

B1 (Official Form 1)(04/13)

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

**Voluntary Petition**

Name of Debtor (if individual, enter Last, First, Middle): <b>Total Performance, LLC</b>	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)/Complete EIN (if more than one, state all) <b>80-0890578</b>	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): <b>502 West Front Street Lillington, NC</b>	Street Address of Joint Debtor (No. and Street, City, and State):
ZIP Code <b>27546-7957</b>	ZIP Code
County of Residence or of the Principal Place of Business: <b>Harnett</b>	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
ZIP Code	ZIP Code

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

<b>Type of Debtor</b> (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.)	<b>Nature of Business</b> (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	<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (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
<b>Chapter 15 Debtors</b> Country of debtor's center of main interests:  Each country in which a foreign proceeding by, regarding, or against debtor is pending:	<b>Tax-Exempt Entity</b> (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).	<b>Nature of Debts</b> (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.

<b>Filing Fee</b> (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.	<b>Chapter 11 Debtors</b> Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input checked="" type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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**Statistical/Administrative Information**

Debtor estimates that funds will be available for distribution to unsecured creditors.  
 Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

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

Estimated Assets

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

Estimated Liabilities

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

THIS SPACE IS FOR COURT USE ONLY

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): <b>Total Performance, LLC</b>	
<b>All Prior Bankruptcy Cases Filed Within Last 8 Years</b> (If more than two, attach additional sheet)			
Location Where Filed: <b>- None -</b>		Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
<b>Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor</b> (If more than one, attach additional sheet)			
Name of Debtor: <b>- None -</b>		Case Number:	Date Filed:
District:		Relationship:	Judge:
<b>Exhibit A</b>		<b>Exhibit B</b>	
(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.)  <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		(To be completed if debtor is an individual whose debts are primarily consumer debts.) 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).  <input checked="" type="checkbox"/> _____ Signature of Attorney for Debtor(s) (Date)	
<b>Exhibit C</b>			
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?			
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
<b>Exhibit D</b>			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)			
<input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.			
If this is a joint petition:			
<input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
<b>Information Regarding the Debtor - Venue</b>			
(Check any applicable box)			
<input checked="" type="checkbox"/> 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.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> 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.			
<b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b>			
(Check all applicable boxes)			
<input type="checkbox"/> 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)			
<input type="checkbox"/> 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			
<input type="checkbox"/> Debtor has included with 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.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

<p><b>Voluntary Petition</b></p> <p><i>(This page must be completed and filed in every case)</i></p>	<p>Name of Debtor(s): <b>Total Performance, LLC</b></p>
<b>Signatures</b>	
<p style="text-align: center;"><b>Signature(s) of Debtor(s) (Individual/Joint)</b></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><b>X</b> _____ Signature of Debtor</p> <p><b>X</b> _____ Signature of Joint Debtor</p> <p>_____ Telephone Number (If not represented by attorney)</p> <p>_____ Date</p>	<p style="text-align: center;"><b>Signature of a Foreign Representative</b></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><b>X</b> _____ Signature of Foreign Representative</p> <p>_____ Printed Name of Foreign Representative</p> <p>_____ Date</p>
<p style="text-align: center;"><b>Signature of Attorney*</b></p> <p><b>X /s/ Travis Sasser</b> _____ Signature of Attorney for Debtor(s)</p> <p><b>Travis Sasser 26707</b> _____ Printed Name of Attorney for Debtor(s)</p> <p><b>Sasser Law Firm</b> _____ Firm Name</p> <p><b>2000 Regency Parkway</b> <b>Suite 230</b> <b>Cary, NC 27518</b> _____ Address</p> <p style="text-align: right;"><b>Email: tsasser@carybankruptcy.com</b></p> <p><b>919.319.7400 Fax: 919.657.7400</b> _____ Telephone Number</p> <p><b>February 10, 2015</b> _____ 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;"><b>Signature of Non-Attorney Bankruptcy Petition Preparer</b></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><b>X</b> _____ 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;"><b>Signature of Debtor (Corporation/Partnership)</b></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><b>X /s/ Lisa Lynn Kicak</b> _____ Signature of Authorized Individual</p> <p><b>Lisa Lynn Kicak</b> _____ Printed Name of Authorized Individual</p> <p><b>Managing Member</b> _____ Title of Authorized Individual</p> <p><b>February 10, 2015</b> _____ Date</p>	<p>_____ 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>

B4 (Official Form 4) (12/07)

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

In re **Total Performance, LLC**

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>
<b>Advance Auto Parts AAP Financial Attn: Managing Agent/Bankruptcy PO Box 742063 Atlanta, GA 30374</b>	<b>Advance Auto Parts AAP Financial Post Office Box 742063 Atlanta, GA 30374 877-280-5965</b>	<b>2-post lift Resale value</b>		<b>10,851.08  (3,500.00 secured)</b>
<b>Automotive Finance Corp. 13085 Hamilton Crossing Blvd. Suite 300 Carmel, IN 46032</b>	<b>Automotive Finance Corp. 13085 Hamilton Crossing Blvd. Suite 300 Carmel, IN 46032 1-888-335-6675</b>	<b>Business loan pending litigation State of Indiana County of Marion Superior Court</b>		<b>5,000.00</b>
<b>AutoZone, Inc. Attn: Managing Agent/Bankruptcy PO Box 116067 Atlanta, GA 30368</b>	<b>AutoZone, Inc. Post Office Box 116067 Atlanta, GA 30368 1-800-288-6966</b>	<b>Account - critical vendor</b>		<b>235.90</b>
<b>Black's Tire Service, Inc. Attn: Managing Agent/Bankruptcy PO Box 919 Whiteville, NC 28472</b>	<b>Black's Tire Service, Inc. Post Office Box 919 Whiteville, NC 28472 910-642-4123</b>	<b>Account</b>		<b>1,067.94</b>
<b>Capital One Attn: Managing Agent/Bankruptcy PO Box 30285 Salt Lake City, UT 84130-0285</b>	<b>Capital One Post Office Box 30285 Salt Lake City, UT 84130-0285 1-800-227-4825</b>	<b>Credit card</b>		<b>2,000.00</b>
<b>Carquest Miller Auto Parts LLC Attn: Managing Agent/Bankruptcy 106B North Raleigh Street Angier, NC 27501</b>	<b>Carquest Miller Auto Parts LLC 106B North Raleigh Street Angier, NC 27501 919-639-2828</b>	<b>Account - critical vendor</b>		<b>500.00</b>

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

In re **Total Performance, LLC**

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

Debtor(s) \_\_\_\_\_

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
<b>Crossroads Ford Lincoln of Sanford Attn: Managing Agent/Bankruptcy PO Box 2069 Wake Forest, NC 27588</b>	<b>Crossroads Ford Lincoln of Sanford Post Office Box 2069 Wake Forest, NC 27588 800-352-5045</b>	<b>Account - critical vendor</b>		<b>409.83</b>
<b>First Bank Attn: Stamey Taylor 1000 Main Street Lillington, NC 27546</b>	<b>First Bank 1000 Main Street Lillington, NC 27546 910-814-3600</b>	<b>All assets</b>		<b>3,956.92</b> <b>(0.00 secured)</b>
<b>First Bank Attn: Stamey Taylor 1000 Main Street Lillington, NC 27546</b>	<b>First Bank 1000 Main Street Lillington, NC 27546 910-814-3600</b>	<b>All assets</b>		<b>16,977.94</b> <b>(0.00 secured)</b>
<b>GRP Funding Attn: Managing Agent/Bankruptcy 1350 Main Street Springfield, MA 01103</b>	<b>GRP Funding 1350 Main Street Springfield, MA 01103 877-571-7999</b>	<b>Account</b>		<b>13,221.00</b>
<b>Internal Rev Serv Attn: Insolvency Alamance Building, Mail Stop 9 4905 Koger Boulevard Greensboro, NC 27407</b>	<b>Internal Rev Serv Attn: Insolvency Alamance Building, Mail Stop 9 4905 Koger Boulevard Greensboro, NC 27407 336-378-2391</b>	<b>941 Taxes</b>		<b>13,423.44</b>
<b>John Heister Chevrolet Attn: Managing agent 105 West Cornelius Harnett Blvd. Lillington, NC 27546</b>	<b>John Heister Chevrolet 105 West Cornelius Harnett Blvd. Lillington, NC 27546 919-648-2967</b>	<b>Account - critical vendor</b>		<b>500.00</b>
<b>Michael and Lisa Kicak 154 Deer Path Farm Erwin, NC 28339</b>	<b>Michael and Lisa Kicak 154 Deer Path Farm Erwin, NC 28339 910-984-1030</b>	<b>Money owed - insider loan</b>		<b>35,000.00</b>
<b>NC Department of Revenue Attn: Angela C. Fountain, BK MGR. Post Office Box 1168 Raleigh., NC 27602-1168</b>	<b>NC Department of Revenue Post Office Box 1168 Raleigh., NC 27602-1168 877-252-3052</b>	<b>Taxes</b>		<b>13,000.00</b>
<b>New Era Lending, LLC Attn: Managing Agent/Bankruptcy North Orange Street, Suite 762 Wilmington, DE 19801</b>	<b>New Era Lending, LLC N. Orange Street, Suite 762 Wilmington, DE 19801 888-958-3781</b>	<b>Loan</b>		<b>24,200.00</b>

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

In re **Total Performance, LLC**

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>
NextGear Capital Attn: Managing Agent/Bankruptcy 1320 City Center Drive, Suite 100 Carmel, IN 46032	NextGear Capital 1320 City Center Drive, Suite 100 Carmel, IN 46032	Account		10,000.00
O'Reilly's Auto Parts Attn: Managing agent Post Office Box 9464 Springfield, MO 65801-9464	O'Reilly's Auto Parts Post Office Box 9464 Springfield, MO 65801-9464 800-755-6759	Account - critical vendor		2,057.05
Snap-on Credit, LLC Attn: Managing Agent/Bankruptcy 950 Technology Way, Suite 301 Libertyville, IL 60048	Snap-on Credit, LLC 950 Technology Way, Suite 301 Libertyville, IL 60048 847-680-4890	Account - critical vendor		1,853.31
Snap-on Credit, LLC Attn: Managing Agent/Bankruptcy 950 Technology Way, Suite 301 Libertyville, IL 60048	Snap-on Credit, LLC 950 Technology Way, Suite 301 Libertyville, IL 60048 847-680-4890	Alignment machine Resale value		22,000.00  (15,000.00 secured)
XPRS Capital Attn: Managing Agent/Bankruptcy 385 West End Avenue New York, NY 10024	XPRS Capital 385 West End Avenue New York, NY 10024 877-659-5399	Account		7,740.29

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

I, the Managing Member 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 February 10, 2015

Signature /s/ Lisa Lynn Kicak  
**Lisa Lynn Kicak**  
**Managing Member**

*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 **Total Performance, LLC**

Debtor(s)

Case No.  
Chapter

**11**

**VERIFICATION OF CREDITOR MATRIX**

I, the Managing Member 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: **February 10, 2015**

**/s/ Lisa Lynn Kicak**

**Lisa Lynn Kicak/Managing Member**  
Signer/Title

Date: **February 10, 2015**

**/s/ Travis Sasser**

Signature of Attorney  
**Travis Sasser**  
**Sasser Law Firm**  
**2000 Regency Parkway**  
**Suite 230**  
**Cary, NC 27518**  
**919.319.7400 Fax: 919.657.7400**



Advance Auto Parts AAP Financial  
Attn: Managing Agent/Bankruptcy  
PO Box 742063  
Atlanta, GA 30374

CT Lien Solutions  
Attn: Managing Agent/Bankruptcy  
Post Office Box 29071  
Glendale, CA 91209-9071

NC Department of Revenue  
Attn: Angela C. Fountain, BK MGR  
Post Office Box 1168  
Raleigh., NC 27602-1168

Automotive Finance Corp.  
13085 Hamilton Crossing Blvd.  
Suite 300  
Carmel, IN 46032

First Bank  
Attn: Stamey Taylor  
1000 Main Street  
Lillington, NC 27546

New Era Lending, LLC  
Attn: Managing Agent/Bankruptcy  
North Orange Street, Suite 762  
Wilmington, DE 19801

AutoZone, Inc.  
Attn: Managing Agent/Bankruptcy  
PO Box 116067  
Atlanta, GA 30368

GRP Funding  
Attn: Managing Agent/Bankruptcy  
1350 Main Street  
Springfield, MA 01103

NextGear Capital  
Attn: Managing Agent/Bankruptcy  
1320 City Center Drive, Suite 100  
Carmel, IN 46032

Black's Tire Service, Inc.  
Attn: Managing Agent/Bankruptcy  
PO Box 919  
Whiteville, NC 28472

Internal Rev Serv Attn: Insolvency  
Alamance Building, Mail Stop 9  
4905 Koger Boulevard  
Greensboro, NC 27407

O'Reilly's Auto Parts  
Attn: Managing agent  
Post Office Box 9464  
Springfield, MO 65801-9464

Capital One  
Attn: Managing Agent/Bankruptcy  
PO Box 30285  
Salt Lake City, UT 84130-0285

Jimmie Lee Sanders Jr.  
314 Pine Croft Drive  
Dunn, NC 28334

Shannon Roy Borkowski  
105 Pine Street  
Moncure, NC 27559

Carquest Miller Auto Parts LLC  
Attn: Managing Agent/Bankruptcy  
106B North Raleigh Street  
Angier, NC 27501

John Heister Chevrolet  
Attn: Managing agent  
105 West Cornelius Harnett Blvd.  
Lillington, NC 27546

Sheldon Dynamics  
Attn: Managing Agent/Bankruptcy  
PO Box 1040  
New York, NY 10113

Corporation Service Company  
Attn: Managing Agent/Bankruptcy  
2711 Centerville Road  
Wilmington, DE 19808

Lisa L. Kicak  
154 Deer Path Farms Road  
Erwin, NC 28339

Snap-on Credit, LLC  
Attn: Managing Agent/Bankruptcy  
950 Technology Way, Suite 301  
Libertyville, IL 60048

Corporation Service Company  
Attn: Managing agent  
Post Office Box 2576  
Springfield, IL 62708

Michael and Lisa Kicak  
154 Deer Path Farm  
Erwin, NC 28339

Strategic Funding Source, Inc.  
Attn: Managing agent  
1501 Broadway, Suite 1515  
New York, NY 10036

Crossroads Ford Lincoln of Sanford  
Attn: Managing Agent/Bankruptcy  
PO Box 2069  
Wake Forest, NC 27588

Michael C. Kicak  
100 Hayes Lane Apartment 204  
Holly Springs, NC 27540

Thomas R. Kendall  
Weltman Weinberg & Reis, Co.  
5225 Vine Street, Suite 800  
Cincinnati, OH 45202



XPRS Capital  
Attn: Managing Agent/Bankruptcy  
385 West End Avenue  
New York, NY 10024

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

In re **Total Performance, LLC**

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 **Total Performance, LLC** 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*]

**February 10, 2015**

Date

**/s/ Travis Sasser**

**Travis Sasser**

Signature of Attorney or Litigant

Counsel for **Total Performance, LLC**

**Sasser Law Firm**

**2000 Regency Parkway**

**Suite 230**

**Cary, NC 27518**

**919.319.7400 Fax:919.657.7400**

**tsasser@carybankruptcy.com**

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

In re **Total Performance, LLC**  
Debtor(s)

Case No. \_\_\_\_\_  
Chapter **11**

**STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION**

We, **Lisa Lynn Kicak and Shannon Borkowski**, declare under penalty of perjury that we are the **sole Members** of **Total Performance, LLC**, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 9th day of February, 2015.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Lisa Kicak and Shannon Borkowski**, sole **Members** of this Corporation, are authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter **11** voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Lisa Kicak, Managing Member** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Lisa Kicak, Managing Member** of this Corporation is authorized and directed to employ **Travis Sasser**, attorney and the law firm of **Sasser Law Firm** to represent the corporation in such bankruptcy case."

Date **February 9, 2015**

Signed **/s/ Lisa Lynn Kicak**  
**Lisa Lynn Kicak**

Signed **/s/ Shannon Borkowski**  
**Shannon Borkowski**

Resolution of Board of Directors  
of  
**Total Performance, LLC**

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Lisa Lynn Kicak, Managing Member** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Lisa Lynn Kicak, Managing Member** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Lisa Lynn Kicak, Managing Member** of this Corporation is authorized and directed to employ **Travis Sasser**, attorney and the law firm of **Sasser Law Firm** to represent the corporation in such bankruptcy case.

Date February 9, 2015

Signed /s/ Lisa Lynn Kicak  
Lisa Lynn Kicak

Date February 9, 2015

Signed /s/ Shannon Borkowski  
Shannon Borkowski