**B1 (Official Form 1)(4/10)** 

United States Bankruptcy Court Eastern District of North Carolina - Raleigh Division						Voluntar	y Petition	
Name of Debtor (if individual, enter Last, First, Swartville, LLC	Middle):		Name	of Joint De	ebtor (Spouse)	) (Last, First	, Middle):	
Swartville, LLC								
All Other Names used by the Debtor in the last 8 (include married, maiden, and trade names):	years				used by the J maiden, and		in the last 8 years ):	
Last four digits of Soc. Sec. or Individual-Taxpa	yer I.D. (ITIN) No./Co	mplete EIN	Last fo	our digits o	f Soc. Sec. or	Individual-	Taxpayer I.D. (ITIN)	No./Complete EIN
(if more than one, state all) 20-0203660			(if more	than one, state	all)			
Street Address of Debtor (No. and Street, City, a 1900 Eastwood Rd, Ste 10 Wilmington, NC			Street	Address of	Joint Debtor	(No. and St	reet, City, and State)	
		ZIP Code 3403	-					ZIP Code
County of Residence or of the Principal Place of New Hanover	Business:		Count	y of Reside	ence or of the	Principal Pl	ace of Business:	·
Mailing Address of Debtor (if different from stre	et address):		Mailin	ig Address	of Joint Debt	or (if differe	nt from street addres	s):
		ZIP Code						ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):	317 Crowata Castle Hayne			Castle Ha	yne Rd			
Type of Debtor	Nature of				-	-	otcy Code Under W	
<ul> <li>(Check one box)</li> <li>Individual (includes Joint Debtors) See Exhibit D on page 2 of this form.</li> <li>Corporation (includes LLC and LLP)</li> <li>Partnership</li> </ul>	Joint Debtors) ge 2 of this form.		fined	<ul> <li>Chapt</li> <li>Chapt</li> <li>Chapt</li> <li>Chapt</li> <li>Chapt</li> <li>Chapt</li> </ul>	er 7 er 9 er 11 er 12	□ C of	hapter 15 Petition for a Foreign Main Pro hapter 15 Petition for a Foreign Nonmain	r Recognition ceeding r Recognition
Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Other						e of Debts k one box)	
	Tax-Exemp (Check box, if □ Debtor is a tax-ex under Title 26 of Code (the Internal	f applicable) empt organi the United S	tates	defined "incurr	re primarily co l in 11 U.S.C. § ed by an indivi- nal, family, or l	nsumer debts 101(8) as dual primarily	bu for	bts are primarily siness debts.
Filing Fee (Check one box	)	Check one		1	•	ter 11 Debt		
<ul> <li>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.</li> <li>Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.</li> </ul>			tor is not tor's aggin less than s applicable lan is bein eptances	a small busin regate nonco \$2,343,300 (regate boxes: ng filed with of the plan w	ntingent liquida amount subject this petition.	lefined in 11 N nted debts (exe <i>to adjustment</i>	C. § 101(51D). U.S.C. § 101(51D). cluding debts owed to in <i>t on 4/01/13 and every t</i>	three years thereafter).
Statistical/Administrative Information ■ Debtor estimates that funds will be available □ Debtor estimates that, after any exempt prope there will be no funds available for distribution	erty is excluded and ad	lministrative		es paid,		THIS	S SPACE IS FOR COUI	RT USE ONLY
Estimated Number of Creditors	□ □ □ □ 1,000- 5,001- 1	0,001- 25	5,001- ),000	□ 50,001- 100,000	OVER 100,000			
\$50,000 \$100,000 \$500,000 to \$1 t	o \$10 to \$50 to	50,000,001 \$1 o \$100 to	00,000,001 \$500 Ilion	\$500,000,001 to \$1 billion	More than \$1 billion			
\$50,000 \$100,000 \$500,000 to \$1 t	o \$10 to \$50 to	50,000,001 \$1 o \$100 to		\$500,000,001 to \$1 billion				

# Case 11-08676-8-SWH Doc 1 Filed 11/14/11 Entered 11/14/11 08:58:55 Page 2 of 32

Voluntary Petition		Page Name of Debtor(s):		
	ust be completed and filed in every case)	Swartville, LLC		
ins page m	All Prior Bankruptcy Cases Filed Within Las	<b>t 8 Years</b> (If more than two, attach a	additional sheet)	
Location Where Filed:		Case Number:	Date Filed:	
Location Where Filed:		Case Number:	Date Filed:	
Pe	ending Bankruptcy Case Filed by any Spouse, Partner, or	• Affiliate of this Debtor (If more th	an one, attach additional sheet)	
Name of Deb - None -	tor:	Case Number:	Date Filed:	
District:		Relationship:	Judge:	
forms 10K a pursuant to and is reque	<b>Exhibit A</b> pleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 esting relief under chapter 11.) • A is attached and made a part of this petition.	(To be completed if debtor is an individu I, the attorney for the petitioner nam have informed the petitioner that [he 12, or 13 of title 11, United States C	Exhibit B         al whose debts are primarily consumer debts.)         ed in the foregoing petition, declare that I         or she] may proceed under chapter 7, 11,         ode, and have explained the relief available         rtify that I delivered to the debtor the notice         (s)       (Date)	
	Exh or own or have possession of any property that poses or is alleged to a Exhibit C is attached and made a part of this petition.	nibit C pose a threat of imminent and identifiab	le harm to public health or safety?	
☐ Exhibit If this is a jo	bleted by every individual debtor. If a joint petition is filed, ea D completed and signed by the debtor is attached and made	a part of this petition.	a separate Exhibit D.)	
	Information Regardin	ng the Debtor - Venue		
	(Check any ap Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for			
	There is a bankruptcy case concerning debtor's affiliate, g	0 1	2	
	Debtor is a debtor in a foreign proceeding and has its prin- this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or the sought in this District.	s in the United States but is a defend	ant in an action or	
	Certification by a Debtor Who Reside (Check all app		erty	
	Landlord has a judgment against the debtor for possession		d, complete the following.)	
	(Name of landlord that obtained judgment)			
	(Address of landlord)			
	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment			
	Debtor has included in this petition the deposit with the co after the filing of the petition.		-	

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

Voluntary Petition         Nume: of Debtor(s): Synaryline. LLC           Starter(s) of Debtor(s) (Individual/Join(s))         Synaryline. LLC           Techer moler penalty of perity that the firmation provident in the problem in trace and correct. The firmation provident in the problem in the same control of the provident in the same correct in the internation provident in the problem in the same correct in the internation provident in the problem in the same correct in the internation provident in the problem in the same correct internation provident in the problem in the same correct internation provident in the problem in the same correct internation provident in the same correct	B1 (Official Form 1)(4/10)	Page 3
Signature         Signature           Signature of a Fareign Representative           1 defere under penalty of penalty that the information provided in this petition it use and concert.           (If petitioner is an individual values defects are permantly consumer defects and that Lin antiburzed to file this petition.           (If petitioner is an individual values) defines are permantly consumer defects and the chapter.           (If a consumer value defects are permantly consumer defects and the chapter.           (If a consumer value defect are presented as all and backupper petition preserves and and consumption by 11 U.S.C. \$110.           (If a consumer value defect are permantly consumer defect are presented as all and the consumer defect are presented as all and backupper petition preserves and and consumer value defect are presented as all and the consumer defect are presented as a period defect and the consumer defect are presented as all and the consumer defect are presented as all and the consumer defect are presented as a matched.           X         Signature of Defect (If not represented by attorney)           Date         Signature of Automery for Delator(1)	Voluntary Petition	Name of Debtor(s): Swartville, LLC
Signature (o) Debtor() (Individual/Joint)         Signature (o) a forcign Representative           I decker under pearly of priory that the information provide in this period in this order days (T) is no access the information provide in this period in this period.         I decker under pearly of period the information provide in this period.           I decker under each such chapter, and dooses to precede under chapter.         I decker under pearly of period that an antibicitic and is the information provide in the origin at proceeding. and that I an antibicity and the chapter of the charge end provement with the advection of the origin and proceeding. And the chapter of the life in period.           X         Signature of Debtor         I decker under pearly of period the information provide in this period.           X         Signature of Debtor         Y signature of Forcign Representative           Date         Signature of Automety for Debtor(s)           X         Signature of Automety for Debtor(s)         Travick H. Stubbs, J. C. Statis Signature of Automety for Debtor(s)           Travick H. Stubbs, J. C. Statis Signature of Automety for Debtor(s)         Travick H. Stubbs, J. C. Statis Signature of Automety for Debtor(s)           Stubbs Revealed and in the autometape set and antification and the store set and set antification and the order and set antification and the order and set antification and the order and set antification and set antification and the order and set antification and set antinte set antification and set and set antification and		
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Signature of Jono         X         Signature of Joint Debtor         Date         Signature of Non-Attorney Bankruptey Petition Prepare:         Signature of Attorney for Debtor(s)         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 1664         New Bern, NC 28563         Address         Stature of Debtor (Corporation/Partnership)         Signature of Autoney for Debtor(s)         Stabubs & Predue, P.A.         Firm Name         PO Box 1664         New Bern, NC 28563         and meany the form the debtor, as required in that section.         Otice         Signature of Autoney for Debtor(s)         Signature of Debtor (Corporation/Partnership)         Signature of Debtor (Corporation/Partnership)         Signature of Autoney for Debtor(s)         Signature of Autoney for Debtor(s)         Signature of Ide debtor, as required in that section.         Otice         November 14, 2011         Date         Signature of Autoney for Debtor (Corporation/Partnership)         Signature of Autonex or Autoney and that have been autonized to	<ul> <li>petition is true and correct.</li> <li>[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.</li> <li>[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).</li> <li>I request relief in accordance with the chapter of title 11, United States Code</li> </ul>	<ul> <li>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.</li> <li>(Check only one box.)</li> <li>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.</li> <li>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.</li> </ul>
Signature of Jonol         X         Signature of Joint Debtor         Date         Signature of Atomey for Debtor(s)         Stabulas A Predue, P.A.         Firm Name         PO Box 1664         New Bern, NC 28563         Address         Signature of Automy for Debtor(s)         Stabulas A 7000*         Signature of Debtor (Corporation/Partnership)         November 14, 2011         Date         Signature of Automized In this petition         Signature of Automized In this petition         Signature of Automey for Debtor(s)         Stabulas 4, 3707/bi/(V)(D) applies, this signature also constitutes a information in the schedules is incoree.         More and which 3 707/bi/(V)(D) applies, this signature also constitutes a information in the schedules is incoree.         Signature of Automized Individual 3.due of Automized Individual 3.due of Automey for Debtor (Corporation/Partnership)         Signature of Automized Individual 3.due of automey is the chapter of tile this petition is the abstroney have no koncide of the schedules is incoree.         Signature of Automized Individual 3.due	X	X
Signature of Joint Debor         Telephone Number (If not represented by attorney)         Date         Signature of Non-Attorney Bankruptcy Petition Preparer a defined in 11 U.S.C. § 110; (2) prepared this document for compensation and have provided the debor. The a bankruptcy Petition Preparer a defined in 11 U.S.C. § 110; (2) prepared this document for compensation and have provided the debor. Tawitck H. Stubbs, Jr. 4221         Yinted Name of Attorney for Debtor(s)         Tawitck H. Stubbs, Jr. 4221         Printed Name of Attorney for Debtor(s)         Stubbs & Perdue, P.A.         Firm Nume         PO Bos 1654         New Bern, NC 28563         Address         252-633-2700         Telephone Number         November 14, 2011         Date         Signature of Debtor (Corporation/Partnership)         I dectar under peaks of print the information provided in this petition is true and correct, and that he chapter of tile 11, United State Scole, Scole S	Signature of Debtor	Signature of Poleign Representative
Signature of Joint Debor         Telephone Number (If not represented by attorney)         Date         Signature of Non-Attorney Bankruptcy Petition Preparer a defined in 11 U.S.C. § 110; (2) prepared this document for compensation and have provided the debor. The a bankruptcy Petition Preparer a defined in 11 U.S.C. § 110; (2) prepared this document for compensation and have provided the debor. Tawitck H. Stubbs, Jr. 4221         Yinted Name of Attorney for Debtor(s)         Tawitck H. Stubbs, Jr. 4221         Printed Name of Attorney for Debtor(s)         Stubbs & Perdue, P.A.         Firm Nume         PO Bos 1654         New Bern, NC 28563         Address         252-633-2700         Telephone Number         November 14, 2011         Date         Signature of Debtor (Corporation/Partnership)         I dectar under peaks of print the information provided in this petition is true and correct, and that he chapter of tile 11, United State Scole, Scole S	<b>X</b> 7	Drinted Newson of Democrate time
Date           Telephone Number (If not represented by attorney)         Date           Date         Signature of Non-Attorney Bankruptcy Petition Preparer           Ideale         Ideale           Signature of Attorney*         Ideale           X         /s/Trawick H. Stubbs, Jr.           Signature of Attorney for Debtor(s)         Ideale           Trawick H. Stubbs, Jr. 4521         Printed Name of Attorney for Debtor(s)           Stubbs & Perdue, P.A.         Printed Name of Attorney for Debtor(s)           Stubbs & Perdue, P.A.         Printed Name of Attorney for Debtor(s)           Address         Scilal-Security number (If the bankruptcy petition Preparer           Po Box 1654         New Bern, NC 28563           Address         Scilal-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 is not an individual, state the Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number (If the bankruptcy petition preparer is not an individual state the social Security number is provided above.           Signature of Debtor (Corporation/Partnership)         Ideclare under penalty of perjury that the information provided in this petition is me and correct, and that I have been authorized tof life this petiton is the about person preparer of social Securit	X	Printed Name of Foreign Representative
Telephone Number (If not represented by attorney)         Date         Signature of Attorney Factors         Signature of Attorney Factors         Market Signature of Attorney Factors         Address         Z252-633-2700         Telephone Number         November 14, 2011         Date         Signature of Debtor (Corporation/Partnership)         Ideclar under penaly of perjury that the information provided in this petition is the address is incorrect.         Matters         Signature of Attorney Earlie in accordance with the chapter of tide 11, United States Code, specified in this	Signature of Joint Debtor	
Date       Signature of Attorney*         Image: Signature of Attorney*       Image: Signature of Attorney*         X       Isgnature of Attorney*         X       Isgnature of Attorney for Debtor(s)         Signature of Attorney for Debtor(s)       Image: Signature of Attorney for Debtor(s)         Stubbs & Perdue, P.A.       Firm Name         PO Box 1654       New Bern, NC 28563         Address       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 is not an individual, state the schedules is incorrect.         Visature of Debtor (Corporation/Partnership)       Ideclare under penalty of perjary that the information provided in this petition is meand correct, and that I have been authorized to fill this petition is meand for aduot and the above and the appropriate of the bankruptcy petition preparer is not an individual.         Member/Manager       Is / Joel Tomaselli         Signature of Authorized Individual       If more than one person prepared this document unless the bankruptey petition preparer is not an individual.         Member/Manager       If an one person prepared this document unless the bankruptey petition preparer is not an individual.         Member/Manager       If an one person prepared this document unless the bankruptey petition preparer is not an individual.         Member/Manager       If anone person prepared this document unless the bankruptey		Date
Date         Image: Signature of Attorney*         X       /s/ Trawick H. Stubbs, Jr.         Signature of Attorney for Debtor(s)         Signature of Attorney for Debtor(s)         Stubbs & Perdue, P.A.         Firm Name         PO Box 1654         New Bern, NC 28563         Address         Ze2-633-2700         Telephone Number         November 14, 2011         Date         Signature of Debtor (Corporation/Partnership)         I declare under penalty of perjury that the information provided in this petition is the advorticed and that h atorego and that expropriate of discussion of all the individual discussion of all the individual states the Social Security number of file, perinery. (Required by 11 U.S.C. § 110.)         Address         X       /s/ Joel Tomaselli         Signature of Authorized Individual Member/Manager         Member/Manager         The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition is the advortized Individual Member/Manager         Joel Tomaselli         Signature of Authorized Individual Moviement of Corporation field of the ispection in the advortized Individual Moviement on theadvortized Individual Moviement on theadvori	Telephone Number (If not represented by attorney)	Signature of Non-Attorney Bankruptcy Petition Preparer
Date         Formation and have provided the debtor with a copy of this document for compensation and have provided the debtor with a copy of this document for compensation and have provided the debtor with a copy of this document for files for a compensation and have provided the debtor with a copy of this document for files for a compensation and have been promulgated present to a flatform for Debtor(s)           X         /s/ Trawick H. Stubbs, Jr. 4221           Printed Name of Attorney for Debtor(s)         File of the motices and information required under 11 U.S.C. § 110(b). setting a maximum fee for services of the motices and information and have been promulgated present to a flatform for the debtor, as required in that section.           Stubbs & Perdue, P.A.         Film Name           PO Box 1654         Printed Name and title, if any, of 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.)           252-633-2700         Telephone Number           November 14, 2011         Address           Signature of Debtor (Corporation/Partnership)         Address           I declare under penalty of perjury that the information provided in this peritor is the additional sheets section.         Signature of Authorized Individual           Joel Tomaselli         Signature of Authorized Individual         Signature of Authorized Individual           Joel Tomaselli         Signature of Authorized Individual         Signature of Authorized Individual      <		
Signature of Attorney*         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)         Trawick H. Stubbs, Jr. 4221         Printed Name of Attorney for Debtor(s)         Signature of Attorney for Debtor(s)         Signature of Normey for Debtor (Corporation/Partnership)         Norme	Date	I declare under penalty of perjury that: (1) I am a bankruptcy petition
Signature of Autority         X       /// Trawick H. Stubbs, Jr.         Signature of Atomey for Debtor(s)         Trawick H. Stubbs, Jr. 4221         Printed Name of Atomey for Debtor(s)         Stignature of Atomey for Debtor(s)         Stubbs & Perdue, P.A.         Firm Name         PO Box 1654         New Bern, NC 28563         Address         Z52-633-2700         Telephone Number         November 14, 2011         Date         *In a case in which § 707(b/3/D) applies, this signature also constitutes a critification that the atomey has no knowledge after an inquiry that the information provided in this petition is in eardored.         Vietaber of Autorized Individual         Joel Tomaselli         Signature of Autorized Individual         Member/Manager         Member/Manager         Member/Manager         Member/Manager         Index and the atomey has no knowledge after an inquiry that the information provided in this petition is nearborized Individual         Joel Tomaselli         Signature of Authorized Individual         Joel Tomaselli         Signature of Authorized Individual         Joel Tomaselli         November 14, 2011           Date		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
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         Z52-633-2700         Telephone Number         November 14, 2011         Date         Signature of Debtor (Corporation/Partnership)         I debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.         X       ////////////////////////////////////		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
Printed Name of Attorney for Debtor(s)       Official Form 19 is attached.         Stubbs & Perdue, P.A.       Printed Name         Firm Name       PO Box 1654         New Bern, NC 28563       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.)         252-633-2700       Telephone Number         November 14, 2011       Address         Signature of Debtor (Corporation/Partnership)       Address         I declare under penalty of perjury that the information provided in this petition since and correct, and that 1 have been authorized to file this petition on behalf of the debtor.       Signature of Bankruptcy Petition Preparer or officer, principal, responsible         X       //// Signature of Authorized Individual       Signature of Authorized Individual         Joel Tomaselli       Signature of Authorized Individual       If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.         X       /// Joel Tomaselli       If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.         X       /// Joel Tomaselli       If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.         Y       // Joel Tomaselli	Trawick H. Stubbs . Ir. 4221	debtor or accepting any fee from the debtor, as required in that section.
Stubbs & Perdue, P.A.         Firm Name         PO Box 1654         New Bern, NC 28563         Address         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         Z52-633-2700         Telephone Number         November 14, 2011         Date         ** a case in which \$ 707(b)(4)(D) applies, this signature also constitutes a certification that th atrove 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 1 have been authorized to file this petition on behalf of the debtor.         The debtor requests relief in accordance with the chapter of tile 11, United States Code, specified in this petition.         X       // Joel Tomaselli         Signature of Authorized Individual       If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.         A dubrized Individual       Member/Manager         Printed Name of Authorized Individual       If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.         A		Official Form 19 is attached.
Firm Name       PO Box 1654         New Bern, NC 28563       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.)         Z52-633-2700       Address         Z52-633-2700       Address         November 14, 2011       Address         Date       Address         *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.       Address         Signature of Debtor (Corporation/Partnership)       I declare under penalty of perjury that the information provided in this petition.       Date         Signature of Authorized Individual       Joel Tomaselli       Signature of Authorized Individual         Member/Manager       If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.         Abmkraptcy periation provided Individual       Abmkraptcy periation preparer's finiture to comply with the provisions of tile 11 ond the Federal Rules of Bankruptcy Precedure may result in fines or imprisonment or bash 11 U.S.C. §110, 18 U.S.C. §156.		
PO Box 1654         New Bern, NC 28563         Address         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.)         252-633-2700         Telephone Number         November 14, 2011         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 the add 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         Jolel Tomaselli         Printed Name of Authorized Individual         Member/Manager         Thitle of Authorized Individual         November 14, 2011    If and the federal fudue of Bankruptcy Percedure may result in fines or imprisonment or both 11 U.S.C. §110, 18 U.S.C. §156.		Printed Name and title, if any, of Bankruptcy Petition Preparer
Telephone Number         November 14, 2011         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 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       /s/ Joel Tomaselli         Signature of Authorized Individual         Joel Tomaselli         Printed Name of Authorized Individual         Member/Manager         Title of Authorized Individual         November 14, 2011	PO Box 1654 New Bern, NC 28563	an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition
Telephone Number         November 14, 2011         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       /s/ Joel Tomaselli         Signature of Authorized Individual         Joel Tomaselli         Printed Name of Authorized Individual         Member/Manager         Title of Authorized Individual         November 14, 2011		
November 14, 2011       Address         Date       Address         *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.       Address         Signature of Debtor (Corporation/Partnership)       Ideclare 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.       Signature of Bankruptcy Petition Preparer or officer, principal, responsible person.or partner whose Social Security number is provided above.         The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.       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:         Joel Tomaselli       If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.         Member/Manager       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.	252-633-2700	
Date       Address         *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.       X         Signature of Debtor (Corporation/Partnership)       I declare under penalty of perjury that the information provided in this petition on behalf of the debtor.       Date         The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.       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:         X       /s/ Joel Tomaselli         Finite Name of Authorized 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.	Telephone Number	
Date       Address         *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.       X         Signature of Debtor (Corporation/Partnership)       I declare under penalty of perjury that the information provided in this petition on behalf of the debtor.       Date         The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.       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:         V       //s/ Joel Tomaselli         Signature of Authorized 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. §116; 18 U.S.C. §156.	November 14, 2011	
<ul> <li>*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.</li> <li>Signature of Debtor (Corporation/Partnership)         <ul> <li>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.</li> <li>The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</li> <li>X /s/ Joel Tomaselli</li> <li>Signature of Authorized Individual</li> <li>Member/Manager</li> <li>Title of Authorized Individual</li> <li>Member/Manager</li> <li>Title of Authorized Individual</li> <li>November 14, 2011</li> </ul> </li> </ul>		Address
Signature of Debtor (Corporation/Partnership)I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.X/s/ Joel TomaselliSignature of Authorized IndividualJoel TomaselliPrinted Name of Authorized IndividualMember/ManagerTitle of Authorized IndividualNovember 14, 2011	*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	X
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:X/s/ Joel TomaselliSignature of Authorized Individual Joel TomaselliPrinted Name of Authorized Individual Member/ManagerMember/Manager Title of Authorized Individual November 14, 2011	Signature of Debtor (Corneration/Dertnership)	Date
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.       not an individual:         X       /s/ Joel Tomaselli         Signature of Authorized Individual       Joel Tomaselli         Printed Name of Authorized Individual       If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.         Member/Manager       A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.	I 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	person, or partner whose Social Security number is provided above. Names and Social-Security numbers of all other individuals who prepared or
Signature of Authorized Individual         Joel Tomaselli         Printed Name of Authorized Individual         Member/Manager         Title of Authorized Individual         November 14, 2011		
Signature of Authorized Individual         Joel Tomaselli         Printed Name of Authorized Individual         Member/Manager         Title of Authorized Individual         November 14, 2011		
Printed Name of Authorized Individualconforming to the appropriate official form for each person.Member/ManagerA 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.		
Printed Name of Authorized Individualconforming to the appropriate official form for each person.Member/ManagerA 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.	Joel Tomaselli	If more than one person prepared this document, attach additional sheets
Member/ManagerTitle of Authorized Individual November 14, 2011A 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.		
Title of Authorized Individualtitle 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.November 14, 2011		A hankrunter notition prenarer's failure to comply with the provisions of
November 14, 2011       fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.		
Date		
	Date	

B4 (Official Form 4) (12/07)

United States Bankruptcy Court Eastern District of North Carolina - Raleigh Division

Debtor(s)

Case No.	
Chapter	11

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

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

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
Murchison, Taylor & Gibson Attn: Managing Agent 16 N. 5th Ave Wilmington, NC 28401	Murchison, Taylor & Gibson Attn: Managing Agent 16 N. 5th Ave Wilmington, NC 28401			4,196.00
Paramount Engineering Attn: Managing Agent 5911 Oleander Drive, Ste 201 Wilmington, NC 28403	Paramount Engineering Attn: Managing Agent 5911 Oleander Drive, Ste 201 Wilmington, NC 28403			2,035.00
Myrick Appraisal Co Inc Attn: Managing Agent PO Box 12738 Wilmington, NC 28405	Myrick Appraisal Co Inc Attn: Managing Agent PO Box 12738 Wilmington, NC 28405			1,500.00
New Hanover Co Tax Coll Attn: Managing Agent PO Box 18000 Wilmington, NC 28406	New Hanover Co Tax Coll Attn: Managing Agent PO Box 18000 Wilmington, NC 28406			1,337.14
Mihaly Land Design Attn: Manager or Agent 5725 Oleander Dr, Ste A7 Wilmington, NC 28403-4749	Mihaly Land Design Attn: Manager or Agent 5725 Oleander Dr, Ste A7 Wilmington, NC 28403-4749			1,170.00

Case 11-08676-8-SWH Doc 1 Filed 11/14/11 Entered 11/14/11 08:58:55 Page 5 of 32

B4 (Official Form 4) (12/07) - Cont. In re Swartville, LLC

Debtor(s)

Case No.

# LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(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]

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

I, the Member/Manager of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date November 14, 2011

Signature /s/ Joel Tomaselli

Joel Tomaselli Member/Manager

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. B6 Summary (Official Form 6 - Summary) (12/07)

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

In re

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Swartville, LLC

Debtor

Chapter\_\_\_\_\_11

# SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	1,933,351.20		
B - Personal Property	Yes	3	52.45		
C - Property Claimed as Exempt	Yes	3			
D - Creditors Holding Secured Claims	Yes	1		1,624,530.23	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	2		1,337.14	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	3		811,404.74	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	No	0			N/A
J - Current Expenditures of Individual Debtor(s)	No	0			N/A
Total Number of Sheets of ALL Schedu	ıles	15			
	Te	otal Assets	1,933,403.65		
			Total Liabilities	2,437,272.11	

Form 6 - Statistical Summary (12/07)

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

In re

.

Swartville, LLC

Debtor

Case No.

Chapter 11

## STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C.§ 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

□ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

### This information is for statistical purposes only under 28 U.S.C. § 159.

## Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	
Student Loan Obligations (from Schedule F)	
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	
TOTAL	

### State the following:

Average Income (from Schedule I, Line 16)	
Average Expenses (from Schedule J, Line 18)	
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	

#### State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column	
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	
<ol> <li>Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column</li> </ol>	
4. Total from Schedule F	
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)	

B6A (Official Form 6A) (12/07)

In re

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Swartville, LLC

Case No.

## Debtor

# **SCHEDULE A - REAL PROPERTY**

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
317 Crowatan Rd, Castle Hayne, NC consisting of 89.98 acres (vacant)		-	1,800,000.00	1,624,530.23
3220 Castle Hayne Rd, Castle Hayne, NC consisting of 3.29 acres (vacant)		-	133,351.20	0.00

Sub-Total >	1,933,351.20	(Total of this page)
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Total > 1,933,351.20

(Report also on Summary of Schedules)

B6B (Official Form 6B) (12/07)

In re

Swartville, LLC

Case No.

Debtor

# **SCHEDULE B - PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

# Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply 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 and Fed. R. Bankr. P. 1007(m).

	Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1.	Cash on hand	Х			
2.	Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.	C V	Checking Account ending in 3624, located at TD Bank, Vilmington, NC	-	52.45
3.	Security deposits with public utilities, telephone companies, landlords, and others.	Х			
4.	Household goods and furnishings, including audio, video, and computer equipment.	Х			
5.	Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	Х			
6.	Wearing apparel.	Х			
7.	Furs and jewelry.	Х			
8.	Firearms and sports, photographic, and other hobby equipment.	Х			
9.	Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	Х			
10.	Annuities. Itemize and name each issuer.	Х			

52.45

2 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re

Swartville, LLC

Case No.

# **SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

Debtor

	Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11.	Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	Х			
12.	Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	Х			
13.	Stock and interests in incorporated and unincorporated businesses. Itemize.	Х			
14.	Interests in partnerships or joint ventures. Itemize.	Х			
15.	Government and corporate bonds and other negotiable and nonnegotiable instruments.	Х			
16.	Accounts receivable.	Х			
17.	Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	Х			
18.	Other liquidated debts owed to debtor including tax refunds. Give particulars.	Х			
19.	Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	Х			
20.	Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	Х			
21.	Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			

Sheet 1 of 2 continuation sheets attached to the Schedule of Personal Property

0.00

Sub-Total >

(Total of this page)

B6B (Official Form 6B) (12/07) - Cont.

In re

Swartville, LLC

Debtor

Case No.

# **SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

	Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
22.	Patents, copyrights, and other intellectual property. Give particulars.	х			
23.	Licenses, franchises, and other general intangibles. Give particulars.	х			
24.	Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25.	Automobiles, trucks, trailers, and other vehicles and accessories.	Х			
26.	Boats, motors, and accessories.	Х			
27.	Aircraft and accessories.	Х			
28.	Office equipment, furnishings, and supplies.	Х			
29.	Machinery, fixtures, equipment, and supplies used in business.	Х			
30.	Inventory.	Х			
31.	Animals.	Х			
32.	Crops - growing or harvested. Give particulars.	Х			
33.	Farming equipment and implements.	Х			
34.	Farm supplies, chemicals, and feed.	Х			
35.	Other personal property of any kind not already listed. Itemize.	х			

(Report also on Summary of Schedules)

B6D (Official Form 6D) (12/07)

In re

Swartville, LLC

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

# **SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

Debtor

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

other security interests. List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, 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 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided. If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community". If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.) Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data. Check this box if debtor has no creditors holding secured claims to report on this Schedule D. Check this box if debtor has no creditors holding secured claims to report on this Schedule D. 

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.) Account No. Creditor #: 1 TD Bank Attn: Agent or Officer PO Box 5600	CODШB⊢OR	L C H M	sband, Wife, Joint, or Community DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN 9/19/2007 Deed of Trust 317 Crowatan Rd, Castle Hayne, NC		Q	1 1 1	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Lewiston, ME 04243	х	-	consisting of 89.98 acres (vacant) Value \$ 1,800,000.00				1,624,530.23	0.00
Account No.	-						1,024,330.23	0.00
Account No.	-		Value \$	+				
			Value \$					
Account No.	-		Value \$	_				
continuation sheets attached			S (Total of t	Subt this j			1,624,530.23	0.00
			(Report on Summary of So		Fot dul		1,624,530.23	0.00

B6E (Official Form 6E) (4/10)

In re

Swartville, LLC

Case No.

# SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

Debtor

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, 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 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts <u>not</u> entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

#### □ Domestic support obligations

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

#### **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

#### □ Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$11,725\* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

#### **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

#### □ Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$5,775\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

#### Deposits by individuals

Claims of individuals up to \$2,600\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

#### Taxes and certain other debts owed to governmental units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

#### Commitments to maintain the capital of an insured depository institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).

#### □ Claims for death or personal injury while debtor was intoxicated

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. 507(a)(10).

\* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

B6E (Official Form 6E) (4/10) - Cont.

In re

Swartville, LLC

Debtor

Case No.

# **SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**

(Continuation Sheet)

Taxes and Certain Other Debts Owed to Governmental Units

							TYPE OF PRIORITY	7
CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	вI	Hus H W J C	sband, Wife, Joint, or Community DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGEN		E	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY AMOUNT ENTITLED TO PRIORITY
Account No. Creditor #: 1 New Hanover Co Tax Coll Attn: Managing Agent PO Box 18000 Wilmington, NC 28406		-		T	DATED			0.00
Account No.							1,337.14	1,337.14
Account No.								
Account No.								
Account No.								
Sheet $1$ of $1$ continuation sheets attach Schedule of Creditors Holding Unsecured Priorit					pag	ge)	1,337.14	0.00
			(Report on Summary of Sc		`ota lule		1,337.14	0.00 1,337.14

B6F (Official Form 6F) (12/07)

In re

Swartville, LLC

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

# SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

Debtor

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, 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 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

□ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	СОДШВТОК	H H U C	CONSIDERATION FOR CLAIM. IF CLAIM	CONT INGEN	QU	D I S P U T E D	AMOUNT OF CLAIM
Account No. Creditor #: 1 BMS Properties Attn: Manager or Agent 290 Gooseneck Rd Rocky Point, NC 28457		-	Commissions due	T			169,889.68
Account No. Creditor #: 2 Glenn Garrett PO Box 15630 Wilmington, NC 28408		-	Loans				131,450.94
Account No. Creditor #: 3 Mihaly Land Design Attn: Manager or Agent 5725 Oleander Dr, Ste A7 Wilmington, NC 28403-4749		-					1,170.00
Account No. Creditor #: 4 Murchison, Taylor & Gibson Attn: Managing Agent 16 N. 5th Ave Wilmington, NC 28401		-					4,196.00
continuation sheets attached		1	(Total of	Sub this			306,706.62

In re

Swartville, LLC

Debtor

## **SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS** (Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Hı H J C	ISBAND, Wife, Joint, or Community DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.		CONFINGEN		D I S P UT E D	AMOUNT OF CLAIM
Account No.					т	D A T E D		
Creditor #: 5 Myrick Appraisal Co Inc Attn: Managing Agent PO Box 12738 Wilmington, NC 28405		-		-		D		1,500.00
Account No.								
Creditor #: 6 Paramount Engineering Attn: Managing Agent 5911 Oleander Drive, Ste 201 Wilmington, NC 28403		-						2,035.00
Account No.		┢						
Creditor #: 7 Retention Pond Services Attn: Managing Agent PO Box 15630 Wilmington, NC 28408		-						73,345.00
Account No.	_	┢	Loans		-		$\vdash$	
Creditor #: 8 Garry Silivanch 290 Gooseneck Rd Rocky Point, NC 28457		-						44,657.00
Account No.	-	┝	Loans				$\vdash$	, -
Creditor #: 9 Joel Tomaselli 1900 Eastwood Rd, Ste 10 Wilmington, NC 28403		-						261,061.12
Sheet no. <u>1</u> of <u>2</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims		1	I (Total		ıbt is p			382,598.12

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

B6F (Official Form 6F) (12/07) - Cont.

In re

Swartville, LLC

Debtor

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

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS (Continuation Sheet)

		_			-	-	İ
	CODEBTOR	Hi H J C	CONSIDERATION FOR CLAIM. IF CLAIM	COZ⊢_ZGШZ	UNL QU DA	D I S P U T E D	AMOUNT OF CLAIM
Account No.				Т	E		
Creditor #: 10 Wetlands & Woodlands Attn: Manager or Agent PO Box 15649 Wilmington, NC 28408		-			D		122,100.00
Account No.					┢		
Account No.					┢		
Account No.							
Account No.							
Sheet no. 2 of 2 sheets attached to Schedule of		-	1	Sub	tota	ıl	400 400 00
Creditors Holding Unsecured Nonpriority Claims			(Total of	this	pag	ge)	122,100.00
			(Report on Summary of S		Fota dule		811,404.74

B6G (Official Form 6G) (12/07)

In re

.

Swartville, LLC

Case No.

# SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Debtor

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, 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 and Fed. R. Bankr. P. 1007(m).

Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract. B6H (Official Form 6H) (12/07)

In re

Swartville, LLC

Case No.

### Debtor

# **SCHEDULE H - CODEBTORS**

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, 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 and Fed. R. Bankr. P. 1007(m).

□ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR NAME AND ADDRESS OF CREDITOR **Glenn Garrett** TD Bank PO Box 15630 Attn: Agent or Officer Wilmington, NC 28408 PO Box 5600 Lewiston, ME 04243 Garry Silivanch TD Bank 290 Gooseneck Rd Attn: Agent or Officer Rocky Point, NC 28457 PO Box 5600 Lewiston, ME 04243 Joel Tomaselli TD Bank 1900 Eastwood Rd, Ste 10 Attn: Agent or Officer Wilmington, NC 28403 PO Box 5600 Lewiston, ME 04243

Case 11-08676-8-SWH Doc 1 Filed 11/14/11 Entered 11/14/11 08:58:55 Page 20 of 32

B6 Declaration (Official Form 6 - Declaration). (12/07)

United States Bankruptcy Court Eastern District of North Carolina - Raleigh Division

In re Swartville, LLC

Debtor(s)

Case No. Chapter

11

## DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Member/Manager of the corporation named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 17 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date November 14, 2011

Signature /s/ Joel Tomaselli

Joel Tomaselli Member/Manager

*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.

B7 (Official Form 7) (04/10)

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

In re Swartville, LLC

Debtor(s)

Case No. Chapter

11

## STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. To indicate payments, transfers and the like to minor children, 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).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

### DEFINITIONS

*"In business."* A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

*"Insider."* The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

### 1. Income from employment or operation of business

None State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

SOURCE 2011 YTD Income
2010 Income
2009 Income

## 2. Income other than from employment or operation of business

SOURCE

None State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

#### 3. Payments to creditors

None Complete a. or b., as appropriate, and c.

a. *Individual or joint debtor(s) with primarily consumer debts.* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS	DATES OF		AMOUNT STILL
OF CREDITOR	PAYMENTS	AMOUNT PAID	OWING

None b. Debtor whose debts are not primarily consumer debts: List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$5,850<sup>\*</sup>. If the debtor is an individual, indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

		AMOUNT	
	DATES OF	PAID OR	
	PAYMENTS/	VALUE OF	AMOUNT STILL
NAME AND ADDRESS OF CREDITOR	TRANSFERS	TRANSFERS	OWING

AMOUNT

None c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

	ND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAY	MENT AMOUN	AMOUNT STILL T PAID OWING
	4. Suits and administrative proceedings,	executions, garnishme	ts and attachments	
None	a. List all suits and administrative proceedi this bankruptcy case. (Married debtors filin whether or not a joint petition is filed, unle	g under chapter 12 or ch	apter 13 must include information	concerning either or both spouses
CAPTION	N OF SUIT	NATURE OF	COURT OR AGENCY	STATUS OR

AND CAS	SE NUMBER	PROCEEDING	AND LOCATION	DISPOSITION
None	b. Describe all property that has been attached,	garnished or seized un	der any legal or equitable pro	cess within <b>one year</b> immediately

Describe an property that has been attached, gammined of seried under any regar of equivable process within one year minimulatory process within one year within one year within one year minimulatory process within one year within one year minimulatory process within one year withi

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY	
5. Repossessions, foreclosures and returns			

None List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

	DATE OF REPOSSESSION,	DESCRIPTION AND VALUE OF
NAME AND ADDRESS OF	FORECLOSURE SALE,	DESCRIPTION AND VALUE OF
CREDITOR OR SELLER		PROPERTY

\* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

3

	6. Assignments and receiverships				
None	u. Describe any assignment of property for the benefit of creations made within 120 days initial and proceeding the commencement of				
NAME A	NAME AND ADDRESS OF ASSIGNEEDATE OFNAME AND ADDRESS OF ASSIGNEEASSIGNMENTTERMS OF ASSIGNMENT OR SETTLEMENT				
None	preceding the commencement of the	in the hands of a custodian, receiver, his case. (Married debtors filing under whether or not a joint petition is filed,	chapter 12 or chapter 13	must include information concerning	
	AND ADDRESS USTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY	
	7. Gifts				
None	and usual gifts to family members aggregating less than \$100 per rec either or both spouses whether or	tions made within <b>one year</b> immediate aggregating less than \$200 in value pe ipient. (Married debtors filing under c not a joint petition is filed, unless the s	er individual family mem hapter 12 or chapter 13 r	ber and charitable contributions nust include gifts or contributions by a joint petition is not filed.)	
	E AND ADDRESS OF I OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT	
	8. Losses				
None				ist include losses by either or both	
	PTION AND VALUE PROPERTY	LOSS WAS COVI	OF CIRCUMSTANCES A ERED IN WHOLE OR I NCE, GIVE PARTICULA	N PART	
	9. Payments related to debt cour	nseling or bankruptcy			
None	List an payments made of property transferred by of on benan of the debtor to any persons, merading attorneys, for consultation				
	AND ADDRESS PAYEE	DATE OF PAYM NAME OF PAYOR II THAN DEBTO	FOTHER	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY	
310 Cra PO Box	& Perdue, P.A. ven Street 1654 rn, NC 28563-1654	*See additional infor			
310 Cra PO Box	& Perdue, P.A. ven Street 1654 rn, NC 28563-1654	10/05/2011, Joel To 11/02/2011, Joel To		\$1,700.00 \$8,700.00	
Stubbs & Perdue, P.A.       10/05/2011, Garry Silivanch       \$1,700.00         310 Craven Street       11/03/2011, Garry Silivanch       \$8,682.00         PO Box 1654       New Bern, NC 28563-1654					

NAME AND ADDRESS OF PAYEE Stubbs & Perdue, P.A. 310 Craven Street PO Box 1654 New Bern, NC 28563-1654

None

DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR 10/05/2011, Glenn Garrett 11/03/2011, Glenn Garrett AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY \$1,700.00 \$8,700.00

4

### 10. Other transfers

None a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR

 LATIONSHIP TO DEBTOR
 DATE
 AND VALUE RECEIVED

 b. List all property transferred by the debtor within ten years immediately preceding the commencement of this case to a self-settled

DESCRIBE PROPERTY TRANSFERRED

trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY
----------------------------------	---------------------------	---

## 11. Closed financial accounts

None List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION		TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING	
<ul> <li>12. Safe deposit boxes</li> <li>None</li> <li>List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or classes)</li> </ul>				

List each sale deposit of other box of depository in which the debtor has of had securities, cash, of other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
---	---	----------------------------	--

## 13. Setoffs

ľ

None List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	 AMOUNT OF SETOFF
14. Property held for another person	

None List all property owned by another person that the debtor holds or controls.

	15. Prior address of debte	or		
None		hin <b>three years</b> immediately preceding the c and vacated prior to the commencement of		
ADDRE	SS	NAME USED		DATES OF OCCUPANCY
	16. Spouses and Former S	pouses		
None	If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within <b>eight years</b> immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.			
NAME				
	17. Environmental Inform	ation.		
	For the purpose of this que	stion, the following definitions apply:		
	"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.			
		ion, facility, or property as defined under an the debtor, including, but not limited to, disp		ther or not presently or formerly
		means anything defined as a hazardous wast ant or similar term under an Environmental l		ic substance, hazardous material,
None		s of every site for which the debtor has recei or in violation of an Environmental Law. Ind		
SITE NA	ME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
None		s of every site for which the debtor provided rnmental unit to which the notice was sent ar		nit of a release of Hazardous
	ME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
SITE NA	IVIE AND ADDRESS			
SITE NA None ■	c. List all judicial or admin	istrative proceedings, including settlements of Indicate the name and address of the govern		

5

#### 18. Nature, location and name of business

None a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

*If the debtor is a partnership*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within **six years** immediately preceding the commencement of this case.

*If the debtor is a corporation*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

LAST FOUR DIGITS OF SOCIAL-SECURITY OR OTHER INDIVIDUAL TAXPAYER-I.D. NO. NAME (ITIN)/ COMPLETE EIN ADDRESS

NATURE OF BUSINESS

BEGINNING AND ENDING DATES

None b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME

ADDRESS

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor, or self-employed in a trade, profession, or other activity, either full- or part-time.

(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)

#### 19. Books, records and financial statements

None  $\square$  a. List all bookkeepers and accountants who within **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS Meryl Felds 1900 Eastwood Rd, Ste 10 Wilmington, NC 28403 DATES SERVICES RENDERED September, 2007 - present

None b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME Williford High & Co. ADDRESS 3408 Wilshire Blvd Wilmington, NC 28403 DATES SERVICES RENDERED September, 2007 - present

None c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME Meryl Felds ADDRESS 1900 Eastwood Rd, Ste 10 Wilmington, NC 28403

None d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within **two years** immediately preceding the commencement of this case.

NAME AND ADDRESS TD Bank Attn: Agent or Officer PO Box 5600 Lewiston, ME 04243 DATE ISSUED Annually, 2008-2011

	20. Inventories			
None		ast two inventories taken of your property, the nd basis of each inventory.	e name of the person who supervised the taking of each inventory,	
DATE O	F INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)	
None	b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.			
DATE O	F INVENTORY	NAME A RECORD	ND ADDRESSES OF CUSTODIAN OF INVENTORY S	
	21 . Current Partners,	Officers, Directors and Shareholders		
None	a. If the debtor is a part	nership, list the nature and percentage of part	nership interest of each member of the partnership.	
NAME A	ND ADDRESS	NATURE OF INTE	PERCENTAGE OF INTEREST	
None		poration, list all officers and directors of the c cent or more of the voting or equity securities	orporation, and each stockholder who directly or indirectly owns, s of the corporation.	
NAME A	ND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP	
	naselli stwood Rd, Ste 10 ton, NC 28403	Member	20.8333%	
Glenn G PO Box Wilming		Member	58.332%	
	livanch seneck Rd oint, NC 28457	Member	20.833%	
	22 . Former partners,	officers, directors and shareholders		
None	a. If the debtor is a part commencement of this		n the partnership within <b>one year</b> immediately preceding the	
NAME		ADDRESS	DATE OF WITHDRAWAL	
None		poration, list all officers, or directors whose re- the commencement of this case.	elationship with the corporation terminated within <b>one year</b>	
NAME A	ND ADDRESS	TITLE	DATE OF TERMINATION	

7

### 23. Withdrawals from a partnership or distributions by a corporation



If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR

DATE AND PURPOSE OF WITHDRAWAL AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY

## 24. Tax Consolidation Group.

None If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

#### NAME OF PARENT CORPORATION

TAXPAYER IDENTIFICATION NUMBER (EIN)

## 25. Pension Funds.

None If the debtor is not an individual, list the name and federal taxpayer-identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

NAME OF PENSION FUND

TAXPAYER IDENTIFICATION NUMBER (EIN)

### 9

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

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information and belief.

Date November 14, 2011

Signature /s/ Joel Tomaselli

Joel Tomaselli Member/Manager

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

Penalty for making a false statement: 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 - Raleigh Division

Swartville, LLC

Debtor

Chapter 11

# LIST OF EQUITY SECURITY HOLDERS

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

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest	
Glenn Garrett PO Box 15630 Wilmington, NC 28408		58.332%		
Garry Silivanch 290 Gooseneck Rd Rocky Point, NC 28457		20.833%		
Joel Tomaselli 1900 Eastwood Rd, Ste 10 Wilmington, NC 28403		20.833%		

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

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

Date November 14, 2011

Signature /s/ Joel Tomaselli

Joel Tomaselli Member/Manager

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 - Raleigh Division

In re Swartville, LLC

VERIFICATION OF CREDITOR MATRIX

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

Date: November 14, 2011

/s/ Joel Tomaselli

Joel Tomaselli/Member/Manager Signer/Title Case No. Chapter 11

Debtor(s)

\_\_\_\_\_

SWARTVILLE, LLC 1900 EASTWOOD RD, STE 10 WILMINGTON, NC 28403

SECRETARY OF TREASURY ATTN: MANAGING AGENT 1500 PENNSYLVANIA AVE NW WASHINGTON, DC 20220

INTERNAL REVENUE SERVICE ATTN: MANAGING AGENT PO BOX 7346 PHILADELPHIA, PA 19101-7346

DOUGLAS R. GHIDINA MOORE & VAN ALLEN, PLLC 100 N. TRYON ST, F147 CHARLOTTE, NC 28202

MURCHISON, TAYLOR & GIBSON ATTN: MANAGING AGENT 16 N. 5TH AVE WILMINGTON, NC 28401

PARAMOUNT ENGINEERING ATTN: MANAGING AGENT 5911 OLEANDER DRIVE, STE 201 WILMINGTON, NC 28403

TD BANK ATTN: AGENT OR OFFICER PO BOX 5600 LEWISTON, ME 04243 TRAWICK H. STUBBS, JR. STUBBS & PERDUE, P.A. PO BOX 1654 NEW BERN, NC 28563

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

GLENN GARRETT PO BOX 15630 WILMINGTON, NC 28408

MYRICK APPRAISAL CO INC ATTN: MANAGING AGENT PO BOX 12738 WILMINGTON, NC 28405

RETENTION POND SERVICES ATTN: MANAGING AGENT PO BOX 15630 WILMINGTON, NC 28408

JOEL TOMASELLI 1900 EASTWOOD RD, STE 10 WILMINGTON, NC 28403 BRANCH OF REORGANIZATION ATTN: MANAGING AGENT 3475 LENOX ROAD NE #1000 ATLANTA, GA 30326

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

BMS PROPERTIES ATTN: MANAGER OR AGENT 290 GOOSENECK RD ROCKY POINT, NC 28457

MIHALY LAND DESIGN ATTN: MANAGER OR AGENT 5725 OLEANDER DR, STE A7 WILMINGTON, NC 28403-4749

NEW HANOVER CO TAX COLL ATTN: MANAGING AGENT PO BOX 18000 WILMINGTON, NC 28406

GARRY SILIVANCH 290 GOOSENECK RD ROCKY POINT, NC 28457

WETLANDS & WOODLANDS ATTN: MANAGER OR AGENT PO BOX 15649 WILMINGTON, NC 28408