

B1 (Official Form 1)(12/11)

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

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): McDonnell Horticulture Inc.	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) 04-3729962	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 1009 Bentham Drive Raleigh, NC <div style="text-align: right; font-size: small;">ZIP Code 27614</div>	Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right; font-size: small;">ZIP Code</div>
County of Residence or of the Principal Place of Business: Wake	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): 1521 US Highway 1 Cameron, NC <div style="text-align: right; font-size: small;">ZIP Code 28326</div>	Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right; font-size: small;">ZIP Code</div>
Location of Principal Assets of Business Debtor (if different from street address above): <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Moore County</div>	

Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.

Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000	
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	

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

Location Where Filed: - None -	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: - None -	Case Number:	Date Filed:
District:	Relationship:	Judge:

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

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

Yes, and Exhibit C is attached and made a part of this petition.

No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

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

<p>Voluntary Petition</p> <p><i>(This page must be completed and filed in every case)</i></p>	<p>Name of Debtor(s): McDonnell Horticulture Inc.</p>
Signatures	
<p style="text-align: center;">Signature(s) of Debtor(s) (Individual/Joint)</p> <p>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).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Debtor</p> <p>X _____ Signature of Joint Debtor</p> <p>_____ Telephone Number (If not represented by attorney)</p> <p>_____ Date</p>	<p style="text-align: center;">Signature of a Foreign Representative</p> <p>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.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p>X _____ Signature of Foreign Representative</p> <p>_____ Printed Name of Foreign Representative</p> <p>_____ Date</p>
<p style="text-align: center;">Signature of Attorney*</p> <p>X <u>/s/ William Janvier</u> Signature of Attorney for Debtor(s)</p> <p><u>William Janvier 21136</u> Printed Name of Attorney for Debtor(s)</p> <p><u>Janvier Law Firm, PLLC</u> Firm Name</p> <p><u>1101 Haynes Street, Suite 102</u> <u>Raleigh, NC 27604</u> Address</p> <p><u>(919) 582-2323 Fax: (866) 809-2379</u> Telephone Number</p> <p><u>December 21, 2012</u> Date</p> <p><small>*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.</small></p>	<p style="text-align: center;">Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>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.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ 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.)</p> <p>_____ Address</p> <p>X _____ Date</p> <p>Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.</p> <p>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:</p> <p>_____ If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><i>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></p>
<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>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.</p> <p>The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u>/s/ Patrick McDonnell</u> Signature of Authorized Individual</p> <p><u>Patrick McDonnell</u> Printed Name of Authorized Individual</p> <p><u>President</u> Title of Authorized Individual</p> <p><u>December 21, 2012</u> Date</p>	

B4 (Official Form 4) (12/07)

United States Bankruptcy Court
Eastern District of North Carolina

In re McDonnell Horticulture Inc.

Debtor(s)

Case No.

Chapter

11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

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

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Bank of America Attn: Managing Agent PO Box 15796 Wilmington, DE 19886-5796	Bank of America Attn: Managing Agent PO Box 15796 Wilmington, DE 19886-5796	Trade debt		29,702.64
Carolina Farm Credit Attn: Managing Agent PO Box 1827 Statesville, NC 28687-1827	Carolina Farm Credit Attn: Managing Agent PO Box 1827 Statesville, NC 28687-1827	First position - All inventory, equipment, farm products, crops, fixtures, and accounts receivable		Unknown (Unknown secured)
Certified Roses Attn: Managing Agent PO Box 4400 Tyler, TX 75712	Certified Roses Attn: Managing Agent PO Box 4400 Tyler, TX 75712	Trade debt		40,000.00
Harrell's Fertilizer Attn: Managing Agent PO Box 807 Lakeland, FL 33802	Harrell's Fertilizer Attn: Managing Agent PO Box 807 Lakeland, FL 33802	Trade debt		13,953.94
Moore County Tax Department Attn: Managing Agent PO Box 428 Carthage, NC 28327	Moore County Tax Department Attn: Managing Agent PO Box 428 Carthage, NC 28327	Taxes		6,615.44
Praxair Attn: Managing Agent 1510 Hawkins Avenue Sanford, NC 27330	Praxair Attn: Managing Agent 1510 Hawkins Avenue Sanford, NC 27330	Trade debt		228.70
Rippin & Staven Inc. Attn: Managing Agent 138 Comfort Lane Pawleys Island, SC 29585	Rippin & Staven Inc. Attn: Managing Agent 138 Comfort Lane Pawleys Island, SC 29585	Third position - All inventory, equipment, farm products, crops, fixtures, and accounts		Unknown (Unknown secured)

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

In re **McDonnell Horticulture Inc.**

Case No. _____

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Rippin & Staven Inc. Attn: Managing Agent 138 Comfort Lane Pawleys Island, SC 29585	Rippin & Staven Inc. Attn: Managing Agent 138 Comfort Lane Pawleys Island, SC 29585	Third position - All inventory, equipment, farm products, crops, fixtures, and accounts		Unknown (Unknown secured) (1,093,339.80 senior lien)
Super Service, LLC Attn: Managing Agent 6000 Clay Avenue Grand Rapids, MI 49548	Super Service, LLC Attn: Managing Agent 6000 Clay Avenue Grand Rapids, MI 49548	Trade debt		46,519.00
Total Quality Logistics Attn: Managing Agent PO Box 799 Milford, OH 45150	Total Quality Logistics Attn: Managing Agent PO Box 799 Milford, OH 45150	Trade debt		12,094.38
U.S. Small Business Administration Attn: Managing Agent PO Box 740192 Atlanta, GA 30374-0192	U.S. Small Business Administration Attn: Managing Agent PO Box 740192 Atlanta, GA 30374-0192	Second position - All inventory, equipment, farm products, crops, fixtures, and accounts		Unknown (Unknown secured)
Weeks Roses Attn: Managing Agent PO Box 842857 Boston, MA 02284-2857	Weeks Roses Attn: Managing Agent PO Box 842857 Boston, MA 02284-2857	Trade debt	Disputed	45,663.77
Williams Nursery Attn: Managing Agent 9436 Wilmer Georgetown Road Wilmer, AL 36587	Williams Nursery Attn: Managing Agent 9436 Wilmer Georgetown Road Wilmer, AL 36587	Trade debt	Disputed	44,539.14
Wyatt-Quarles Seed Company Attn: Managing Agent PO Box 739 Garner, NC 27529	Wyatt-Quarles Seed Company Attn: Managing Agent PO Box 739 Garner, NC 27529	Trade debt		133,814.91

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

In re McDonnell Horticulture Inc.

Case No. _____

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

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

I, the President 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 December 21, 2012

Signature /s/ Patrick McDonnell
Patrick McDonnell
President

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.

Bank of America
Attn: Managing Agent
PO Box 15796
Wilmington, DE 19886-5796

North Carolina Dept. of Revenue
Attn: Managing Agent
PO Box 25000
Raleigh, NC 27640-0640

Williams Nursery
Attn: Managing Agent
9436 Wilmer Georgetown Road
Wilmer, AL 36587

Carolina Farm Credit
Attn: Managing Agent
PO Box 1827
Statesville, NC 28687-1827

Praxair
Attn: Managing Agent
1510 Hawkins Avenue
Sanford, NC 27330

Wyatt-Quarles Seed Company
Attn: Managing Agent
PO Box 739
Garner, NC 27529

Certified Roses
Attn: Managing Agent
PO Box 4400
Tyler, TX 75712

Richard Lee Yelverton III
Van Camp, Meacham & Newman, PLLC
PO Box 1389
Pinehurst, NC 28370

Elizabeth M. Repetti
Bell Davis Pitt
PO Box 21029
Winston Salem, NC 27120

Rippin & Staven Inc.
Attn: Managing Agent
138 Comfort Lane
Pawleys Island, SC 29585

Harrell's Fertilizer
Attn: Managing Agent
PO Box 807
Lakeland, FL 33802

Super Service, LLC
Attn: Managing Agent
6000 Clay Avenue
Grand Rapids, MI 49548

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

Total Quality Logistics
Attn: Managing Agent
PO Box 799
Milford, OH 45150

Joseph H. Morgan II
Johnson, Morgan & White
6800 Broken Sound Parkway
Boca Raton, FL 33487

U.S. Small Business Administration
Attn: Managing Agent
PO Box 740192
Atlanta, GA 30374-0192

Mercedes Benz Financial Services
Attn: Managing Agent
PO Box 5209
Carol Stream, IL 60197-5209

VeriCore
Attn: Managing Agent
10115 Kinsey Ave, Ste 100
Huntersville, NC 28078

Moore County Tax Department
Attn: Managing Agent
PO Box 428
Carthage, NC 28327

Weeks Roses
Attn: Managing Agent
PO Box 842857
Boston, MA 02284-2857

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

In re McDonnell Horticulture Inc.

Debtor(s)

Case No. _____

Chapter 11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for McDonnell Horticulture Inc. in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

None [*Check if applicable*]

December 21, 2012

Date

/s/ William Janvier

William Janvier 21136

Signature of Attorney or Litigant

Counsel for McDonnell Horticulture Inc.

Janvier Law Firm, PLLC

1101 Haynes Street, Suite 102

Raleigh, NC 27604

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