

B1 (Official Form 1)(4/10)

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

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Kelly, Daniel C.	Name of Joint Debtor (Spouse) (Last, First, Middle): Kelly, Kimberly Q.
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) No./Complete EIN (if more than one, state all) xxx-xx-5353	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-8244
Street Address of Debtor (No. and Street, City, and State): 798 Buckhorn Road Sanford, NC	Street Address of Joint Debtor (No. and Street, City, and State): 798 Buckhorn Road Sanford, NC
ZIP Code 27330	ZIP Code 27330
County of Residence or of the Principal Place of Business: Lee	County of Residence or of the Principal Place of Business: Lee
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
ZIP Code	ZIP Code

Location of Principal Assets of Business Debtor (if different from street address above):

Type of Debtor (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.)	Nature of Business (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 type="checkbox"/> Other <hr/> Tax-Exempt Entity (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).	Chapter of Bankruptcy Code Under Which the Petition is Filed (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 Nature of Debts (Check one box) <input checked="" 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 type="checkbox"/> Debts are primarily business debts.
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Filing Fee (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.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" 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).
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Statistical/Administrative Information

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

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1-49	50-99	100-199	200-999	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000

Estimated Assets

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion

Estimated Liabilities

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

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

Name of Debtor(s):
Kelly, Daniel C.
Kelly, Kimberly Q.

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/ Daniel C. Kelly
 Signature of Debtor **Daniel C. Kelly**

X /s/ Kimberly Q. Kelly
 Signature of Joint Debtor **Kimberly Q. Kelly**

Telephone Number (If not represented by attorney)

November 8, 2010

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.)

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 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

X _____

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.

Signature of Attorney*

X /s/ Richard D. Sparkman
 Signature of Attorney for Debtor(s)

Richard D. Sparkman 6857

Printed Name of Attorney for Debtor(s)

Richard D. Sparkman & Associates, P.A.

Firm Name

P.O. Box 1687
Angier, NC 27501

Address

919-639-6181 Fax: 919-639-6814

Telephone Number

November 8, 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 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

In re **Daniel C. Kelly,
Kimberly Q. Kelly**

Case No. _____

Debtors

FORM 1. VOLUNTARY PETITION
Pending Bankruptcy Cases Filed Attachment

Name of Debtor / District

Case No. / Relationship

Date Filed / Judge

David W. and Tamara W. Kelly
EDNC

Kelly Farms, a North Carolina Partnership
EDNC

Rebecca S. Kelly
EDNC

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

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

In re Daniel C. Kelly
Kimberly Q. Kelly

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.

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

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

In re Daniel C. Kelly
Kimberly Q. Kelly

Debtor(s)

Case No. _____

Chapter 11

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH
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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/ Kimberly Q. Kelly
Kimberly Q. Kelly

Date: November 8, 2010

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

In re Daniel C. Kelly
Kimberly Q. Kelly

Debtor(s)

Case No. _____

Chapter 11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named 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 debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept.....	\$	<u>19,260.40</u>
Prior to the filing of this statement I have received.....	\$	<u>19,260.40</u>
Balance Due.....	\$	<u>0.00</u>

****Retainer to be applied against hourly rate of \$350.00 as approved by the Court.**

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

Debtor Other (specify): Life insurance proceeds from death of Oscar W. Kelly.

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

Debtor Other (specify):

4. 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 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, statement 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;
- d. [Other provisions as needed]

Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.

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

Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.

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 proceeding.

Dated: November 8, 2010

/s/ Richard D. Sparkman

**Richard D. Sparkman 6857
Richard D. Sparkman & Associates, P.A.
P.O. Box 1687
Angier, NC 27501
919-639-6181 Fax: 919-639-6814**

B4 (Official Form 4) (12/07)

United States Bankruptcy Court
Eastern District of North Carolina

In re **Daniel C. Kelly**
Kimberly Q. Kelly

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>
Absolute Collection Svc Attn: Managing Agent 421 Fayetteville St. Mall, Ste. 600 Raleigh, NC 27601	Absolute Collection Svc Attn: Managing Agent 421 Fayetteville St. Mall, Ste. 600 Raleigh, NC 27601	Medical		2,415.00
Absolute Collection Svc Attn: Managing Agent 421 Fayetteville St. Mall, Ste. 600 Raleigh, NC 27601	Absolute Collection Svc Attn: Managing Agent 421 Fayetteville St. Mall, Ste. 600 Raleigh, NC 27601	Medical		1,137.00
Agco Finance, LLC Attn: Managing Agent PO Box 2000 Johnston, IA 50131	Agco Finance, LLC Attn: Managing Agent PO Box 2000 Johnston, IA 50131	Personally guaranteed business debt		73,240.83
Agco Finance, LLC Attn: Managing Agent PO Box 2000 Johnston, IA 50131	Agco Finance, LLC Attn: Managing Agent PO Box 2000 Johnston, IA 50131	Personally guaranteed business debt		73,240.83
Blossman Gas Attn: Managing Agent 2221 South Horner Blvd. Sanford, NC 27330	Blossman Gas Attn: Managing Agent 2221 South Horner Blvd. Sanford, NC 27330	Open account		726.00
Branch Banking & Trust Co. Attn: Jack R. Hayes, VP P.O. Box 1847 Wilson, NC 27894-1847	Branch Banking & Trust Co. Attn: Jack R. Hayes, VP P.O. Box 1847 Wilson, NC 27894-1847	Personally guaranteed business debt		798,770.91
Carolina Farm Credit Attn: Managing Agent PO Box 249 Carthage, NC 28327	Carolina Farm Credit Attn: Managing Agent PO Box 249 Carthage, NC 28327	Personally guaranteed business debt		527,039.63
Carolina Farm Credit Attn: Managing Agent PO Box 249 Carthage, NC 28327	Carolina Farm Credit Attn: Managing Agent PO Box 249 Carthage, NC 28327	Personally guaranteed business debt		37,476.75

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

In re **Daniel C. Kelly**
Kimberly Q. Kelly

Case No. _____

Debtor(s) _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
(Continuation Sheet)

(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>
Caterpillar Financial Services Attn: Managing Agent 2120 West End Avenue Nashville, TN 37203	Caterpillar Financial Services Attn: Managing Agent 2120 West End Avenue Nashville, TN 37203	Personally guaranteed business debt		38,000.00
Central Finance Control Attn: Managing Agent PO Box 66051 Anaheim, CA 92816	Central Finance Control Attn: Managing Agent PO Box 66051 Anaheim, CA 92816	Medical		1,628.00
Central Finance Control Attn: Managing Agent PO Box 66051 Anaheim, CA 92816	Central Finance Control Attn: Managing Agent PO Box 66051 Anaheim, CA 92816	Medical		5,495.00
Chrysler Financial Attn: Managing Agent PO Box 9223 Farmington, MI 48333-9223	Chrysler Financial Attn: Managing Agent PO Box 9223 Farmington, MI 48333-9223			5,056.00 (0.00 secured)
CNH Capital Attn: Managing Agent PO Box 3600 Lancaster, PA 17604-3600	CNH Capital Attn: Managing Agent PO Box 3600 Lancaster, PA 17604-3600	Personally guaranteed business debt		9,206.84
Crop Production Services, Inc. Attn: Managing Agent 136 Stonemark Lane, Ste. 120 Columbia, SC 29210	Crop Production Services, Inc. Attn: Managing Agent 136 Stonemark Lane, Ste. 120 Columbia, SC 29210	Personally guaranteed business debt		1,156,884.90
First Bank Attn: Managing Agent PO Box 866 Troy, NC 27371-0866	First Bank Attn: Managing Agent PO Box 866 Troy, NC 27371-0866	Personally guaranteed business debt		1,225,711.88
First Bank Attn: Managing Agent PO Box 508 Troy, NC 27371	First Bank Attn: Managing Agent PO Box 508 Troy, NC 27371	Credit line		1,000.00
Wachovia Dealer Services Attn: Managing Agent PO Box 1697 Winterville, NC 28590	Wachovia Dealer Services Attn: Managing Agent PO Box 1697 Winterville, NC 28590	Co-signed debt		7,945.00
Wells Fargo Financial Leasing Customer Service MAC F4031-050 800 Walnut Street Des Moines, IA 50309	Wells Fargo Financial Leasing Customer Service MAC F4031-050 Des Moines, IA 50309	Personally guaranteed business debt		4,424.58
Wells Fargo Financial Leasing Customer Service MAC F4031-050 800 Walnut Street Des Moines, IA 50309	Wells Fargo Financial Leasing Customer Service MAC F4031-050 Des Moines, IA 50309	Personally guaranteed business debt		11,231.58

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

In re Daniel C. Kelly
Kimberly Q. Kelly
 Debtor(s)

Case No. _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
 (Continuation Sheet)

(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>
Wicker Oil Attn: Managing Agent PO Drawer 2707 Sanford, NC 27331	Wicker Oil Attn: Managing Agent PO Drawer 2707 Sanford, NC 27331	Personally guaranteed business debt		2,437.35

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

We, **Daniel C. Kelly** and **Kimberly Q. Kelly**, the debtors in this case, declare under penalty of perjury that we have read the foregoing list and that it is true and correct to the best of our information and belief.

Date November 8, 2010

Signature /s/ Daniel C. Kelly
Daniel C. Kelly
 Debtor

Date November 8, 2010

Signature /s/ Kimberly Q. Kelly
Kimberly Q. Kelly
 Joint 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.

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.

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	Daniel C. Kelly Kimberly Q. Kelly	Case No.	
	Debtor(s)	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.

Daniel C. Kelly
Kimberly Q. Kelly

 Printed Name(s) of Debtor(s)

X	/s/ Daniel C. Kelly	November 8, 2010
	Signature of Debtor	Date

Case No. (if known) _____

X	/s/ Kimberly Q. Kelly	November 8, 2010
	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 **Daniel C. Kelly**
Kimberly Q. Kelly

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

The above-named Debtors hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: **November 8, 2010**

/s/ Daniel C. Kelly

Daniel C. Kelly

Signature of Debtor

Date: **November 8, 2010**

/s/ Kimberly Q. Kelly

Kimberly Q. Kelly

Signature of Debtor

Richard D. Sparkman
Richard D. Sparkman & Associates, P.A.
P.O. Box 1687
Angier, NC 27501

Blossman Gas
Attn: Managing Agent
2221 South Horner Blvd.
Sanford, NC 27330

Crop Production Services, Inc.
Attn: Managing Agent
136 Stonemark Lane, Ste. 120
Columbia, SC 29210

Daniel C. Kelly
798 Buckhorn Road
Sanford, NC 27330

Branch Banking & Trust Co.
Attn: Jack R. Hayes, VP
P.O. Box 1847
Wilson, NC 27894-1847

Cruco-Mill & Industrial Supply LLC
Attn: Managing Agent
111 McNeill Road
Sanford, NC 27330

Kimberly Q. Kelly
798 Buckhorn Road
Sanford, NC 27330

Broadway Hardware
Attn: Managing Agent
PO Box 10
Broadway, NC 27505

David W. Kelly
Tamara W. Kelly
508 Thomas Kelly Road
Sanford, NC 27330

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Carolina Farm Credit
Attn: Managing Agent
PO Box 249
Carthage, NC 28327

Duke Health Physicians
Attn: Managing Agent
5213 South Alston Ave.
Durham, NC 27713

NC Department of Revenue
Office Services Division
Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27602-1168

Caterpillar Financial Services
Attn: Managing Agent
2120 West End Avenue
Nashville, TN 37203

Employment Security Commission
P.O. Box 26504
Raleigh, NC 27611-6504

Equifax Credit Information Svcs.
Attn: Managing Agent
PO Box 740241
Atlanta, GA 30374

Central Finance Control
Attn: Managing Agent
PO Box 66051
Anaheim, CA 92816

Estate of Oscar Wayne Kelly
c/o Robert Gilleland
Harrington Gilleland Winstead Feind
1410 Elm Street
Sanford, NC 27330

Experian
Attn: Managing Agent
5909 Peachtree Dunwoody Dr., Ste. 1000
Atlanta, GA 30328

Chrysler Financial
Attn: Managing Agent
PO Box 9223
Farmington, MI 48333-9223

First Bank
Attn: Managing Agent
PO Box 866
Troy, NC 27371-0866

Transunion
Attn: Managing Agent
PO Box 2000
Crum Lynne, PA 19022-2000

CMRE Financial
Attn: Managing Agent
3075 E. Imperial HW, Ste. 200
Brea, CA 92821

First Bank
Attn: Managing Agent
PO Box 508
Troy, NC 27371

Absolute Collection Svc
Attn: Managing Agent
421 Fayetteville St. Mall, Ste. 600
Raleigh, NC 27601

CNH Capital
Attn: Managing Agent
PO Box 3600
Lancaster, PA 17604-3600

IC Systems
Attn: Managing Agent
PO Box 64378
Saint Paul, MN 55164

Agco Finance, LLC
Attn: Managing Agent
PO Box 2000
Johnston, IA 50131

Colleen L. Byers
Attorney for BB&T
PO Box 21029
Winston Salem, NC 27120-1029

Jones Bros. Garage, Inc.
Attn: Managing Agent
PO Box 190
Broadway, NC 27505

Oxford Collection Agency
Attn: Managing Agent
135 Maxess Road
Melville, NY 11747

Wicker Oil
Attn: Managing Agent
PO Drawer 2707
Sanford, NC 27331

Parson Bishop National Collection
Attn: Managing Agent
7870 Camargo Road
Cincinnati, OH 45243

Rebecca Kelly
815 Buckhorn Road
Sanford, NC 27330

Secretary of the Treasury
1500 Pennsylvania Ave. N.W.
Washington, DC 20220

Stern & Associates
Attn: Managing Agent
415 N. Edgewater St., Ste. 210
Greensboro, NC 27401

United States Attorney
Suite 800, Federal Building
310 New Bern Avenue
Raleigh, NC 27601-1461

USDA Rural Development
Attn: Managing Agent
2736 NC Hwy. 210
Smithfield, NC 27577

Wachovia Bank
Attn: Mr. Mark J. McClelland
Consumer General Loan BK/Recovery
P.O. Box 3099
Winston Salem, NC 27150

Wachovia Dealer Services
Attn: Managing Agent
PO Box 1697
Winterville, NC 28590

Wells Fargo Financial
Leasing Customer Service
MAC F4031-050
800 Walnut Street
Des Moines, IA 50309