

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

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Fairview Excavating, LLC	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): 56-2044069	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. & Street, City, and State): 410 Mills Gap Road Fletcher, NC	Street Address of Joint Debtor (No. & Street, City, and State):
ZIP CODE 28732	ZIP CODE
County of Residence or of the Principal Place of Business: Henderson	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):

ZIP CODE

<p align="center">Type of Debtor (Form of Organization) (Check one box.)</p> <p><input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i></p> <p><input checked="" type="checkbox"/> Corporation (includes LLC and LLP)</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____</p>	<p align="center">Nature of Business (Check one box)</p> <p><input type="checkbox"/> Health Care Business</p> <p><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B)</p> <p><input type="checkbox"/> Railroad</p> <p><input type="checkbox"/> Stockbroker</p> <p><input type="checkbox"/> Commodity Broker</p> <p><input type="checkbox"/> Clearing Bank</p> <p><input checked="" type="checkbox"/> Other</p> <hr/> <p align="center">Tax-Exempt Entity (Check box, if applicable)</p> <p><input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code.)</p>	<p align="center">Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)</p> <p><input type="checkbox"/> Chapter 7</p> <p><input type="checkbox"/> Chapter 9</p> <p><input checked="" type="checkbox"/> Chapter 11</p> <p><input type="checkbox"/> Chapter 12</p> <p><input type="checkbox"/> Chapter 13</p> <p><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding</p> <p><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding</p> <hr/> <p align="center">Nature of Debts (Check one box)</p> <p><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."</p> <p><input checked="" type="checkbox"/> Debts are primarily business debts.</p>
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<p align="center">Filing Fee (Check one box)</p> <p><input checked="" type="checkbox"/> Full Filing Fee attached</p> <p><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.</p> <p><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.</p>	<p align="center">Chapter 11 Debtors</p> <p>Check one box:</p> <p><input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).</p> <p><input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).</p> <p>Check if:</p> <p><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.</p> <hr/> <p>Check all applicable boxes</p> <p><input type="checkbox"/> A plan is being filed with this petition</p> <p><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).</p>
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<p>Statistical/Administrative Information</p> <p><input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.</p> <p><input checked="" 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.</p>	<p>THIS SPACE IS FOR COURT USE ONLY</p>
<p>Estimated Number of Creditors</p> <p><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"/></p> <p>1- 50- 100- 200- 1,000- 5,001- 10,001- 25,001- 50,001- Over 49 99 199 999 5,000 10,000 25,000 50,000 100,000 100,000</p>	
<p>Estimated Assets</p> <p><input type="checkbox"/> <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"/></p> <p>\$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</p>	
<p>Estimated Liabilities</p> <p><input type="checkbox"/> <input type="checkbox"/> <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"/></p> <p>\$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</p>	

Voluntary Petition (This page must be completed and filed in every case)	Document Page 2 of 49 Name of Debtor(s): Fairview Excavating, LLC
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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> (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 style="text-align: center;">Exhibit B</p> (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 have delivered to the debtor the notice required by 11 U.S.C. § 342(b).
<input checked="" type="checkbox"/> Exhibit A is attached and made a part of this petition.	<input checked="" type="checkbox"/> Not Applicable Signature of Attorney for Debtor(s) _____ Date _____

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)).

Voluntary Petition
(This page must be completed and filed in every case)

Document
Page 3 of 49
Name of Debtor(s):
Fairview Excavating, LLC

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Not Applicable

Signature of Debtor

Not Applicable

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of a Foreign Representative

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

(Check only **one** box.)

I request relief in accordance with chapter 15 of Title 11, United States Code. Certified Copies of the documents required by § 1515 of title 11 are attached.

Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the Chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Not Applicable

(Signature of Foreign Representative)

(Printed Name of Foreign Representative)

Date

Signature of Attorney

s/ David G. Gray

Signature of Attorney for Debtor(s)

David G. Gray Bar No. 1733

Printed Name of Attorney for Debtor(s) / Bar No.

Westall, Gray, Connolly & Davis, P.A.

Firm Name

81 Central Avenue Asheville, N.C. 28801

Address

(828) 254-6315

(828) 255-0305

Telephone Number

10/16/2009

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Non-Attorney Petition Preparer

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

Not Applicable

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

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.)

Address

Not Applicable

Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

s/ James Anthony Riels

Signature of Authorized Individual

James Anthony Riels

Printed Name of Authorized Individual

Member/Manager

Title of Authorized Individual

10/16/2009

Date

Document Page 4 of 49
UNITED STATES BANKRUPTCY COURT
Western District of North Carolina

In re: Fairview Excavating, LLC
Debtor

Case No.
Chapter **11**

Exhibit "A" to Voluntary Petition

1. If any of debtor's securities are registered under section 12 of the Securities and Exchange Act of 1934, the SEC file number is .

2. The following financial data is the latest available information and refers to debtor's condition on .

a.	Total assets	\$	<u>955,294.24</u>
b.	Total debts (including debts listed in 2.c., below)	\$	<u>2,062,333.58</u>

Approximate
number of
holders

c. Debt securities held by more than 500 holders.

	secured	unsecured	subordinated	_____	_____
d.	Number of shares of preferred stock			_____	_____
e.	Number of shares of common stock			_____	_____

Comments, if any:

3. Brief description of debtor's business:

Other

4. List the name of any person who directly or indirectly owns, controls, or holds, with power to vote, 5% or more of the voting securities of debtor:

James Anthony Riels (100%)

United States Bankruptcy Court

Western District of North Carolina

In re:

Case No. _____

Chapter 11

Fairview Excavating, LLC

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, **James Anthony Riels**, declare under penalty of perjury that I am the **Member/Manager** of **Fairview Excavating, LLC**, a **North Carolina** Corporation and that on **10/06/2009** the following resolution was duly adopted by the **Member** of this Corporation:

"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 **James Anthony Riels, Member/Manager** 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 **James Anthony Riels, Member/Manager** 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 **James Anthony Riels, Member/Manager** of this Corporation, is authorized and directed to employ **David G. Gray**, attorney and the law firm of **Westall, Gray, Connolly & Davis, P.A.** to represent the Corporation in such bankruptcy case."

Executed on: 10/16/2009

Signed: s/ James Anthony Riels
James Anthony Riels

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

In re Fairview Excavating, LLC, Case No. _____
Debtor Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(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>
FCC Equipment Financing PO Box 905010 Charlotte, NC 28290-0510			CONTINGENT UNLIQUIDATED DISPUTED	\$374,960.16 SECURED VALUE: \$495,000.00
APAC, Inc. - Asheville PO Box 198572 Atlanta, GA 30384-8572				\$296,940.00
Trace & Company PO Box 1028 Mountain Home, NC 28758				\$94,305.35
Capital Bank PO Box 18949 Raleigh, NC 27619			DISPUTED	\$83,000.00 SECURED VALUE: \$86,000.00
Caterpillar Financial PO Box 340001 Nashville, TN 37203-0001				\$49,684.16 SECURED VALUE: \$80,000.00
Hart Wall & Paver PO Box 5287 Concord, NC 28027				\$38,615.91

In re Fairview Excavating, LLC, Case No. _____
 Debtor Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(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>
Vulcan Construction Mat. PO Box 75219 Charlotte, NC 28275-0219				\$33,357.14
T&K Utilities, Inc. 204 Charlotte Hwy. #G Asheville, NC 28803				\$30,184.55
Carolina CAT PO Box 75054 Charlotte, NC 28275				\$21,633.04
Silverman Company 36 Old Charlotte Hwy. Asheville, NC 28803				\$21,058.12
Biltmore Oil Company PO Box 5177 Asheville, NC 28813				\$19,531.13
Briggs Const. Equip. PO Box 409794 Atlanta, GA 30384-9794				\$17,330.67

In re Fairview Excavating, LLC, Case No. _____
 Debtor Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(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>
MaterialSales Co., Inc. PO Box 60774 Charlotte, NC 28260-0774				\$13,897.69
Wachovia PO Box 15286 Wilmington, DE 19886				\$13,168.96
Valley Truck Service PO Box 490 Swannanoa, NC 28778				\$12,549.53
Harrin's Sand & Gravel 195 Amboy Road Asheville, NC 28806				\$10,577.38
Kessell Engineering Group Suite OME 582 Hendersonville Rd. Asheville, NC 28803				\$8,149.85
SPUR Construction, LLC PO Box 1110 Waynesville, NC 28786				\$8,111.25

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

In re Fairview Excavating, LLC, Case No. _____
Debtor Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(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>
McAbee & Associates, P.A. 3 McAbee Trail Fairview, NC 28739				\$7,577.00
Emery Paving Company PO Box 814 Arden, NC 28704				\$7,068.75

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

I, James Anthony Riels, Member/Manager of the Corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date: 10/16/2009

Signature: s/ James Anthony Riels

James Anthony Riels ,Member/Manager
(Print Name and Title)

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.

B6A (Official Form 6A) (12/07)

In re: Fairview Excavating, LLC
 Debtor

Case No. _____
 (If known)

SCHEDULE A - REAL PROPERTY

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Total			0.00	

(Report also on Summary of Schedules.)

B6B (Official Form 6B) (12/07)

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE B - PERSONAL PROPERTY

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Funds on deposit with Capital Bank (balance varies daily/weekly)		23.23
Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Funds on deposit with RBC Centura		1,890.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.	X			
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.	X			
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.		Accounts Receivables of \$625,120.66 of which \$293,239.65 is not collectible		331,881.01

B6B (Official Form 6B) (12/07) -- Cont.

In re Fairview Excavating, LLC

Case No. _____

Debtor

(If known)

SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		1998 Trail King lowboy; 1TKJ04327VB038547(Capital)		22,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		1FDNF70J9WVA19885 F700 box truck (FCC Equipment)		4,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		1GBE4E3215F502934 C4500 Kodiak Red 4 door utility truck 4500 (FCC Equipment)		15,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		1GBE5C32X6F421403 CC5C044 Chevy service truck 5500 (FCC Equipment)		25,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		1GCHK23D26F240664 CK2500 Chev 2500 duromax 4x4 (FCC Equipment)		12,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		1GHK23056F256969 CK2500 Chev 2500 duromax 4x4 (FCC Equipment)		12,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		1HSWXAHRX5J028511 7600 Hydro hydroseeding truck (FCC Equipment)		30,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		2FWJAKCK46AV32593 LT9522 Sterling truck - road tractor (FCC Equipment)		30,000.00
26. Boats, motors, and accessories.	X			

B6B (Official Form 6B) (12/07) -- Cont.

In re Fairview Excavating, LLC

Case No. _____

Debtor

(If known)

SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.		computers (3)		1,500.00
29. Machinery, fixtures, equipment and supplies used in business.		1998 GEHL material handler (Capital)		6,000.00
Machinery, fixtures, equipment and supplies used in business.		2001 Trench roller (Capital)		3,000.00
Machinery, fixtures, equipment and supplies used in business.		2224 T-170 hydroseeder - part of 7600 hydroseeding truck (FCC Equipment)		0.00
Machinery, fixtures, equipment and supplies used in business.		450CT N5M417462 Skidsteer (Capital)		18,000.00
Machinery, fixtures, equipment and supplies used in business.		4PS00226 CT-D250 Caterpillar dump truck (FCC Equipment)		25,000.00
Machinery, fixtures, equipment and supplies used in business.		5491359 RT-852 Wacker trench roller (FCC Equipment)		4,000.00
Machinery, fixtures, equipment and supplies used in business.		5LN03605 CTD6RXL Caterpillar dozer w/ripper (FCC Equipment)		50,000.00
Machinery, fixtures, equipment and supplies used in business.		A59212079 2200D Bobcat UTV (FCC Equipment)		4,000.00
Machinery, fixtures, equipment and supplies used in business.		A59212080 2200D Bobcat UTV (FCC Equipment)		4,000.00
Machinery, fixtures, equipment and supplies used in business.		AAX-317 D6R11XL Caterpillar - dozer (FCC Equipment)		50,000.00
Machinery, fixtures, equipment and supplies used in business.		AGF-629 CT730 Caterpillar - dumptruck (FCC Equipment)		40,000.00
Machinery, fixtures, equipment and supplies used in business.		ANB02565 CT320CL Caterpillar trackhoe (FCC Equipment)		25,000.00
Machinery, fixtures, equipment and supplies used in business.		B70TSE3432 B70T straw blower (FCC Equipment)		8,000.00
Machinery, fixtures, equipment and supplies used in business.		CCK00518 D6N Caterpillar dozer (FCC Equipment)		60,000.00
Machinery, fixtures, equipment and supplies used in business.		CFT-1167 CT315 Caterpillar trackhoe (FCC Equipment)		20,000.00
Machinery, fixtures, equipment and supplies used in business.		CX50B N5TN81419 Mini Ex (Capital)		18,000.00
Machinery, fixtures, equipment and supplies used in business.		FBH00785 D6K Caterpillar - dozer (Caterpillar)		80,000.00
Machinery, fixtures, equipment and supplies used in business.		JKC9442008 VM66PD Vibromax padfoot roller (FCC Equipment)		15,000.00
Machinery, fixtures, equipment and supplies used in business.		PAC-00591 CT-320CLU Caterpillar - trackhoe (FCC Equipment - 1st; Capital Bank - 2nd)		40,000.00
30. Inventory.	X			

B6B (Official Form 6B) (12/07) -- Cont.

In re Fairview Excavating, LLC,
Debtor

Case No. _____
(If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			
<u>3</u> continuation sheets attached				Total > \$ 955,294.24

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions, Above.)	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. <u>xxx3705</u> Capital Bank PO Box 18949 Raleigh, NC 27619	<input checked="" type="checkbox"/>	Equipment VALUE \$86,000.00			<input checked="" type="checkbox"/>	169,000.00	83,000.00
ACCOUNT NO. <u>xxx3714</u> Capital Bank (LOC) PO Box 18949 Raleigh, NC 27619	<input checked="" type="checkbox"/>	Personal property (accounts receivable) VALUE \$330,000.00				200,000.00	0.00
ACCOUNT NO. <u>xxx2000</u> Caterpillar Financial PO Box 340001 Nashville, TN 37203-0001	<input checked="" type="checkbox"/>	FBH00785 D6K Caterpillar - dozer (Caterpillar) VALUE \$80,000.00				129,684.16	49,684.16
ACCOUNT NO. _____ FCC Equipment Financing PO Box 905010 Charlotte, NC 28290-0510	<input checked="" type="checkbox"/>	Unknown, if any VALUE \$495,000.00	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	869,960.16	374,960.16

0 continuation sheets attached

Subtotal >
(Total of this page)

Total >
(Use only on last page)

\$ 1,368,644.32	\$ 507,644.32
\$ 1,368,644.32	\$ 507,644.32

(Report also on Summary of Schedules) (If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

B6E (Official Form 6E) (12/07)

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets.)

Domestic Support Obligations

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$10,950* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$5,400* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

Deposits by individuals

Claims of individuals up to \$2,425* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

Commitments to Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).

Claims for Death or Personal Injury While Debtor Was Intoxicated

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

1 continuation sheets attached

B6E (Official Form 6E) (12/07) – Cont.

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
(Continuation Sheet)

Type of Priority: Taxes and Certain Other Debts Owed to Governmental Units

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
ACCOUNT NO. Henderson Co. Tax Collector Suite 84 200 N. Grove Street Hendersonville, NC 28792			2009 property taxes				7,059.66	7,059.66	\$7,059.66
ACCOUNT NO. Town of Fletcher 4005 Hendersonville Hwy. Fletcher, NC 28732							4,125.77	4,125.77	\$0.00

Sheet no. 1 of 1 continuation sheets attached to Schedule of Creditors Holding Priority Claims

Subtotals >
(Totals of this page)

\$	11,185.43	\$	11,185.43	\$	7,059.66
\$	11,185.43				
		\$	11,185.43	\$	7,059.66

Total >
(Use only on last page of the completed Schedule E. Report also on the Summary of Schedules.)

Total >
(Use only on last page of the completed Schedule E. If applicable, report also on the Statistical Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07)

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						693.88
Advanced Data 347 Merrimon Avenue Asheville, NC 28801						
ACCOUNT NO.						296,940.00
APAC, Inc. - Asheville PO Box 198572 Atlanta, GA 30384-8572						
ACCOUNT NO.						1,917.54
ASC Construction Equip. PO Box 534366 Atlanta, GA 30353-4366						
ACCOUNT NO.						3,200.00
Asheville Crane, Inc. PO Box 1869 Candler, NC 28715						
ACCOUNT NO.						3,635.28
BB&T Bankcard Corp. PO Box 580363 Charlotte, NC 28258-0363						

6 Continuation sheets attached

Subtotal > \$ **306,386.70**

Total > \$

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						19,531.13
Biltmore Oil Company PO Box 5177 Asheville, NC 28813						
ACCOUNT NO.						17,330.67
Briggs Const. Equip. PO Box 409794 Atlanta, GA 30384-9794						
ACCOUNT NO.						1,465.00
Carolina AGC, Inc. PO Box 30277 Charlotte, NC 28230						
ACCOUNT NO.						21,633.04
Carolina CAT PO Box 75054 Charlotte, NC 28275						
ACCOUNT NO.						738.18
CEMEX PO Box 905875 Charlotte, NC 28290-5875						

Sheet no. 1 of 6 continuation sheets attached to Schedule of Creditors
Holding Unsecured
Nonpriority Claims

Subtotal >	\$	60,698.02
Total >	\$	

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						501.90
CINTAS PO Box 729 Fletcher, NC 28732						
ACCOUNT NO.						7,068.75
Emery Paving Company PO Box 814 Arden, NC 28704						
ACCOUNT NO.						500.00
Greene Bros. Well & Pump PO Box 724 Canton, NC 28716						
ACCOUNT NO.						10,577.38
Harrin's Sand & Gravel 195 Amboy Road Asheville, NC 28806						
ACCOUNT NO.						38,615.91
Hart Wall & Paver PO Box 5287 Concord, NC 28027						

Sheet no. 2 of 6 continuation sheets attached to Schedule of Creditors
Holding Unsecured
Nonpriority Claims

Subtotal >	\$	57,263.94
Total >	\$	

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						461.76
Henderson Co. Landfill 113 N. Main Street Hendersonville, NC 28792						
ACCOUNT NO.						2,716.18
Johnson Law Firm, P.A. PO Box 1288 Arden, NC 28704						
ACCOUNT NO.						8,149.85
Kessell Engineering Group Suite OME 582 Hendersonville Rd. Asheville, NC 28803						
ACCOUNT NO.						13,897.69
MaterialSales Co., Inc. PO Box 60774 Charlotte, NC 28260-0774						
ACCOUNT NO.						7,577.00
McAbee & Associates, P.A. 3 McAbee Trail Fairview, NC 28739						

Sheet no. 3 of 6 continuation sheets attached to Schedule of Creditors
Holding Unsecured
Nonpriority Claims

Subtotal >	\$ 32,802.48
Total >	\$

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						2,260.40
NCDMV 1100 New Bern Avenue Raleigh, NC 27697						
ACCOUNT NO.						6,056.53
Ray's Supply Company 5120 Old Haywood Rd. Mills River, NC 28759						
ACCOUNT NO.						1,277.23
Riverside Stump Dump 620 Riverside Road Asheville, NC 28801						
ACCOUNT NO.						664.84
Roger F. Williams Co. 23 Heritage Drive Asheville, NC 28806						
ACCOUNT NO.						899.00
Sage Software, Inc. PO Box 849887 Dallas, TX 75284						

Sheet no. 4 of 6 continuation sheets attached to Schedule of Creditors
Holding Unsecured
Nonpriority Claims

Subtotal >	\$	11,158.00
Total >	\$	

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						21,058.12
Silverman Company 36 Old Charlotte Hwy. Asheville, NC 28803						
ACCOUNT NO.						532.02
Southern Concrete Materials PO Box 5395 Asheville, NC 28813						
ACCOUNT NO.						927.77
Sprint PO Box 660092 Dallas, TX 75266						
ACCOUNT NO.						8,111.25
SPUR Construction, LLC PO Box 1110 Waynesville, NC 28786						
ACCOUNT NO.						30,184.55
T&K Utilities, Inc. 204 Charlotte Hwy. #G Asheville, NC 28803						

Sheet no. 5 of 6 continuation sheets attached to Schedule of Creditors
Holding Unsecured
Nonpriority Claims

Subtotal >	\$	60,813.71
Total >	\$	

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. Trace & Company PO Box 1028 Mountain Home, NC 28758						94,305.35
ACCOUNT NO. Valley Truck Service PO Box 490 Swannanoa, NC 28778						12,549.53
ACCOUNT NO. Vulcan Construction Mat. PO Box 75219 Charlotte, NC 28275-0219						33,357.14
ACCOUNT NO. Wachovia PO Box 15286 Wilmington, DE 19886						13,168.96

Sheet no. 6 of 6 continuation sheets attached to Schedule of Creditors
Holding Unsecured
Nonpriority Claims

Subtotal >	\$ 153,380.98
Total >	\$ 682,503.83

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

B6G (Official Form 6G) (12/07)

In re: Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.
Pitney Bowes PO Box 856460 Louisville, KY 40285	Lease of postage machine

B6H (Official Form 6H) (12/07)

In re: **Fairview Excavating, LLC**
Debtor

Case No. _____
(If known)

SCHEDULE H - CODEBTORS

Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
James Anthony Riels 131 Waterford Lakes Dr. Fletcher, NC 28732	Capital Bank PO Box 18949 Raleigh, NC 27619
James Anthony Riels 131 Waterford Lakes Dr. Fletcher, NC 28732	Capital Bank (LOC) PO Box 18949 Raleigh, NC 27619
James Anthony Riels 131 Waterford Lakes Dr. Fletcher, NC 28732	Caterpillar Financial PO Box 340001 Nashville, TN 37203-0001
James Anthony Riels 131 Waterford Lakes Dr. Fletcher, NC 28732	FCC Equipment Financing PO Box 905010 Charlotte, NC 28290-0510

B6 Summary (Official Form 6 - Summary) (12/07)

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

In re Fairview Excavating, LLC,
Debtor

Case No. _____
Chapter 11

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	\$ 0.00		
B - Personal Property	YES	4	\$ 955,294.24		
C - Property Claimed as Exempt	NO				
D - Creditors Holding Secured Claims	YES	1		\$ 1,368,644.32	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	YES	2		\$ 11,185.43	
F - Creditors Holding Unsecured Nonpriority Claims	YES	7		\$ 682,503.83	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	NO	0			\$
J - Current Expenditures of Individual Debtor(s)	NO	0			\$
TOTAL		17	\$ 955,294.24	\$ 2,062,333.58	

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

In re Fairview Excavating, LLC
Debtor

Case No. _____
Chapter 11

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$ 0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$ 11,185.43
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	\$ 0.00
Student Loan Obligations (from Schedule F)	\$ 0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E.	\$ 0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$ 0.00
TOTAL	\$ 11,185.43

State the following:

Average Income (from Schedule I, Line 16)	\$ 0.00
Average Expenses (from Schedule J, Line 18)	\$ 0.00
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	\$ 0.00

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		\$507,644.32
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column.	\$ 11,185.43	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$7,059.66
4. Total from Schedule F		\$682,503.83
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		\$1,197,207.81

B6 Declaration (Official Form 6 - Declaration) (12/07)

In re Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

(NOT APPLICABLE)

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I **James Anthony Riels**, the Member/Manager of the Corporation named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 19 sheets (*Total shown on summary page plus 1*), and that they are true and correct to the best of my knowledge, information, and belief.

Date 10/16/2009

Signature: s/ James Anthony Riels

James Anthony Riels Member/Manager

[Print or type name of individual signing on behalf of debtor.]

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

B7 (Official Form 7) (12/07)

**UNITED STATES BANKRUPTCY COURT
Western District of North Carolina**

In re: Fairview Excavating, LLC
Debtor

Case No. _____
(If known)

STATEMENT OF FINANCIAL AFFAIRS

1. Income from employment or operation of business

None State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE	FISCAL YEAR PERIOD
6,387,641.00	Operation of business	2007
5,390,554.00	Operation of business	2008
3,107,145.00	Operation of business	2009

2. Income other than from employment or operation of business

None State the amount of income received by the debtor other than from employment, trade, profession, operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE	FISCAL YEAR PERIOD
--------	--------	--------------------

3. Payments to creditors

Complete a. or b., as appropriate, and c.

None a. *Individual or joint debtor(s) with primarily consumer debts:* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
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see attachments

None b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$5,475. If the debtor is an individual, indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
------------------------------	------------------------------	-----------------------------------	--------------------

None c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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4. Suits and administrative proceedings, executions, garnishments and attachments

None a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATIO	STATUS OR DISPOSITION
APAC v. Fairview Excavating, LLC 08 CvS 1905	civil action for collection	Buncombe Co. Sup. Ct.	pending
Fairview Excavating, LLC v. Carriage Park Associates, LLC 09 CvS 46		Henderson Co. Sup. Ct.	pending
Caroline R. Anderson, et al v. Estate Homes of North Carolina, Carriage Park Associates, LLC, et al/Carriage Park Associates, LIC v. Fairview Excavating, LLC, et al 08 CvS 653	civil action for damages	Henderson Co. Sup. Ct.	pending

None b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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July 2009

A/P OVER \$600 00

APAC	\$113,353.15	P O BOX 198572, ATLANTA, GA 30384-8572
BB&T Bank Card	\$1,000.00	
Biltmore oil	\$9,952.13	P O BOX 5177, ASHEVILLE, NC 28813
Briggs	\$4,100.03	P O BOX 409794, ATLANTA, GA 30384-9794
Carolina Cat	\$7,948.31	P O BOX 1095, CHARLOTTE, NC 28201-1095
Carolina Pipe	\$737.86	P O BOX 514, MOUNTAIN HOME, NC 28758
Caterpillar Financial Serv	\$2,719.82	P O BOX 13834, NEWARK, NJ 07188-0834
Cintas	\$863.76	P O BOX 729, FLETCHER, NC 28732
CNH Capital America	\$2,725.82	P O BOX 0507, CAROL STREAM, IL 60132-0507
Edney, Hal	\$2,140.00	73 PINEY VIEW DRIVE, HENDERSONVILLE, NC 28792
Emery	\$15,000.00	P O BOX 814, ARDEN, NC 28704
FCC Eq Financing	\$21,965.72	P O BOX 905010, CHARLOTTE, NC 28290-0510
H & E	\$889.87	P O BOX 849850, DALLAS, TX 75284-9850
Equipment Rental	\$2,197.24	P O BOX 650280, DALLAS, TX 75265
Les Mulch Plus	\$2,700.00	P O BOX 1783, FAIRVIEW NC 28730
Material Sales	\$20,665.04	P O BOX 60774, CHARLOTTE, NC 28260-0774
Montgomery Insurance	\$5,180.06	P O BOX 2051, KEENE, NH 03431-7051
NCDOR	\$4,772.93	P O BOX 25000, RALEIGH, NC 27640
Rays Bag	\$25,024.89	5120 OLD HAYWOOD ROAD, MILLS RIVER, NC 28759
Silverman	\$1,466.45	36 OLD CHARLOTTE HIGHWAY, ASHEVILLE, NC 28803-9404
Stonewood	\$3,521.60	P O BOX 97488, RALEIGH, NC 27624
T & K	\$140,649.40	204 CHARLOTTE HIGHWAY, SUITE G, ASHEVILLE, NC 28803
Tony Riels	\$8,000.00	
Trace & Co	\$128,725.59	204 CHARLOTTE HIGHWAY, SUITE G, ASHEVILLE, NC 28803
Valley Truck	\$22,536.40	P O BOX 490, SWANNANOVA, NC 28778
Volvo	\$6,069.48	P O BOX 7247-0236, PHILADELPHIA, PA 19170-0236
Vulcan	\$9,887.35	P O BOX 75219, CHARLOTTE, NC 28275-0219
Wachovia Bank Card	\$928.47	

August 2009

A/P OVER \$600.00

A-1 Tire	\$787.35	P O BOX 1685 FLETCHER, NC 28732
APAC	\$765.58	P O BOX 198572, ATLANTA, GA 30384-8572
BB&T Bank Card	\$1,000.00	
Biltmore Oil	\$18,082.08	P O BOX 5177, ASHEVILLE, NC 28813
Briggs Construction Eq	\$2,997.40	P O BOX 409794, ATLANTA, GA 30384-9794
Carolina Cat	\$14,935.69	P O BOX 1095, CHARLOTTE, NC 28201-1095
Carolina Pipe	\$821.98	P O BOX 514, MOUNTAIN HOME, NC 28758
Cintas	\$880.41	P O BOX 729, FLETCHER, NC 28732
CNH Capital America	\$2,725.82	P O BOX 0507, CAROL STREAM, IL 60132-0507
Emery	\$5,000.00	P O BOX 814, ARDEN, NC 28704
H & E	\$1,382.14	P O BOX 849850, DALLAS, TX 75284-9850
Hart Wall Pavers	\$170,757.68	P O BOX 5286, CONCORD, NC 28027
Material Sales	\$6,074.31	P O BOX 60774, CHARLOTTE, NC 28260-0774
McAbee & Assoc	\$1,975.00	3 MCABEE TRAIL, FAIRVIEW, NC 28730
Montgomery Insurance	\$2,663.53	P O BOX 2051, KEENE, NH 03431-7051
NCDOR	\$606.27	P O BOX 25000, RALEIGH, NC 27640
Piedmont Tire	\$1,372.73	125 SWEETEN CREEK ROAD, ASHEVILLE, NC 28803
Rays Bag	\$10,596.72	5120 OLD HAYWOOD ROAD, MILLS RIVER, NC 28759
Riverside Stump Dump	\$710.00	620 RIVERSIDE ROAD, ASHEVILLE, NC 28801
Rental Service Corp	\$1,318.93	P O BOX 840514, DALLAS, TX 75284-0514
S.L.R. Associates	\$1,260.00	P O BOX 1542, FAIRVIEW, NC 28730
Sprint	\$2,361.08	P O BOX 660092, DALLAS, TX 75266
Spur Const	\$9,828.00	P O BOX 1110, WAYNESVILLE, NC 28786
Stonewood	\$4,642.30	P O BOX 97488, RALEIGH, NC 27624
T & K	\$30,780.00	204 CHARLOTTE HIGHWAY, SUITE G, ASHEVILLE, NC 28803
Tony Riels	\$8,000.00	
Trace & Co	\$103,658.89	204 CHARLOTTE HIGHWAY, SUITE G, ASHEVILLE, NC 28803
Valley Truck	\$13,861.77	P O BOX 490, SWANNANOVA, NC 28778
Volvo Financial Services	\$6,069.48	P O BOX 7247-0236, PHILADELPHIA, PA 19170-0236
Vulcan Const Materials	\$8,628.18	P O BOX 75219, CHARLOTTE, NC 28275-0219
Wachovia Bank Card	\$1,000.00	

September 2009

A/P OVER \$600.00

A-1 Tire	\$783.00 P O BOX 1685 FLETCHER, NC 28732
APAC	\$10,000.00 P O BOX 198572, ATLANTA, GA 30384-8572
Biltmore Oil	\$15,390.09 P O BOX 5177, ASHEVILLE, NC 28813
Carolina Cat	\$5,259.95 P O BOX 1095, CHARLOTTE, NC 28201-1095
Chrisman Garage	\$1,916.16 P O BOX 987, ETOWAH, NC 28729
CNH Capital America	\$2,725.82 P O BOX 0507, CAROL STREAM, IL 60132-0507
Emery	\$28,187.50 P O BOX 814, ARDEN, NC 28704
Gould Killian cpa Group	\$5,000.00 100 COXE AVENUE, ASHEVILLE, NC 28801-0363
Harrin's Sand & Gravel	\$5,000.00 195 AMBOY ROAD, ASHEVILLE, NC 28806
Hart Wall Pavers	\$75,271.31 P O BOX 5286, CONCORD, NC 28027
Kessel Engineering	\$8,380.40 582 HENDERSONVILLE ROAD, SUITE ONE, ASHEVILLE, NC 28803
Material Sales	\$8,000.00 P O BOX 60774, CHARLOTTE, NC 28260-0774
Maxco Supply, Inc.	\$621.82 P O BOX 248, ASHEBORO, NC 27204
McAbee	\$13,460.00 3 MCABEE TRAIL, FAIRVIEW, NC 28730
Montgomery Insurance	\$1,809.53 P O BOX 2051, KEENE, NH 03431-7051
Rays Bag	\$3,000.00 5120 OLD HAYWOOD ROAD, MILLS RIVER, NC 28759
Silverman	\$5,000.00 36 OLD CHARLOTTE HIGHWAY, ASHEVILLE, NC 28803-9404
Sprint	\$2,546.60 P O BOX 660092, DALLAS, TX 75266
Spur Const	\$4,693.50 P O BOX 1110, WAYNESVILLE, NC 28786
Stonewood	\$3,370.64 P O BOX 97488, RALEIGH, NC 27624
T & K	\$94,125.60 204 CHARLOTTE HIGHWAY, SUITE G, ASHEVILLE, NC 28803
Tony Riels	\$10,000.00
Valley Trucl	\$10,000.00 P O BOX 490, SWANNANOVA, NC 28778
Vulcan	\$5,000.00 P O BOX 75219, CHARLOTTE, NC 28275-0219
Willis, Bill	\$2,002.00 P O BOX 287, SWANNANOVA, NC 28778

OCT 2009 PAYMENTS OVER \$600.00

JARLLC	\$10,000 00
GRAY	\$18,500 00
JAMES A RIELS	\$8,000 00
BILTMORE OIL	\$15,478 12
BOB LAWRENCE	\$667 35
BRIGGS	\$1,725 84
CAROLIONA CAT	\$5,020 75
CINTAS	\$927 77
GOULD KILLIAN	\$2,071 25
KESSEL ENGINEERING	\$6,000 00
KOUNTY LINE - FLETCHER	\$712 49
MATERIAL SALES	\$12,000 00
MCABEE & ASSOC	\$9,725 00
RAYS BAG	\$4,569 54
SILVERMAN	\$10,332 19
SPRINT	\$607 03
SPUR CONST	\$10,678 50
TRACE & CO	\$11,340 58
VALLEY	\$7,286 72
VULCAN	\$5,000 00
VOLVO	\$6,069 48
,CATERPILLAR	\$2,719 82
STONEWOOD	\$2,810 42

5. Repossessions, foreclosures and returns

None List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
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6. Assignments and receiverships

None a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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None b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND ADDRESS OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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7. Gifts

None List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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8. Losses

None List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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9. Payments related to debt counseling or bankruptcy

None List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Westall, Gray, Connolly 81 Central Avenue Asheville, N.C. 28801	October 15, 2009	\$18,500.00 (\$15,000/retainer; \$3,500/cost)

10. Other transfers

None a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
Ritchie Bros. Auctioneer no relation	10/14/2009	See attached list; \$228000.

None b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR INTEREST IN PROPERTY
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11. Closed financial accounts

None List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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12. Safe deposit boxes

None List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITOR	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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RBA/Fairview Excavating LLC

SOLD TO RITCHIE BROS
\$ 228,000

- ~~12~~ 1997 PETERBILT 357 T/A DUMP TRUCK
s/n 1NPALA9X4VN441733
- ~~13~~ 1995 CASE 1840 SKID STEER LOADER
s/n JAF0159136
- ~~14~~ 1995 CASE 580SL 4X4 LOADER BACKHOE
s/n JJG0192272
- ~~17~~ 1990 CASE 650 CRAWLER TRACTOR
s/n JAK0011530
- ~~18~~ 1996 CASE 1150G CRAWLER TRACTOR
s/n JJG0218365
- ~~22~~ 1998 CATERPILLAR D6M XL CRAWLER TRACTOR
s/n 3WN01581
- ~~25~~ 2004 HAMM 3307 VIBRATORY SMOOTH DRUM ROLLER
s/n 60836
- ~~26~~ 1999 HAMM 2320D VIBRATORY SMOOTH DRUM ROLLER
s/n 42025
- ~~27~~ 2003 CATERPILLAR 325CL HYDRAULIC EXCAVATOR
s/n CAT0325CXBFE00996
- ~~31~~ 1996 DAEWOO SL220LC-V HYDRAULIC EXCAVATOR
s/n 1025
- ~~32~~ 1996 DAEWOO SL220LC-V HYDRAULIC EXCAVATOR
s/n 1049
- ~~33~~ 2005 VOLVO EC210BLC HYDRAULIC EXCAVATOR
s/n EC210V14665
- ~~34~~ 2005 VOLVO EC210BLC HYDRAULIC EXCAVATOR
s/n EC210V14663
- ~~40~~ 1996 PITTS LT40 LOG TRAILER
s/n 1PELT4027TP960528

C01-2009-10-13-09.56.08

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** END OF REPORT **

13. Setoffs

None List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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14. Property held for another person

None List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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15. Prior address of debtor

None If debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
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16. Spouses and Former Spouses

None If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor 's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law.

None a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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18. Nature, location and name of business

None a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the business, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOCIAL SECURITY OR OTHER INDIVIDUAL TAXPAYER-I.D. NO. (ITIN)/ COMPLETE EIN	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
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None b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS
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19. Books, records and financial statements

None a. List all bookkeepers and accountants who within **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED
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Travis Smeltzer

None b. List all firms or individuals who within **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME	ADDRESS	DATES SERVICES RENDERED
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**Harold Cole/Shawn Norris
Gould Killian CPA**

None c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME	ADDRESS
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None d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within **two years** immediately preceding the commencement of this case.

NAME AND ADDRESS	DATE ISSUED
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20. Inventories

None a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)
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None b. List the name and address of the person having possession of the records of each of the inventories reported in a., above.

DATE OF INVENTORY	NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS
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21. Current Partners, Officers, Directors and Shareholders

None a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE OF INTEREST	PERCENTAGE OF INTEREST
James Anthony Riels	member/manager	100%

None b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP
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22. Former partners, officers, directors and shareholders

None a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL
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None b. If the debtor is a corporation, list all officers or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION
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23. Withdrawals from a partnership or distributions by a corporation

None If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
James Anthony Riels member/manager	salary - weekly	\$2,000.00 per week

24. Tax Consolidation Group.

None If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER (EIN)

25. Pension Funds.

None If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

NAME OF PENSION FUND	TAXPAYER IDENTIFICATION NUMBER (EIN)

* * * * *

[If completed on behalf of a partnership or corporation]

I, declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information and belief.

Date 10/16/2009

Signature s/ James Anthony Riels

James Anthony Riels, Member/Manager

Print Name and Title

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

_____ continuation sheets attached

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

In re: **Fairview Excavating, LLC**

Case No.

List of Equity Security Holders

REGISTERED NAME OF HOLDER OF SECURITY LAST KNOWN ADDRESS OR PLACE OF BUSINESS	CLASS OF SECURITY	NUMBER REGISTERED	KIND OF INTEREST REGISTERED
James Anthony Riels 131 Waterford Lakes Dr. Fletcher, NC 28732			100%

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

I, **James Anthony Riels, Member/Manager** 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: 10/16/2009

s/ James Anthony Riels
James Anthony Riels ,Member/Manager
Debtor

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
Western District of North Carolina**

In re **Fairview Excavating, LLC**

Case No.

Debtor.

Chapter **11**

STATEMENT OF CORPORATE OWNERSHIP

Comes now **Fairview Excavating, LLC** (the "Debtor") and pursuant to Fed. R. Bankr. P. 1007(a) and 7007.1 state as follows:

_____ All corporations that directly or indirectly own 10% or more of any class of the corporation's equity interests are listed below:

Owner	% of Shares Owned
None	

OR,

There are no entities to report.

By s/ David G. Gray

David G. Gray
Signature of Attorney

Counsel for **Fairview Excavating, LLC**

Bar no.: **1733**

Address.: **Westall, Gray, Connolly & Davis, P.A.
81 Central Avenue
Asheville, N.C. 28801**

Telephone No.: **(828) 254-6315**

Fax No.: **(828) 255-0305**

E-mail address:

B 203
(12/94)

**UNITED STATES BANKRUPTCY COURT
Western District of North Carolina**

In re: Fairview Excavating, LLC
Debtor

Case No. _____
Chapter 11

**DISCLOSURE OF COMPENSATION OF ATTORNEY
FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	<u>15,000.00</u>
Prior to the filing of this statement I have received	\$	<u>15,000.00</u>
Balance Due	\$	<u>0.00</u>

2. The source of compensation paid to me was:

- Debtor
- Other (specify)

3. The source of compensation to be paid to me is:

- Debtor
- Other (specify)

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a) Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b) Preparation and filing of any petition, schedules, statement of affairs, and plan which may be required;
- c) Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d) [Other provisions as needed]

None

6. By agreement with the debtor(s) the above disclosed fee does not include the following services:

Representation in adversary proceedings for which a separate contract will be required.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: 10/16/2009

s/ David G. Gray

David G. Gray, Bar No. 1733

Westall, Gray, Connolly & Davis, P.A.

Attorney for Debtor(s)

Fairview Excavating, LLC
410 Mills Gap Road
Fletcher, NC 28732

Carolina AGC, Inc.
PO Box 30277
Charlotte, NC 28230

Henderson Co. Tax Collec
Suite 84
200 N. Grove Street
Hendersonville, NC 28792

David G. Gray
Westall, Gray, Connolly
81 Central Avenue
Asheville, N.C. 28801

Carolina CAT
PO Box 75054
Charlotte, NC 28275

James Anthony Riels
131 Waterford Lakes Dr.
Fletcher, NC 28732

Advanced Data
347 Merrimon Avenue
Asheville, NC 28801

Caterpillar Financial
PO Box 340001
Nashville, TN 37203-0001

Johnson Law Firm, P.A.
PO Box 1288
Arden, NC 28704

APAC, Inc. - Asheville
PO Box 198572
Atlanta, GA 30384-8572

CEMEX
PO Box 905875
Charlotte, NC 28290-5875

Kessell Engineering Grou
Suite OME
582 Hendersonville Rd.
Asheville, NC 28803

ASC Construction Equip.
PO Box 534366
Atlanta, GA 30353-4366

CINTAS
PO Box 729
Fletcher, NC 28732

MaterialSales Co., Inc.
PO Box 60774
Charlotte, NC 28260-0774

Asheville Crane, Inc.
PO Box 1869
Candler, NC 28715

Emery Paving Company
PO Box 814
Arden, NC 28704

McAbee & Associates, P.A
3 McAbee Trail
Fairview, NC 28739

BB&T Bankcard Corp.
PO Box 580363
Charlotte, NC 28258-0363

FCC Equipment Financing
PO Box 905010
Charlotte, NC 28290-0510

NCDMV
1100 New Bern Avenue
Raleigh, NC 27697

Biltmore Oil Company
PO Box 5177
Asheville, NC 28813

Greene Bros. Well & Pump
PO Box 724
Canton, NC 28716

Ray's Supply Company
5120 Old Haywood Rd.
Mills River, NC 28759

Briggs Const. Equip.
PO Box 409794
Atlanta, GA 30384-9794

Harrin's Sand & Gravel
195 Amboy Road
Asheville, NC 28806

Riverside Stump Dump
620 Riverside Road
Asheville, NC 28801

Capital Bank
PO Box 18949
Raleigh, NC 27619

Hart Wall & Paver
PO Box 5287
Concord, NC 28027

Roger F. Williams Co.
23 Heritage Drive
Asheville, NC 28806

Capital Bank (LOC)
PO Box 18949
Raleigh, NC 27619

Henderson Co. Landfill
113 N. Main Street
Hendersonville, NC 28792

Sage Software, Inc.
PO Box 849887
Dallas, TX 75284

Silverman Company
36 Old Charlotte Hwy.
Asheville, NC 28803

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Desc Main

Southern Concrete Materi
PO Box 5395
Asheville, NC 28813

Sprint
PO Box 660092
Dallas, TX 75266

SPUR Construction, LLC
PO Box 1110
Waynesville, NC 28786

T&K Utilities, Inc.
204 Charlotte Hwy. #G
Asheville, NC 28803

Town of Fletcher
4005 Hendersonville Hwy.
Fletcher, NC 28732

Trace & Company
PO Box 1028
Mountain Home, NC 28758

Valley Truck Service
PO Box 490
Swannanoa, NC 28778

Vulcan Construction Mat.
PO Box 75219
Charlotte, NC 28275-0219

Wachovia
PO Box 15286
Wilmington, DE 19886

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

In re: Fairview Excavating, LLC
Debtor

Case No. _____
Chapter 11

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s), or debtor's attorney if applicable, do hereby certify under penalty of perjury that the attached Master Mailing List of creditors, consisting of 2 sheet(s) is complete, correct and consistent with the debtor's schedules pursuant to Local Bankruptcy Rules and I/we assume all responsibility for errors and omissions.

Dated: 10/16/2009

Signed: s/ James Anthony Riels
James Anthony Riels

Signed: s/ David G. Gray
David G. Gray
Attorney for Debtor(s)
Bar no.: 1733
Westall, Gray, Connolly & Davis, P.A.
81 Central Avenue
Asheville, N.C. 28801
Telephone No.: (828) 254-6315
Fax No.: (828) 255-0305
E-mail address:

UNITED STATES BANKRUPTCY COURT
Western District of North Carolina

In re: **Fairview Excavating, LLC**

Case No. _____

Chapter **11**

BUSINESS INCOME AND EXPENSES

FINANCIAL REVIEW OF THE DEBTOR'S BUSINESS (NOTE: ONLY INCLUDE information directly related to the business operation.)

PART A - GROSS BUSINESS INCOME FOR PREVIOUS 12 MONTHS:

1. Gross Income For 12 Months Prior to Filing: \$ 3,976,702.50

PART B - ESTIMATED AVERAGE FUTURE GROSS MONTHLY INCOME:

2. Gross Monthly Income: \$ 170,000.00

PART C - ESTIMATED FUTURE MONTHLY EXPENSES:

3. Net Employee Payroll (Other Than Debtor)	\$ <u>65,000.00</u>
4. Payroll Taxes	<u>5,000.00</u>
5. Unemployment Taxes	<u>500.00</u>
6. Worker's Compensation	<u>2,800.00</u>
7. Other Taxes	<u>0.00</u>
8. Inventory Purchases (Including raw materials)	<u>30,000.00</u>
9. Purchase of Feed/Fertilizer/Seed/Spray	<u>0.00</u>
10. Rent (Other than debtor's principal residence)	<u>0.00</u>
11. Utilities	<u>400.00</u>
12. Office Expenses and Supplies	<u>200.00</u>
13. Repairs and Maintenance	<u>3,000.00</u>
14. Vehicle Expenses	<u>1,000.00</u>
15. Travel and Entertainment	<u>0.00</u>
16. Equipment Rental and Leases	<u>7,000.00</u>
17. Legal/Accounting/Other Professional Fees	<u>1,000.00</u>
18. Insurance	<u>2,000.00</u>
19. Employee Benefits (e.g., pension, medical, etc.)	<u>0.00</u>

20. Payments to Be Made Directly By Debtor to Secured Creditors For Pre-Petition Business Debts (Specify):

None

21. Other (Specify): subcontractors, fuel, advertising, telephone/cell 50,000.00

22. Total Monthly Expenses (Add items 3 - 21) \$ 167,900.00

PART D - ESTIMATED AVERAGE NET MONTHLY INCOME:

23. AVERAGE NET MONTHLY INCOME (Subtract Item 22 from Item 2) \$ 2,100.00