

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NORTH CAROLINA

Case number (if known) \_\_\_\_\_ Chapter 11

Check if this an amended filing

Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Brinkley Restaurant Group, Inc.

2. All other names debtor used in the last 8 years  
Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 27-0628963

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>518 Forest Lane</u> <u>Wallace, NC 28466</u> Number, Street, City, State & ZIP Code	<u>PO Box 817</u> <u>Wallace, NC 28466</u> P.O. Box, Number, Street, City, State & ZIP Code
	<u>Duplin</u> County	<u>Location of principal assets, if different from principal place of business</u> _____ Number, Street, City, State & ZIP Code

5. Debtor's website (URL) \_\_\_\_\_

6. Type of debtor

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

Other. Specify: \_\_\_\_\_

Debtor **Brinkley Restaurant Group, Inc.**  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business**

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
 See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

7225

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- Chapter 7
- Chapter 9

Chapter 11. Check all that apply:

- Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- No.
- Yes.

If more than 2 cases, attach a separate list.

District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
 District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

- No
- Yes.

List all cases. If more than 1, attach a separate list

Debtor	<b>Bessie Burger, Inc.</b>	Relationship	<b>Common ownership</b>
District	<b>Eastern District of NC</b>	When	<b>17-00374-5-SW</b>
		Case number, if known	<b>H</b>

Debtor **Brinkley Restaurant Group, Inc.**  
Name

Case number (if known) \_\_\_\_\_

**11. Why is the case filed in this district?** *Check all that apply:*

Debtor has had its domicile, 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.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** *(Check all that apply.)*

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
 What is the hazard? \_\_\_\_\_

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other \_\_\_\_\_

**Where is the property?** \_\_\_\_\_  
 Number, Street, City, State & ZIP Code

**Is the property insured?**

No

Yes. Insurance agency \_\_\_\_\_  
 Contact name \_\_\_\_\_  
 Phone \_\_\_\_\_

**Statistical and administrative information**

**13. Debtor's estimation of available funds** *Check one:*

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**

<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5001-10,000	<input type="checkbox"/> 50,001-100,000
<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

**15. Estimated Assets**

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

**16. Estimated liabilities**

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

Debtor **Brinkley Restaurant Group, Inc.**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.  
I have been authorized to file this petition on behalf of the debtor.  
I have examined the information in this petition and have a reasonable belief that the information is true and correct.  
I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 31, 2017  
MM / DD / YYYY

**X /s/ Earl F. Brinkley, Jr.**  
Signature of authorized representative of debtor  
  
Title President

**Earl F. Brinkley, Jr.**  
Printed name

**18. Signature of attorney**

**X /s/ Richard P. Cook**  
Signature of attorney for debtor

Date January 31, 2017  
MM / DD / YYYY

**Richard P. Cook**  
Printed name

**Richard P. Cook, PLLC**  
Firm name

**dba Cape Fear Debt Relief**  
**7036 Wrightsville Ave, Suite 101**  
**Wilmington, NC 28403**  
Number, Street, City, State & ZIP Code

Contact phone (910) 399-3458 Email address CapeFearDebtRelief@gmail.com

**NC Bar 37614**  
Bar number and State

**RESOLUTIONS OF THE BOARD OF DIRECTORS  
OF BRINKLEY RESTAURANT GROUP, INC.**

The undersigned, being all of the directors of Brinkley Restaurant Group, Inc. (the "Company"), do hereby adopt the following resolutions by signing their written consent hereto and by the execution of this consent do hereby waive any and all formalities regarding notice of time, date, place and purpose of meeting.

WHEREAS, the directors of the Company have evaluated the Company's alternatives in connection with its current financial condition and have determined that the filing of a voluntary petition for relief (the "Petition") under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the Eastern District of North Carolina is in the best interests of the Company; and

RESOLVED, that the Company shall be, and hereby is authorized to file a Petition for relief under Title 11 of the United States Bankruptcy Code, in the Eastern District of North Carolina (the "Bankruptcy Court") and perform any and all such acts as are reasonable, advisable, expedient, convenient, proper, or necessary to effect any of the foregoing;

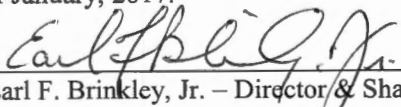
FURTHER RESOLVED, that Earl F. Brinkley, Jr. shall be authorized to act on behalf of the Company with respect to all of the Company's bankruptcy proceedings, including but not limited to signing any and all documents pertaining to the Company's bankruptcy and attending any and all hearings and conferences related to the Company's bankruptcy;

FURTHER RESOLVED, that any officer of the Company, or any other such person designated by the Company, shall be, and each of them, acting alone, hereby is, authorized, directed and empowered on behalf of, and in the name of, the Company to: (a) execute, acknowledge, deliver, verify, and file or cause to be filed all petition, schedules, statements, lists, motions, applications, and other papers or documents necessary or desirable in connection with the foregoing; and (b) execute, acknowledge, deliver, and verify any and all other documents necessary or appropriate in connection therewith or to administer the Company's chapter 11 case in such form;

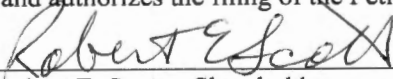
FURTHER RESOLVED, that all acts lawfully done or actions lawfully taken or to be taken by the Company in connection with the implementation of these resolutions in all respects are hereby ratified, confirmed, and approved; and

FURTHER RESOLVED, that the Chairman of the Board of Directors is hereby authorized to certify and deliver, to any person to whom such certification and delivery may be deemed necessary or appropriate in the opinion of the Company or its legal counsel, a true copy of the foregoing resolutions.

This action is effective as of the 31<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
Earl F. Brinkley, Jr. – Director & Shareholder

FURTHERMORE, While not a director, the undersigned Robert E. Scott, who holds fifty (50%) percent of the shares of the Company, hereby ratifies and approves these Resolutions and authorizes any and all actions taken by Earl F. Brinkley, Jr. on behalf of the Company and authorizes the filing of the Petition.

  
\_\_\_\_\_  
Robert E. Scott – Shareholder

**Fill in this information to identify the case:**

Debtor name **Brinkley Restaurant Group, Inc.**

United States Bankruptcy Court for the: **EASTERN DISTRICT OF NORTH CAROLINA**

Case number (if known): \_\_\_\_\_

Check if this is an amended filing

**Official Form 204**

**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders** 12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
American Express Attn: Managing Officer/Agent PO Box 360001 Fort Lauderdale, FL 33336		Credit card				\$30,000.00
BB&T Attn: Managing Officer/Agent PO Box 1847 Wilson, NC 27894		Line of credit				\$1,000.00
First Bank Card Attn: Managing Officer/Agent PO Box 2818 Omaha, NE 68103-2818		Credit card				\$5,000.00
Granny Scott, LLC Attn: Managing Officer/Agent PO Box 7742 Wilson, NC 27895		Lease				\$0.00
Internal Revenue Service Centralized Insolvency Operations PO Box 7346 Philadelphia, PA 19101		Withholding taxes				\$57,000.00
Kabbage Attn: Managing Officer/Agent PO Box 77081 Atlanta, GA 30357		Business loan				\$18,000.00

Debtor **Brinkley Restaurant Group, Inc.**  
Name \_\_\_\_\_

Case number (if known) \_\_\_\_\_

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
NC Department of Commerce Division of Employment Security PO Box 26504 Raleigh, NC 27611		Unemployment taxes				\$3,600.00
North Carolina Dept. of Revenue Attn: Bankruptcy Unit PO Box 1168 Raleigh, NC 27602		Sales & use taxes				\$52,000.00
Scotty's R.E.R.F., LLC Attn: Managing Officer/Agent PO Box 7742 Wilson, NC 27895		Lease				\$0.00
Shamrock Plaza Attn: Managing Officer/Agent 320 B. Northeast Blvd Clinton, NC 28328		Lease				\$0.00
Subway - Franchise World HQ Attn: Managing Officer/Agent 325 Sub Way Milford, CT 06461-3059		Franchise royalties				\$0.00
TD Auto Finance Attn: Managing Officer/Agent PO Box 16035 Lewiston, ME 04243		Auto loan				\$63,000.00
US Foods, Inc. Attn: Managing Officer/Agent 1500 NC Hwy 39 Zebulon, NC 27597		Line of credit				\$28,000.00
Windset Capital Attn: Managing Officer/Agent 3801 Automation Way, Suite 207 Fort Collins, CO 80525		Business loan				\$40,000.00

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

In re **Brinkley Restaurant Group, Inc.**

Debtor(s)

Case No.  
Chapter

**11**

**VERIFICATION OF CREDITOR MATRIX**

I, the President 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: **January 31, 2017**

**/s/ Earl F. Brinkley, Jr.**

**Earl F. Brinkley, Jr./President**

Signer/Title



American Express  
Attn: Managing Officer/Agent  
PO Box 360001  
Fort Lauderdale, FL 33336

Shamrock Plaza  
Attn: Managing Officer/Agent  
320 B. Northeast Blvd  
Clinton, NC 28328

BB&T  
Attn: Managing Officer/Agent  
PO Box 1847  
Wilson, NC 27894

Subway - Franchise World HQ  
Attn: Managing Officer/Agent  
325 Sub Way  
Milford, CT 06461-3059

First Bank Card  
Attn: Managing Officer/Agent  
PO Box 2818  
Omaha, NE 68103-2818

TD Auto Finance  
Attn: Managing Officer/Agent  
PO Box 16035  
Lewiston, ME 04243

Granny Scott, LLC  
Attn: Managing Officer/Agent  
PO Box 7742  
Wilson, NC 27895

US Foods, Inc.  
Attn: Managing Officer/Agent  
1500 NC Hwy 39  
Zebulon, NC 27597

Internal Revenue Service  
Centralized Insolvency Operations  
PO Box 7346  
Philadelphia, PA 19101

Windset Capital  
Attn: Managing Officer/Agent  
3801 Automation Way, Suite 207  
Fort Collins, CO 80525

Kabbage  
Attn: Managing Officer/Agent  
PO Box 77081  
Atlanta, GA 30357

NC Department of Commerce  
Division of Employment Security  
PO Box 26504  
Raleigh, NC 27611

North Carolina Dept. of Revenue  
Attn: Bankruptcy Unit  
PO Box 1168  
Raleigh, NC 27602

Scotty's R.E.R.F., LLC  
Attn: Managing Officer/Agent  
PO Box 7742  
Wilson, NC 27895

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

In re **Brinkley Restaurant Group, Inc.**

Debtor(s)

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

Chapter **11**

**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
<b>Earl F. Brinkley, Jr. 518 Forest Lane Wallace, NC 28466</b>	<b>Common Stock</b>	<b>50%</b>	<b>Owner</b>
<b>Robert Scott PO Box 7742 Wilson, NC 27895</b>	<b>Common Stock</b>	<b>50%</b>	<b>Owner</b>

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF 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 of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **January 31, 2017**

Signature **/s/ Earl F. Brinkley, Jr.  
Earl F. Brinkley, Jr.**

*Penalty for making a false statement of 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 Brinkley Restaurant Group, 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 Brinkley Restaurant Group, 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*]

January 31, 2017

Date

/s/ Richard P. Cook

**Richard P. Cook**

Signature of Attorney or Litigant

Counsel for Brinkley Restaurant Group, Inc.

**Richard P. Cook, PLLC**

**dba Cape Fear Debt Relief**

**7036 Wrightsville Ave, Suite 101**

**Wilmington, NC 28403**

**(910) 399-3458 Fax:(877) 836-6822**

**CapeFearDebtRelief@gmail.com**