			United   Eastern		Banki						Voluntary	Petition
	ebtor (if ind odwell T		er Last, First,	Middle):			Name	of Joint De	ebtor (Spouse	) (Last, First	, Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):					All O	ther Names de married,	used by the J maiden, and	oint Debtor trade names	in the last 8 years ):			
Last four dig (if more than one 20-1675	e, state all)	Sec. or Indi	vidual-Taxpa	yer I.D. (	ITIN) No./0	Complete E	IN Last f	our digits of than one, state	f Soc. Sec. or	Individual-T	Гахрауег I.D. (ITIN) N	o./Complete EIN
	Cary Pa		Street, City, a	and State)	:		Street	Address of	Joint Debtor	(No. and Str	reet, City, and State):	
Jan. 3, 111					Г	ZIP Code <b>27513</b>	;					ZIP Code
-	esidence or	of the Prin	cipal Place of	Business		21313	Count	y of Reside	ence or of the	Principal Pla	ace of Business:	
Wake	trace of Dal	htor (if diffo	rent from stre	ot addrag	20):		Mailie	na Addraec	of Joint Debt	or (if differen	nt from street address):	
Mannig Auc	itess of Dei	otor (ii uiire	Tent from suc	et addres	58).		Wallin	ig Address	or Joint Deol	or (ir differen	iit from succe address).	
					_	ZIP Code	;					ZIP Code
Location of	Principal A	ssets of Bus	siness Debtor	3(	 61 Davis	Drive, 30	<u> </u> 62 Davis	Drive, 39	00 Davis D	rive		
(if different	from street	address abo	ove):	D	urham, N	IC 27701		·				
(Form		f Debtor	one hov)			of Business	3	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)				ch
See Exhibit D on page 2 of this form.  Corporation (includes LLC and LLP)  Partnership  Other (If debtor is not one of the above entities, check this box and state type of entity below.)			<ul> <li>☐ Health Care Business</li> <li>☐ Single Asset Real Estate as def in 11 U.S.C. § 101 (51B)</li> <li>☐ Railroad</li> <li>☐ Stockbroker</li> <li>☐ Commodity Broker</li> <li>☐ Clearing Bank</li> <li>☐ Other</li> </ul>			s defined	☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt	er 7 er 9 er 11 er 12	☐ Cl of ☐ Cl of	hapter 15 Petition for R a Foreign Main Procee hapter 15 Petition for R a Foreign Nonmain Pr	eding ecognition	
Country of d	-	15 Debtors of main inter	rests:			mpt Entity		Dobto		(Check	x one box)	are primarily
Each country by, regarding				unde	(Check box for is a tax-ex er Title 26 of e (the Interna	the United S	zation tates	defined in 11 U.S.C. § 101(8) as business debts.  "incurred by an individual primarily for				
attach sig	g Fee attache e to be paid in ned application	d n installments on for the cou	heck one box (applicable to art's consideration installments.	individual	ng that the	Check	Debtor is not if: Debtor's agg	a small busin	debtor as definess debtor as on the control of the	defined in 11 U		
			able to chapter art's considerati			BB.	Acceptances	ng filed with of the plan w		repetition from	one or more classes of cr	editors,
	stimates tha	at funds will	ation be available exempt prop					es paid.		THIS	SPACE IS FOR COURT	USE ONLY
	ll be no fun	ds available	for distributi					,				
1- 49	50- 99	100- 199	200-	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated A  So to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	to \$1	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				
Estimated L.  \$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1	\$1,000,001 to \$10	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion			

Case 12-04499-8-RDD Doc 1 Filed 06/18/12 Entered 06/18/12 12:57:30 Page 2 of 8

B1 (Official Form 1)(12/11) Page 2 Name of Debtor(s): Voluntary Petition **Davis-Rodwell TMC LLC** (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Date Filed: Location Where Filed: - None -Date Filed: Location Case Number: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) (Date) Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) ☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

B1 (Official Form 1)(12/11) Page 3

## **Voluntary Petition**

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

## Signatures

## Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

 $\mathbf{X}$ 

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

### Signature of Attorney\*

#### X /s/ William P. Janvier

Signature of Attorney for Debtor(s)

#### William P. Janvier 21136

Printed Name of Attorney for Debtor(s)

#### Janvier Law Firm, PLLC

Firm Name

1101 Haynes Street, Suite 102 Raleigh, NC 27604

Address

## (919) 582-2323 Fax: (866) 809-2379

Telephone Number

## June 18, 2012

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/ Craig M. Davis

Signature of Authorized Individual

#### Craig M. Davis

Printed Name of Authorized Individual

#### Manager

Title of Authorized Individual

#### June 18, 2012

Date

#### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

Name of Debtor(s):

**Davis-Rodwell TMC LLC** 

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

<b>T</b> 2	
Λ	

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

## Signature of Non-Attorney Bankruptcy Petition Preparer

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

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

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

_		
•	~	

Date

Address

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

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

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

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

**B4** (Official Form 4) (12/07)

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

In re	Davis-Rodwell TMC LLC				
		Debtor(s)	Chapter	11	_

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, 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]
Ballentine Associates, PA Attn: Managing Agent 221 Providence Road Chapel Hill, NC 27514	Ballentine Associates, PA Attn: Managing Agent 221 Providence Road Chapel Hill, NC 27514			87,952.39
Bank of America Attn: Managing Agent 421 Fayetteville St Mall, Ste 1706 Raleigh, NC 27601	Bank of America Attn: Managing Agent 421 Fayetteville St Mall, Ste 1706 Raleigh, NC 27601			5,750.00
City of Durham Attn: Managing Agent PO Box 30041 Durham, NC 27702-3041	City of Durham Attn: Managing Agent PO Box 30041 Durham, NC 27702-3041	Utilities		367.00
Cline Design Associates, PA Attn: Managing Agent 125 North Harrington St Raleigh, NC 27603	Cline Design Associates, PA Attn: Managing Agent 125 North Harrington St Raleigh, NC 27603			2,399.42
Craig Davis Properties, Inc. Attn: Managing Agent 940 NW Cary Parkway, Ste 101 Cary, NC 27513	Craig Davis Properties, Inc. Attn: Managing Agent 940 NW Cary Parkway, Ste 101 Cary, NC 27513	Trade debt		33,377.37
Craig M. Davis 940 NW Cary Parkway Suite 101 Cary, NC 27513	Craig M. Davis 940 NW Cary Parkway Suite 101 Cary, NC 27513	Trade debt		739,394.60
Durham Co. Tax Collector Attn: Managing Agent PO Box 30090 Durham, NC 27702	Durham Co. Tax Collector Attn: Managing Agent PO Box 30090 Durham, NC 27702			50,366.86
Frost, PLLC Attn: Managing Agent 425 West Capitol Ave, Ste 3300 Little Rock, AR 72201	Frost, PLLC Attn: Managing Agent 425 West Capitol Ave, Ste 3300 Little Rock, AR 72201			26,994.50

B4 (Offic	rial Form 4) (12/07) - Cont.		
In re	Davis-Rodwell TMC LLC	Case No.	
	Debtor(s)	-	

## 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]
K & L Gates, LLP	K & L Gates, LLP			35,334.74
Attn: Managing Agent	Attn: Managing Agent			
PO Box 402988	PO Box 402988			
Atlanta, GA 30384-2988	Atlanta, GA 30384-2988			
Kennedy Covington Lobdell	Kennedy Covington Lobdell			37,192.58
Attn: Managing Agent	Attn: Managing Agent			
PO Box 402988	PO Box 402988			
Atlanta, GA 30384-2988	Atlanta, GA 30384-2988			04.040.00
Little & Little	Little & Little			21,313.29
Attn: Managing Agent	Attn: Managing Agent			
PO Box 1448	PO Box 1448			
Raleigh, NC 27602	Raleigh, NC 27602			2.062.50
Manning, Fulton & Skinner Attn: Managing Agent	Manning, Fulton & Skinner Attn: Managing Agent			2,062.50
PO Box 20389	PO Box 20389			
Raleigh, NC 27619	Raleigh, NC 27619			
Martin Alexiou Bryson	Martin Alexiou Bryson			11,656.19
Attn: Managing Agent	Attn: Managing Agent			11,000.10
4000 Westchase Blvd, Ste	4000 Westchase Blvd, Ste 530			
530	Raleigh, NC 27607			
Raleigh, NC 27607				
Nichols Law, PA	Nichols Law, PA			14,037.00
Attn: Managing Agent	Attn: Managing Agent			'
16 West Martin St, Ste 701	16 West Martin St, Ste 701			
Raleigh, NC 27601	Raleigh, NC 27601			
Research Tri-Center	Research Tri-Center Associates	Trade debt		23,600.00
Associates	Attn: Managing Agent			
Attn: Managing Agent	940 NW Cary Parkway			
940 NW Cary Parkway	Cary, NC 27513			
Cary, NC 27513				
Roy Rodwell	Roy Rodwell	Trade debt		4,789,022.55
2134 Bay Colony Lane	2134 Bay Colony Lane			
Wilmington, NC 28405-6228	Wilmington, NC 28405-6228			0.202.05
Smith Anderson Blount Dorsett	Smith Anderson Blount Dorsett Attn: Managing Agent			8,383.65
Attn: Managing Agent	PO Box 2611			
PO Box 2611	Raleigh, NC 27602-2611			
Raleigh, NC 27602-2611	Raicigii, NO 27 002 2011			
Tai & Associates, PLLC	Tai & Associates, PLLC			730.00
Attn: Managing Agent	Attn: Managing Agent			
PO Box 90067	PO Box 90067			
Raleigh, NC 27675	Raleigh, NC 27675			
TMC Associates, LLC	TMC Associates, LLC			53,921.13
c/o Roland Gammon	c/o Roland Gammon			
21 Glendwood Ave, Suite	21 Glendwood Ave, Suite 203			
203	Raleigh, NC 27603			
Raleigh, NC 27603				

B4 (Offi	cial Form 4) (12/07) - Cont.		
In re	Davis-Rodwell TMC LLC	Case No.	
	Debtor(s)		

## 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]
Travelers Indemnity Attn: Managing Agent PO Box 660317 Dallas, TX 75266-0317	Travelers Indemnity Attn: Managing Agent PO Box 660317 Dallas, TX 75266-0317			319.00

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

I, the 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	June 18, 2012	Signature	/s/ Craig M. Davis
			Craig M. Davis
			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**

In re	Davis-Rodwell TMC LLC		Case No.	
		Debtor(s)	Chapter	11
	VERIFI	CATION OF CREDITOR M	ATRIX	
I, the M	Sanager of the corporation named as the	e debtor in this case, hereby verify that the a	ttached list of	creditors is true and correct to
the best	t of my knowledge.			
Date:	June 18, 2012	/s/ Craig M. Davis		
		Craig M. Davis/Manager		
		Signer/Title		

Amanda Mann Troutman Sanders 434 Fayetteville St, Suite 1900 Raleigh, NC 27601

Ballentine Associates, PA Attn: Managing Agent 221 Providence Road Chapel Hill, NC 27514

Bank of America Attn: Managing Agent 421 Fayetteville St Mall, Ste 1706 Raleigh, NC 27601

Bland Landscaping Co. Inc Attn: Managing Agent PO Box 727 Apex, NC 27502

City of Durham
Attn: Managing Agent
PO Box 30041
Durham, NC 27702-3041

Cline Design Associates, PA Attn: Managing Agent 125 North Harrington St Raleigh, NC 27603

Craig Davis Properties, Inc. Attn: Managing Agent 940 NW Cary Parkway, Ste 101 Cary, NC 27513

Craig M. Davis 940 NW Cary Parkway Suite 101 Cary, NC 27513

Durham Co. Tax Collector Attn: Managing Agent PO Box 30090 Durham, NC 27702 Frost, PLLC Attn: Managing Agent 425 West Capitol Ave, Ste 3300 Little Rock, AR 72201

Internal Revenue Service Attn: Managing Agent PO Box 7346 Philadelphia, PA 19101-7346

K & L Gates, LLP Attn: Managing Agent PO Box 402988 Atlanta, GA 30384-2988

Kennedy Covington Lobdell Attn: Managing Agent PO Box 402988 Atlanta, GA 30384-2988

Little & Little
Attn: Managing Agent
PO Box 1448
Raleigh, NC 27602

Manning, Fulton & Skinner Attn: Managing Agent PO Box 20389 Raleigh, NC 27619

Martin Alexiou Bryson Attn: Managing Agent 4000 Westchase Blvd, Ste 530 Raleigh, NC 27607

Michael W. Strickland Michael W. Strickland & Associates 2501 Blue Ridge Road, Suite 490 Raleigh, NC 27607

Nichols Law, PA Attn: Managing Agent 16 West Martin St, Ste 701 Raleigh, NC 27601 North Carolina Dept. of Revenue Attn: Managing Agent PO Box 25000 Raleigh, NC 27640-0640

Research Tri-Center Associates Attn: Managing Agent 940 NW Cary Parkway Cary, NC 27513

Roy Rodwell 2134 Bay Colony Lane Wilmington, NC 28405-6228

Smith Anderson Blount Dorsett Attn: Managing Agent PO Box 2611 Raleigh, NC 27602-2611

Tai & Associates, PLLC Attn: Managing Agent PO Box 90067 Raleigh, NC 27675

TMC Associates, LLC c/o Roland Gammon 21 Glendwood Ave, Suite 203 Raleigh, NC 27603

Travelers Indemnity Attn: Managing Agent PO Box 660317 Dallas, TX 75266-0317