 650448 Dallas, TX 75265-0448</b>	<b>American Express Attn: Managing Agent P.O. Box 650448 Dallas, TX 75265-0448</b>			<b>8,500.00</b>
<b>Bank of America Attn: Managing Agent P.O. Box 15710 Wilmington, DE 19886-5710</b>	<b>Bank of America Attn: Managing Agent P.O. Box 15710 Wilmington, DE 19886-5710</b>			<b>36,000.00</b>
<b>Bank of America Attn: Managing Agent P.O. Box 15021 Wilmington, DE 19850-5027</b>	<b>Bank of America Attn: Managing Agent P.O. Box 15021 Wilmington, DE 19850-5027</b>			<b>30,000.00</b>
<b>Chase Attn: Managing Agent P.O. Box 15153 Wilmington, DE 19886-5153</b>	<b>Chase Attn: Managing Agent P.O. Box 15153 Wilmington, DE 19886-5153</b>			<b>21,000.00</b>
<b>Chase Attn: Managing Agent P.O. Box Wilmington, DE 19886-5153</b>	<b>Chase Attn: Managing Agent P.O. Box Wilmington, DE 19886-5153</b>			<b>8,500.00</b>

B4 (Official Form 4) (12/07) - Cont.

In re **Eddie Jerome Smith**

Case No. \_\_\_\_\_

Debtor(s) \_\_\_\_\_

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
<b>Chase Bank</b> Attn: Managing Agent P.o. Box 15153 Wilmington, DE 19886-5153	<b>Chase Bank</b> Attn: Managing Agent P.o. Box 15153 Wilmington, DE 19886-5153			<b>6,200.00</b>
<b>Citi</b> Attn: Managing Agent P.O. Box 6248 Sioux Falls, SD 57117-6248	<b>Citi</b> Attn: Managing Agent P.O. Box 6248 Sioux Falls, SD 57117-6248			<b>20,000.00</b>
<b>Corning Credit Union</b> Attn: Managing Agent P.O. Box 1450 Corning, NY 14830-1050	<b>Corning Credit Union</b> Attn: Managing Agent P.O. Box 1450 Corning, NY 14830-1050			<b>5,800.00</b>
<b>East Coast Credit Union</b> Attn: Managing Agent 3815 Park Avenue Wilmington, NC 28403	<b>East Coast Credit Union</b> Attn: Managing Agent 3815 Park Avenue Wilmington, NC 28403			<b>5,800.00</b>
<b>First Bank</b> Attn: Managing Agent P.O. Box 926 Troy, NC 27371	<b>First Bank</b> Attn: Managing Agent P.O. Box 926 Troy, NC 27371	<b>118 S. 15th Street</b> <b>Wilmington, NC</b>		<b>149,943.00</b>  <b>(90,000.00 secured)</b>
<b>SECU</b> <b>MANAGING AGENT</b> PO BOX 29606 Raleigh, NC 27626-0606	<b>SECU</b> <b>MANAGING AGENT</b> PO BOX 29606 Raleigh, NC 27626-0606	<b>106 Evans Street</b> <b>Wilmington, N.C.</b> <b>28403</b>		<b>51,954.00</b> <b>(80,000.00 secured)</b> <b>(73,658.00 senior lien)</b>
<b>State Employees Credit Union</b> Attn: Managing Agent 210 Racine Drive Wilmington, NC 28403	<b>State Employees Credit Union</b> Attn: Managing Agent 210 Racine Drive Wilmington, NC 28403			<b>6,200.00</b>
<b>Waccamaw Bank</b> Attn: Managing Agent P.O. Box 2009 Whiteville, NC 28472	<b>Waccamaw Bank</b> Attn: Managing Agent P.O. Box 2009 Whiteville, NC 28472	<b>1920 Coldwell Avenue</b> <b>Wilmington, NC</b> <b>28403</b>		<b>160,000.00</b>  <b>(85,000.00 secured)</b>
<b>Waccamaw Bank</b> Attn: Managing Agent P.O. Box 2009 Whiteville, NC 28472	<b>Waccamaw Bank</b> Attn: Managing Agent P.O. Box 2009 Whiteville, NC 28472	<b>1418 Dock Street</b> <b>Wilmington, NC</b>		<b>135,000.00</b>  <b>(80,000.00 secured)</b>
<b>WACHOVIA</b> Attn: Managing Agent 307 S. COLLEGE ROAD Wilmington, NC 28403	<b>WACHOVIA</b> Attn: Managing Agent 307 S. COLLEGE ROAD Wilmington, NC 28403	<b>118 S. 15th Street</b> <b>Wilmington, NC</b>		<b>45,400.00</b> <b>(90,000.00 secured)</b> <b>(149,943.00 senior lien)</b>
<b>YADKIN VALLEY BANK</b> <b>MANAGING AGENT</b> PO BOX 888 Elkin, NC 28621	<b>YADKIN VALLEY BANK</b> <b>MANAGING AGENT</b> PO BOX 888 Elkin, NC 28621	<b>335 Ashworth Manor Court</b> <b>Wilmington, NC</b> <b>28412</b>		<b>245,000.00</b> <b>(600,000.00 secured)</b> <b>(417,000.00 senior lien)</b>

B4 (Official Form 4) (12/07) - Cont.

In re **Eddie Jerome Smith**

Case No. \_\_\_\_\_

Debtor(s)

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(Continuation Sheet)

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

I, **Eddie Jerome Smith**, 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 18, 2010**

Signature **/s/ Eddie Jerome Smith**

**Eddie Jerome Smith**

Debtor

*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.



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WILSON DIVISION

IN THE MATTER OF:

EDDIE JEROME SMITH  
DEBTOR

CASE NO.: 10-  
CHAPTER 11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 USC Section 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above Debtor 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 Debtors in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept \$Amount Unknown  
(to be determined by the Court)

Prior to filing this statement, I have received  
as a retainer \$7,500

I am holding in trust for attorney's fees the  
remainder of the retainer \$6,210

Balance Due \$Amount Unknown  
(to be determined by the Court)

2. The source of compensation paid to me is: Debtor
3. The source of compensation to be paid to me is: Debtor
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.
- ( ) I have agreed to share the above-disclosed compensation with a person or persons who are not members and 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 and assistance to the Debtor in determining whether to file a petition under Title 11, United States Code;
  - b. Preparation and filing of any petition, schedules, statement of affairs, Disclosure Statement, Plan of Reorganization and other documents required by the Court.
  - c. Representation of the Debtor at the meeting of creditors, confirmation hearing and any adjourned hearings thereof;
  - d. Representation of the Debtor in adversary proceedings and other contested bankruptcy matters; and,
6. All post-petition fees and expenses are to be approved by the Bankruptcy Court.

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or agreement for payment to me for representation of the Debtors in this bankruptcy proceeding.

Dated: 5.18.10

ALLEN, MACDONALD & DAVIS, PLLC

  
/s/Dean R. Davis

\_\_\_\_\_  
Dean R. Davis, State Bar No. 9191  
Attorney for Debtors

**WARNING: Effective December 1, 2009, the 15-day deadline to file schedules and certain other documents under Bankruptcy Rule 1007(c) is shortened to 14 days. For further information, see note at bottom of page 2**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA**

**NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b)  
OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

**1. Services Available from Credit Counseling Agencies**

**With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis.** The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

**In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge.** The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

**2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

**Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)**

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

**Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)**

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

**Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)**

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

**Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)**

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

**3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at [http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure).

**Many filing deadlines change on December 1, 2009. Of special note, 12 rules that set 15 days to act are amended to require action within 14 days, including Rule 1007(c), filing the initial case papers; Rule 3015(b), filing a chapter 13 plan; Rule 8009(a), filing appellate briefs; and Rules 1019, 1020, 2015, 2015.1, 2016, 4001, 4002, 6004, and 6007.**

B 201B (Form 201B) (12/09)

**United States Bankruptcy Court  
Eastern District of North Carolina**

In re Eddie Jerome Smith

Debtor(s)

Case No. \_\_\_\_\_

Chapter 11

**CERTIFICATION OF NOTICE TO CONSUMER DEBTOR(S)  
UNDER § 342(b) OF THE BANKRUPTCY CODE**

**Certification of Debtor**

I (We), the debtor(s), affirm that I (we) have received and read the attached notice, as required by § 342(b) of the Bankruptcy Code.

Eddie Jerome Smith

Printed Name(s) of Debtor(s)

X /s/ Eddie Jerome Smith

Signature of Debtor

May 18, 2010

Date

Case No. (if known) \_\_\_\_\_

X \_\_\_\_\_

Signature of Joint Debtor (if any)

Date

**Instructions:** Attach a copy of Form B 201 A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) **only** if the certification has **NOT** been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

**United States Bankruptcy Court  
Eastern District of North Carolina**

In re **Eddie Jerome Smith**  
Debtor(s)

Case No. \_\_\_\_\_  
Chapter **11**

**VERIFICATION OF CREDITOR MATRIX**

The above-named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date: **May 18, 2010**

**/s/ Eddie Jerome Smith**  
**Eddie Jerome Smith**  
Signature of Debtor

Advanta Bank Corp.  
Attn: Managing Agent  
P.o. Box 30715  
Salt Lake City, UT 84130-0715

Capital One  
Attn: Managing Agent  
P.O. Box 26074  
Richmond, VA 23260

East Coast Credit Union  
Attn: Managing Agent  
3815 Park Avenue  
Wilmington, NC 28403

Alliance Credit Union  
Attn: Managing Agent  
P.O. Box 18460  
San Jose, CA 95158-8460

Capital One  
Attn: Managing Agent  
P.O. Box 26074  
Richmond, VA 23260

ERNESTINE BOWMAN  
118 S. 15TH STREET  
WILMINGTON, NC

Alliance Credit Union  
Attn: Managing Agent  
P.O. Box 18460  
San Jose, CA 95158

Chase  
Attn: Managing Agent  
P.O. Box 15153  
Wilmington, DE 19886-5153

FIA Card Services  
Attn: Managing Agent  
P.O. Box 15184  
Wilmington, DE 19850-5184

America General Financial Services  
ATTN: Managing Agent  
30 Northfield Center  
Whiteville, NC 28472-5691

Chase  
Attn: Managing Agent  
P.O. Box  
Wilmington, DE 19886-5153

First Bank  
Attn: Managing Agent  
P.O. Box 926  
Troy, NC 27371

American Express  
Attn: Managing Agent  
P.O. Box 650448  
Dallas, TX 75265-0448

Chase Bank  
Attn: Managing Agent  
P.o. Box 15153  
Wilmington, DE 19886-5153

FRANCINE STUKES  
6320 NAPLES DRIVE  
Wilmington, NC 28412

American Express  
Attn: Managing Agent  
P.O. Box 650448  
Dallas, TX 75265

Citi  
Attn: Managing Agent  
P.O. Box 6248  
Sioux Falls, SD 57117-6248

IRS  
ATTN: BANKRUPTCY  
PO BOX 21126  
Philadelphia, PA 19114

AMERICAN GENERAL  
MANAGING AGENT  
481 OLD WATERFORD WAY  
Leland, NC 28451

Citi Business  
Attn: Managing Agent  
P.O. Box 183059  
Columbus, OH 43218

Lendmark  
Attn: Managing Agent  
4720 New Centre Drive Unit E  
Wilmington, NC 28405

Bank of America  
Attn: Managing Agent  
P.O. Box 15710  
Wilmington, DE 19886-5710

Corning Credit Union  
Attn: Managing Agent  
P.O. Box 1450  
Corning, NY 14830-1050

NC DEPARTMENT OF REVENUE  
P.O. BOX 25000  
Raleigh, NC 27640

Bank of America  
Attn: Managing Agent  
P.O. Box 15021  
Wilmington, DE 19850-5027

Discover Card  
Attn: Managing Agent  
P.O. Box 15156  
Wilmington, DE 19850-5156

NC EMPLOYMENT SECURITY CO  
P. O. BOX 26504  
Raleigh, NC 27611

NEW HANOVER COUNTY TAX DEPARTMENT  
ATTN: MANAGING AGENT  
P.O. BOX 18000  
Wilmington, NC 28406

Waccamaw Bank  
Attn: Managing Agent  
P.O. Box 2009  
Whiteville, NC 28472

SECRETARY OF THE TREASURY  
1500 PENNSYLVANIA AVE., N.W.  
Washington, DC 20220

Waccamaw Bank  
Attn: Managing Agent  
110 N J.K. Powell Blvd.  
Whiteville, NC 28472

SECU  
Attn: Managing Agent  
P.O. Box 29606  
Raleigh, NC 27626-0606

WACCAMAW BANK  
MANAGING AGENT  
PO BOX 2009  
Whiteville, NC 28472

SECU  
MANAGING AGENT  
PO BOX 29606  
Raleigh, NC 27626-0606

WACHOVIA  
MANAGING AGENT  
307 S. COLLEGE ROAD  
Wilmington, NC 28403

SECU  
P.O. Box 29561  
Raleigh, NC 27626

WACHOVIA  
Attn: Managing Agent  
307 S. COLLEGE ROAD  
Wilmington, NC 28403

SECURITIES & EXCHANGE COMMISSION  
BRANCH OF REORGANIZATION, STE. 1000  
3475 LENNOX ROAD, N.E.  
Atlanta, GA 30326-1232

Wells Fargo Home Mortgage  
Attn: Managing Agent  
P.O. Box 10368  
Des Moines, IA 50306-0368

SHERRY HAYNES  
106 EVANS STREET  
WILMINGTON, NC

YADKIN VALLEY BANK  
MANAGING AGENT  
PO BOX 888  
Elkin, NC 28621

State Employees Credit Union  
Attn: Managing Agent  
210 Racine Drive  
Wilmington, NC 28403

US ATTORNEYS OFFICE  
FEDERAL BUILDING  
310 NEW BERN AVE, SUITE 800  
Raleigh, NC 27601-1461