

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

United States Bankruptcy Court for the:

MIDDLE 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 Allen Brothers Timber Company, 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) 56-1139699

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>723 N. US 220 Highway</u> <u>Rockingham, NC 28379</u> Number, Street, City, State & ZIP Code	_____
	<u>Richmond</u> County	Location of principal assets, if different from principal place of business
		_____
		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 Allen Brothers Timber Company, 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>.

\_\_\_\_\_

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 \_\_\_\_\_ Relationship \_\_\_\_\_  
 District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_

Debtor Allen Brothers Timber Company, 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 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

16. Estimated liabilities

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

Debtor **Allen Brothers Timber Company, 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 **June 28, 2016**  
MM / DD / YYYY

**X /s/ Richard Clayton Allen**  
 Signature of authorized representative of debtor  
  
 Title **President**

**Richard Clayton Allen**  
 Printed name

**18. Signature of attorney**

**X /s/ Charles M. Ivey III**  
 Signature of attorney for debtor

Date **June 28, 2016**  
MM / DD / YYYY

**Charles M. Ivey III**  
 Printed name

**Ivey, McClellan, Gatton & Siegmund**  
 Firm name

**100 S. Elm St, Ste. 500  
 Greensboro, NC 27401**  
 Number, Street, City, State & ZIP Code

Contact phone **336-274-4658** Email address \_\_\_\_\_

**8333**  
 Bar number and State

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

Debtor name Allen Brothers Timber Company, Inc.  
 United States Bankruptcy Court for the: MIDDLE 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
Triple Canopy 2250 Corporate Park Drive Herndon, VA 20171		Judgment Lien		\$329,582.52	\$0.00	\$329,582.52
Fidelity Bank PO Box 1469 Fuquay Varina, NC 27526-1469		Blanket lien on all real estate and machinery and equipment		\$314,764.42	\$0.00	\$314,764.42
Thomas Craig Allen 815 Cairo Road Morven, NC 28119		Loan to company				\$115,792.37
Allison Allen 815 Cairo Road Morven, NC 28119		Loan to company				\$31,500.00
Chase Card Services Attn: Bankruptcy Dept. PO Box 15298 Wilmington, DE 19850-5298		Credit Card				\$25,612.43
Branch Banking and Trust Company d/b/a BB&T ATTN: Robert E. Greene (or Officer) 200 West Second Street Winston Salem, NC 27101-4019		Credit Card				\$9,052.03
CAT Financial Commercial PO Box 978595 Dallas, TX 75397-8595	9308	Credit Card				\$4,339.81

Debtor **Allen Brothers Timber Company, 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
<b>PowerPlan Attn: Bankruptcy Department PO Box 5328 Madison, WI 53705-0328</b>		<b>Credit Card</b>				<b>\$4,106.70</b>
<b>Haney's Tire and Recapping 1663 S Main Street Laurinburg, NC 28352</b>		<b>Services</b>				<b>\$3,772.25</b>
<b>WEX Bank/Speedway Fleet Attn: Bankruptcy Dept. PO Box 639 Portland, ME 04104</b>		<b>Credit Card</b>				<b>\$482.60</b>

Allison Allen  
815 Cairo Road  
Morven, NC 28119

Bessenbacher Commercial Credit Services  
PO Box 480108  
Kansas City, MO 64148

Branch Banking and Trust Company  
d/b/a BB&T  
ATTN: Robert E. Greene (or Officer)  
200 West Second Street  
Winston Salem, NC 27101-4019

CAT Financial Commercial  
PO Box 978595  
Dallas, TX 75397-8595

CAT Financial Corporation  
Attn: Bankruptcy Dept.  
PO Box 13834  
Newark, NJ 07188-0834

Caterpillar Financial Services Corporati  
2120 West End Avenue  
Nashville, TN 37203

Chase Card Services  
Attn: Bankruptcy Dept.  
PO Box 15298  
Wilmington, DE 19850-5298

City of Rockingham  
514 Rockingham Road  
Rockingham, NC 28379

CT Lien Solutions  
PO Box 29071  
Glendale, CA 91209-9071

Employment Security Commission  
PO Box 26504  
Raleigh, NC 27611

Fidelity Bank  
PO Box 1469  
Fuquay Varina, NC 27526-1469

Gerald H. Groon, Jr.  
Smith Debnam  
PO Box 26268  
Raleigh, NC 27611-6268

Haney's Tire and Recapping  
1663 S Main Street  
Laurinburg, NC 28352

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

John Deere Financial  
Attn: Bankruptcy Department  
PO Box 4450  
Carol Stream, IL 60197-4450

John Deere Financial  
PO Box 6600  
Johnston, IA 50131-6600

Marlboro County Tax Assessor  
105 E Main Street #2  
Bennettsville, SC 29512

Montgomery County Tax Collector  
102 East Spring St  
Troy, NC 27371

North Carolina Dept. of Revenue  
P.O. Box 1168  
Raleigh, NC 27602-1168

PowerPlan  
Attn: Bankruptcy Department  
PO Box 5328  
Madison, WI 53705-0328



Premium Assignment Corp.  
PO Box 8000  
Tallahassee, FL 32314-8000

Progressive  
PO Box 105428  
Atlanta, GA 30348-5428

Richard Clay Allen  
242 Crestview Drive  
Rockingham, NC 28379

Richmond County Tax Department  
125 South Hancock Street  
Rockingham, NC 28379

Richmond County District Court  
114 East Franklin Street  
Rockingham, NC 28379

Thomas Craig Allen  
815 Cairo Road  
Morven, NC 28119

Triple Canopy  
2250 Corporate Park Drive  
Herndon, VA 20171

Wells Fargo Equipment Finance, Inc.  
1540 W. Fountainhead Parkway  
Tempe, AZ 85282

WEX Bank/Speedway Fleet  
Attn: Bankruptcy Dept.  
PO Box 639  
Portland, ME 04104

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

In re Allen Brothers Timber Company, 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: June 28, 2016

/s/ Richard Clayton Allen

**Richard Clayton Allen/President**

Signer/Title

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

In re Allen Brothers Timber Company, 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 Allen Brothers Timber Company, 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*]

**June 28, 2016**

Date

**/s/ Charles M. Ivey III**

**Charles M. Ivey III 8333**

Signature of Attorney or Litigant

Counsel for Allen Brothers Timber Company, Inc.

**Ivey, McClellan, Gatton & Siegmund**

**100 S. Elm St, Ste. 500**

**Greensboro, NC 27401**

**336-274-4658 Fax:336-274-4540**