BT (Official Fo	M. H. I. I. I. I.		United Easter		Bankı Fict of No						Volu	ntary Petitio	on
Name of Deb Holmes C							Name	of Joint De	ebtor (Spouse	e) (Last, First	, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):							used by the I maiden, and		in the last 8 y):	ears			
Last four digit (if more than one, s 51-052294	state all)	Sec. or Indi	ividual-Taxp	ayer I.D. ((ITIN) No./0	Complete E	Last fo	our digits o	f Soc. Sec. or	r Individual-	Гахрауег I.D.	(ITIN) No./Complet	e EIN
Street Address 2999 Bov Shallotte,	s of Debto rerie St.	r (No. and	Street, City,	and State)): 	ZIP Code		Address of	Joint Debtor	r (No. and Str	reet, City, and	State): ZIP C	Code
County of Res	sidence or	of the Princ	cipal Place o	f Busines:		28470	Count	v of Reside	ence or of the	Principal Pla	ace of Busine	ss:	
Brunswic Mailing Addre PO Box 1 Shallotte,	ess of Deb 216		•		ss):	ZIP Code 28459	Mailir			•	nt from street		Code
Location of Pr (if different fro	rincipal As om street a	ssets of Bus address abo	siness Debto ove):	r В	runswick		w Hanov	er Count	ties				
☐ Individual See Exhibit ☐ Corporatio ☐ Partnershi ☐ Other (If do	Organizati (includes D on page on (include p ebtor is not	2 of this form es LLC and	ors) n. LLP) bove entities,	Sing in 1 Rail Stoo	(Check lth Care Bu gle Asset Re 1 U.S.C. §	eal Estate as 101 (51B)		☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt	er 7 er 9 er 11 er 12	Petition is Fi □ Cl of □ Cl	a Foreign Ma hapter 15 Peti		
Country of deb Each country ir by, regarding, o	otor's center	oreign procee	rests:	Debt	er Tax-Exe	the United S	e) zation tates	defined "incurr	are primarily co l in 11 U.S.C. { ed by an indivi onal, family, or	(Checlonsumer debts, § 101(8) as idual primarily	for	Debts are primaril business debts.	ly
debtor is un Form 3A.	Fee attached to be paid in ad application able to pay waiver reque	installments on for the cou fee except in	urt's considerate in installments.	individual ion certifyi Rule 1006(7 individu	ing that the (b). See Office als only). Mu	Check Check Check BB.	Debtor is not if: Debtor's agg- are less than all applicable A plan is bein Acceptances	a small busing regate nonco \$2,343,300 (each boxes: ag filed with of the plan w	debtor as definess debtor as on the debtor as on the debtor as on the debtor as on the debtor as	defined in 11 Usated debts (except to adjustment) repetition from	C. § 101(51D). U.S.C. § 101(51 cluding debts ov t on 4/01/13 and	D). wed to insiders or affiliate of the every three years there the every three years three yea	
Statistical/Ad Debtor est Debtor est there will l	imates tha	t funds will t, after any	l be available	erty is ex	cluded and	administrat		es paid,		THIS	S SPACE IS FO	R COURT USE ONLY	;
Estimated Nur 1- 49	mber of C 50- 99	reditors 100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000				
Estimated Ass \$0 to \$50,000	sets \$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion					
Estimated Lial \$0 to \$50,000	bilities \$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion					

Case 12-05717-8-RDD Doc 1 Filed 08/07/12 Entered 08/07/12 08:54:24 Page 2 of 9

BI (Official For	HI 1)(12/11)		rage 2	
Voluntar	•	Name of Debtor(s): Holmes Construction & Excavation, LLC		
(This page mu	st be completed and filed in every case)	9 X7 (IC	112 1 1 0	
Location	All Prior Bankruptcy Cases Filed Within Last	Case Number:	Date Filed:	
Where Filed:	- None -			
Location Where Filed:		Case Number:	Date Filed:	
	nding Bankruptcy Case Filed by any Spouse, Partner, or			
Name of Debt	or:	Case Number:	Date Filed:	
District:		Relationship:	Judge:	
forms 10K a pursuant to S and is reques	Exhibit A letted 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 string relief under chapter 11.) A is attached and made a part of this petition.	(To be completed if debtor is an individual I, the attorney for the petitioner named have informed the petitioner that [he cl. 12, or 13 of title 11, United States Code 12].	thibit B whose debts are primarily consumer debts.) If in the foregoing petition, declare that I or she] may proceed under chapter 7, 11, de, and have explained the relief available ify that I delivered to the debtor the notice (Date)	
	Exh r own or have possession of any property that poses or is alleged to Exhibit C is attached and made a part of this petition.	ibit C pose a threat of imminent and identifiable	e harm to public health or safety?	
☐ Exhibit If this is a joi	eted 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	g the Debtor - Venue		
- - -	(Check any ap Debtor has been domiciled or has had a residence, principe days immediately preceding the date of this petition or for There is a bankruptcy case concerning debtor's affiliate, go Debtor is a debtor in a foreign proceeding and has its prince 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.	al place of business, or principal asset a longer part of such 180 days than in eneral partner, or partnership pending cipal place of business or principal asset in the United States but is a defenda	n any other District. in this District. sets in the United States in nt in an action or	
	Certification by a Debtor Who Reside (Check all app		·ty	
	Landlord has a judgment against the debtor for possession		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 is			
	Debtor has included in this petition the deposit with the coafter the filing of the petition.		•	
	Debtor certifies that he/she has served the Landlord with the	his 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)

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

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney*

X /s/ George Mason Oliver

Signature of Attorney for Debtor(s)

George Mason Oliver 26587

Printed Name of Attorney for Debtor(s)

Oliver Friesen Cheek, PLLC

Firm Name

PO Box 1548 New Bern, NC 28563

Address

252-633-1930 Fax: 252-633-1950

Telephone Number

August 3, 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/ Kim Fuller

Signature of Authorized Individual

Kim Fuller

Printed Name of Authorized Individual

Member/Manager

Title of Authorized Individual

August 3, 2012

Date

Name of Debtor(s):

Holmes Construction & Excavation, LLC

Signatures

Signature of a Foreign Representative

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

(Check only one box.)

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

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

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

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

Social-Security number (If the 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.)

 \mathbf{v}

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	Holmes Construction & Excavation, LLC	Case No.		
		Debtor(s)	Chapter	11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, 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]
Campbell Oil Co., Inc. Attn: Manager or Agent PO Box 637 Elizabethtown, NC 28337-0637	Campbell Oil Co., Inc. Attn: Manager or Agent PO Box 637 Elizabethtown, NC 28337-0637			8,562.48
Coastal Hardware & Supply Attn: Manager or Agent PO Box 7088 Ocean Isle Beach, NC 28469	Coastal Hardware & Supply Attn: Manager or Agent PO Box 7088 Ocean Isle Beach, NC 28469			5,025.25
Employment Security Com. Attn: Managing Agent PO Box 26504 Raleigh, NC 27611	Employment Security Com. Attn: Managing Agent PO Box 26504 Raleigh, NC 27611	Unemployment Tax		4,991.89
First Bank Attn: Manager or Agent PO Box 926 Troy, NC 27371-0926	First Bank Attn: Manager or Agent PO Box 926 Troy, NC 27371-0926	2011 Astec Portable Screen (Serial CXL2326)		35,600.00 (30,000.00 secured)
IRS Attn: Manager or Agent PO Box 7346 Philadelphia, PA 19101-7346	IRS Attn: Manager or Agent PO Box 7346 Philadelphia, PA 19101-7346	941 Taxes		23,334.79
John Deere Credit Attn: Manager or Agent PO Box 4450 Carol Stream, IL 60197-4450	John Deere Credit Attn: Manager or Agent PO Box 4450 Carol Stream, IL 60197-4450	2011 John Deere 323D Skid Steer (Serial # 1T0323DJCB01967 08)		62,300.00 (50,000.00 secured)
John Deere Credit Attn: Manager or Agent PO Box 4450 Carol Stream, IL 60197-4450	John Deere Credit Attn: Manager or Agent PO Box 4450 Carol Stream, IL 60197-4450	2011 John Deere 323D Skid Steer (Serial # 1T0323DJPBG2064 68)		47,200.00 (37,000.00 secured)
John Deere Credit Attn: Manager or Agent PO Box 4450 Carol Stream, IL 60197-4450	John Deere Credit Attn: Manager or Agent PO Box 4450 Carol Stream, IL 60197-4450	2007 Morbark Hurricane Chipper (Serial # 51273)		36,800.00 (30,000.00 secured)

B4 (Offic	cial Form 4) (12/07) - Cont.		
In re	Holmes Construction & Excavation, 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]
Johnson Equipment	Johnson Equipment Company			2,302.46
Company Attn: Manager or Agent PO Box 87 Whiteville, NC 28472	Attn: Manager or Agent PO Box 87 Whiteville, NC 28472			
QBE	QBE			2,686.27
Attn: Manager or Agent PO Box 3109 Milwaukee, WI 53201-3109	Attn: Manager or Agent PO Box 3109 Milwaukee, WI 53201-3109			
R.W. Moore Equipment	R.W. Moore Equipment			2,412.51
Attn: Manager or Agent PO Box 25068 Raleigh, NC 27611	Attn: Manager or Agent PO Box 25068 Raleigh, NC 27611			2,412.01
Security Savings Bank	Security Savings Bank	2004 New Holland		8,050.00
Attn: Manager or Agent	Attn: Manager or Agent	Tractor (Serial #		
PO Box 10069	PO Box 10069	1319610) (Model #		(5,000.00
Southport, NC 28461	Southport, NC 28461	tn55) with a		secured)
		Hardee Mower (Serial # 001110) (Model # RW60)		
Security Savings Bank	Security Savings Bank	2006 Chevrolet		8,100.00
Attn: Manager or Agent	Attn: Manager or Agent	C-1500 Silverado		
PO Box 10069	PO Box 10069	Pickup		(5,500.00
Southport, NC 28461	Southport, NC 28461	(3GCEC14X56G273 613)		secured)
Security Savings Bank	Security Savings Bank	2007 Peterbilt		48,147.00
Attn: Manager or Agent	Attn: Manager or Agent	Dump Truck (VIN		
PO Box 10069	PO Box 10069	2NPLLZ9X7M66833		(35,000.00
Southport, NC 28461	Southport, NC 28461	7)		secured)
Security Savings Bank Attn: Manager or Agent	Security Savings Bank Attn: Manager or Agent	1998 Bell B25B11		28,135.00
PO Box 10069	PO Box 10069	Articulated Dump Truck (Serial #		(15,000.00
Southport, NC 28461	Southport, NC 28461	BAT3491)		secured)
Security Savings Bank	Security Savings Bank	2005 Kobelco		76,375.00
Attn: Manager or Agent	Attn: Manager or Agent	Excavator SK210		. 3,010.00
PO Box 10069	PO Box 10069	(Serial #		(55,000.00
Southport, NC 28461	Southport, NC 28461	YQ08U2519)		secured)
Security Savings Bank	Security Savings Bank	2006 John Deere		56,270.00
Attn: Manager or Agent	Attn: Manager or Agent	650J Crawler Dozer		
PO Box 10069	PO Box 10069	LGP (PIN		(35,000.00
Southport, NC 28461	Southport, NC 28461	To650JX118038)		secured)
Security Savings Bank	Security Savings Bank	2000 Bell B25C		36,175.00
Attn: Manager or Agent	Attn: Manager or Agent	Articulated Dump		
PO Box 10069	PO Box 10069	Truck (Serial #		(18,000.00
Southport, NC 28461	Southport, NC 28461	BEB25CT003507)		secured)

B4 (Offi	cial Form 4) (12/07) - Cont.		
In re	Holmes Construction & Excavation, 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]
VPS Convenience Store Group Attn: Manager or Agent PO Box 105080 Atlanta, GA 30348-5080	VPS Convenience Store Group Attn: Manager or Agent PO Box 105080 Atlanta, GA 30348-5080			9,646.39
Wright Express Attn: Manager or Agent PO Box 6293 Carol Stream, IL 60197-6293	Wright Express Attn: Manager or Agent PO Box 6293 Carol Stream, IL 60197-6293			15,698.38

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	August 3, 2012	Signature	/s/ Kim Fuller
			Kim Fuller
			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

Chapter	11
ITOR MATRIX	
nereby verify that the attach	ed list of creditors is true and
Manager	
	ITOR MATRIX hereby verify that the attach

HOLMES CONSTRUCTION & EXCAVATION MESON OLIVER SECRETARY OF TREASURY PO BOX 1216 OLIVER FRIESEN CHEEK, PLLC ATTN: MANAGING AGENT SHALLOTTE, NC 28459 PO BOX 1548 1500 PENNSYLVANIA AVE NW NEW BERN, NC 28563 WASHINGTON, DC 20220 EMPLOYMENT SECURITY COM. NC DEPT OF REVENUE UNITED STATES ATTORNEY ATTN: MANAGING AGENT ATTN: MANAGING AGENT 310 NEW BERN AVENUE PO BOX 25903 PO BOX 25000 FEDERAL BLDG SUITE 800 RALEIGH, NC 27601-1461 RALEIGH, NC 27611 RALEIGH, NC 27640 INTERNAL REVENUE SERVICE US SECURITIES & EXCHANGE BLACK'S TIRE SERVICE ATTN: MANAGER OR AGENT PO BOX 7346 ATTN: MANAGER OR AGENT PHILADELPHIA, PA 19101-7346 950 E. PACES FERRY RD., NE STE 900 PO BOX 919 ATLANTA, GA 30326-1382 WHITEVILLE, NC 28472 BOBBY'S AUTO PARTS BRUNSWICK CO. TAX COLLECTOR CAMPBELL OIL CO., INC. ATTN: MANAGER OR AGENT ATTN: MANAGER OR AGENT ATTN: MANAGER OR AGENT PO BOX 326 PO BOX 29 PO BOX 637 SHALLOTTE, NC 28459 BOLIVIA, NC 28422-0029 ELIZABETHTOWN, NC 28337-0637 COASTAL HARDWARE & SUPPLY CNH CAPITAL EAST COAST ENGINEERING ATTN: MANAGER OR AGENT ATTN: MANAGER OR AGENT ATTN: MANAGER OR AGENT PO BOX 2469 PO BOX 9218 PO BOX 7088 OLD BETHPAGE, NY 11804-9218 OCEAN ISLE BEACH, NC 28469 SHALLOTTE, NC 28459 EMPLOYMENT SECURITY COM. FIRST BANK KIMBERLY ANN FULLER ATTN: MANAGING AGENT ATTN: MANAGER OR AGENT 2999 BOVERIE ST. PO BOX 26504 PO BOX 926 SHALLOTTE, NC 28470 RALEIGH, NC 27611 TROY, NC 27371-0926 FULWOOD'S AUTO SERVICE GREEN RESOURCE HUBERT L. HOLMES, JR. ATTN: MANAGER OR AGENT ATTN: MANAGER OR AGENT PO BOX 1216 PO BOX 1218 PO BOX 429 SHALLOTTE, NC 28459 SHALLOTTE, NC 28459 COLFAX, NC 27235 INTERCOASTAL NET DESIGN **IRS** J.M. PARKER & SONS, INC. ATTN: MANAGER OR AGENT ATTN: MANAGER OR AGENT ATTN: MANAGING AGENT PO BOX 7633 PO BOX 7346 PO BOX 32 SUPPLY, NC 28462 OCEAN ISLE BEACH, NC 28469 PHILADELPHIA, PA 19101-7346

JOHNSON EQUIPMENT COMPANY

ATTN: MANAGER OR AGENT

WHITEVILLE, NC 28472

PO BOX 87

LOWE'S

PO BOX 2918

MISSION, KS 66201

ATTN: MANAGING AGENT

JOHN DEERE CREDIT

PO BOX 4450

ATTN: MANAGER OR AGENT

CAROL STREAM, IL 60197-4450

NC DEPT. OF REVENUE ATTN: BKY UNIT PO BOX 1168

RALEIGH, NC 27602-1168

QBE ATTN: MANAGER OR AGENT PO BOX 3109

MILWAUKEE, WI 53201-3109

VPS CONVENIENCE STORE GROUP ATTN: MANAGER OR AGENT PO BOX 105080 ATLANTA, GA 30348-5080 NCDENR ATTN: MANAGER OR AGENT 1601 MAIL SERVICE CNTR RALEIGH, NC 27699

R.W. MOORE EQUIPMENT ATTN: MANAGER OR AGENT PO BOX 25068 RALEIGH, NC 27611

WAKE STONE CORP. ATTN: MANAGER OR AGENT PO BOX 190 KNIGHTDALE, NC 27545 OFFICE DEPOT ATTN: MANAGER OR AGENT PO BOX 689020 DES MOINES, IA 50368-9020

SECURITY SAVINGS BANK ATTN: MANAGER OR AGENT PO BOX 10069 SOUTHPORT, NC 28461

WRIGHT EXPRESS ATTN: MANAGER OR AGENT PO BOX 6293 CAROL STREAM, IL 60197-6293