

B1 (Official Form 1) (1/08)

United States Bankruptcy Court Western District of North Carolina		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Burton Creek Investments, 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): None		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): EIN: 20-3946109		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State) 2593 W. Roosevelt Boulevard Monroe, NC <div style="text-align: right;">ZIPCODE 28110</div>		Street Address of Joint Debtor (No. and Street, City, and State) <div style="text-align: right;">ZIPCODE</div>
County of Residence or of the Principal Place of Business: Union		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): PO Box 748 Monroe, NC <div style="text-align: right;">ZIPCODE 28111</div>		Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right;">ZIPCODE</div>
Location of Principal Assets of Business Debtor (if different from street address above): Webbs Road; Blade Trail, Lincoln County, NC		ZIPCODE ???-???
Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input checked="" type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other _____ Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code)	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) Debts are primarily consumer <input type="checkbox"/> debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts
Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. Sec Official Form 3B.		Check one box: Chapter 11 Debtors <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101(51D) <input checked="" type="checkbox"/> Debtor is not a small business as defined in 11 U.S.C. § 101(51D) Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000 Check all applicable boxes <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes, in accordance with 11 U.S.C. § 1126(b).
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <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.		THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1000-5000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000		
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input checked="" type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		

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BI (Official Form 1) (1/08)

Page 3

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

Name of Debtor(s):
Burton Creek Investments, 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.

X _____
Signature of Debtor

X _____
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 this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
(Signature of Foreign Representative)

(Printed Name of Foreign Representative)

(Date)

Signature of Attorney*

X /s/ R. Keith Johnson
Signature of Attorney for Debtor(s)

R. KEITH JOHNSON
Printed Name of Attorney for Debtor(s)

Law Offices of R. Keith Johnson, PA

Firm Name
127 Hwy. 16 S.
Address

Stanley, NC 28164

(704) 827-4200

Telephone Number
December 28, 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 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 relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ C. Mark Tyson
Signature of Authorized Individual

C. MARK TYSON

Printed Name of Authorized Individual
Member

Title of Authorized Individual
December 28, 2009

Date

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 setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

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

X _____

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 additional sheets conforming 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.

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Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Burton Creek Investments, LLC	
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: N.A.	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: NONE	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<p style="text-align: center;">Exhibit A</p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>		<p style="text-align: center;">Exhibit B</p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts)</p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. § 342(b).</p> <p>X _____ Signature of Attorney for Debtor(s) Date</p>	
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?			
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> 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.)			
<input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.			
If this is a joint petition:			
<input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in 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)			
<input type="checkbox"/> Landlord has a judgment for possession of debtor's residence. (If box checked, complete the following.)			

(Name of landlord that obtained judgment)			

(Address of landlord)			
<input type="checkbox"/> Debtor claims that under applicable non bankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included 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.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).			

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)**

In re:) Chapter 11
)
BURTON CREEK INVESTMENTS,LLC) Case No. _____
)
)
Debtor.)

CORPORATE OWNERSHIP STATEMENT

Pursuant to Federal Rules of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Burton Creek Investments, LLC in the above-captioned action, certifies that no corporation directly or indirectly owns 10% or more of any class of the corporation's interests.

Dated: Charlotte, North Carolina
December 28, 2009

LAW OFFICES OF R. KEITH JOHNSON, P.A.

By: /s/ R. Keith Johnson
R. Keith Johnson (State Bar No. 8840)
1275 Highway 16 South
Stanley, NC 28164
(704) 827-4200
Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

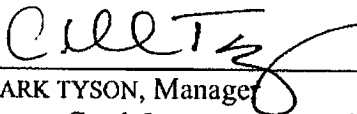
BURTON CREEK INVESTMENTS, LLC)
)
)
 Debtor.)
)
_____)

**Chapter 11
Case No. _____**

RESOLUTION TO AUTHORIZE FILING

THE UNDERSIGNED, being a 50% member and manager of Burton Creek Investments, LLC, having waived notice of any meeting, authorizes the filing of a Chapter 11 bankruptcy case by Burton Creek Investments, LLC. Further, the undersigned authorizes the debtor to employ the services of R. Keith Johnson, P.A., to represent it in the Chapter 11 case to be filed in the United States Bankruptcy Court for the Western District of North Carolina.

Dated: December 28, 2009.



MARK TYSON, Manager
Burton Creek Investments, LLC

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

In re Burton Creek Investments, LLC
Debtor

Case No. _____

Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

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

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim [if secured also state value of security]</i>
Lincoln County PO Box 938 Lincolnton, NC 28093			Disputed	1,260,593.56
Lincoln County School System PO Box 938 Lincolnton, NC 28093				103,000.00
McCollum Trucking and Grading 810 N. Sutherland Avenue Monroe, NC 28110				96,556.00

(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>
Pro Seal Systems of NC PO Box 5493 Statesville, NC 28687				56,890.49
Neil Grading PO Box 3916 Hickory, NC 28603-3916				43,436.93
Sides Seeding PO Box 1969 Welcome, NC 27374				32,515.53
Landmark Trucking and Grading 242 Watson Road Bessemer City, NC 28016				26,135.50
Piedmont Design 125 East Plaza Drive Suite 101 Mooresville, NC 28115				23,492.50
Nicks Lawn and Landscaping PO Box 582 Denver, NC 28037				12,825.00
West Lincoln Well Drilling 5779 Millies Lane Vale, NC 28168				5,100.00
Duke Power PO Box 1090 Charlotte, NC 28201				1,733.26

(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>

Monroe Roadways 7061 Campground Road Denver, NC 28037	1,110.00
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CBC 628 Oakridge Farm Highway Mooresville, NC 28115	1,000.00
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AT&T PO Box 105262 Atlanta, GA 30348	412.69
--	--------

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, [the president or other officer or an authorized agent of the corporation] named as debtor in this case, declare under penalty of perjury that I have read the foregoing LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS and that it is true and correct to the best of my information and belief.

Date December 28, 2009

Signature /s/ C. Mark Tyson
C. MARK TYSON,
Member

UNITED STATES BANKRUPTCY COURT
Western District of North Carolina

In re Burton Creek Investments, LLC,
Debtor

Case No. _____

Chapter 11

List of Equity Security Holders

Holder of Security	Number Registered	Type of Interest
Mark Tyson	50%	
Larry Helms	7.5%	
Steven Helms	7.5%	
Jake Helder	11.5%	
Rick Duncan	10%	
Vann Walters	10%	
James Marlow	3.5%	

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

I, C. Mark Tyson, Member of Burton Creek Investments LLC, 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.

Burton Creek Investments, LLC

By : /s/ C. Mark Tyson
C. Mark Tyson

Date : December 28, 2009

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United States Bankruptcy Court
Western District of North Carolina

IN RE:

Case No. _____

Burton Creek Investments, LLC
Debtor(s)

Chapter 11

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s) hereby verify(ies) that the attached matrix listing creditors is true to the best of my(our) knowledge.

Date: December 28, 2009 Signature: /s/ C. Mark Tyson
Debtor

Date: _____ Signature: _____
Joint Debtor, if any

AT&T
PO Box 105262
Atlanta, GA 30348

CBC
628 Oakridge Farm Highway
Mooresville, NC 28115

Duke Power
PO Box 1090
Charlotte, NC 28201

Fifth Third Bank
PO Box 630337
Cincinnati, OH 45263-0337

Landmark Trucking and Grading
242 Watson Road
Bessemer City, NC 28016

Lincoln County
PO Box 938
Lincolnton, NC 28093

Lincoln County School System
PO Box 938
Lincolnton, NC 28093

McCollum Trucking and Grading
810 N. Sutherland Avenue
Monroe, NC 28110

Monroe Roadways
7061 Campground Road
Denver, NC 28037

Neil Grading
PO Box 3916
Hickory, NC 28603-3916

Nicks Lawn and Landscaping
PO Box 582
Denver, NC 28037

Piedmont Design
125 East Plaza Drive
Suite 101
 Mooresville, NC 28115

Pro Seal Systems of NC
PO Box 5493
Statesville, NC 28687

Sides Seeding
PO Box 1969
Welcome, NC 27374

West Lincoln Well Drilling
5779 Millies Lane
Vale, NC 28168

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McGuire Woods LLP
100 N. Tryon St.
Charlotte, NC 28202

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Attorney at Law
2108 South Blvd., #118
Charlotte, NC 28203

Travis W. Moon
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201 S. College St., Ste. 2020
Charlotte, NC 28244-2020

Harold C. Spears
Attorney at Law
121 W. Trade St., Ste. 2600
Charlotte, NC 28202

Jake C. Helder, Sr.
Attorney at Law
P. O. Drawer 99
Monroe, NC 28111

Bruce M. Simpson, Esq.
James, McElroy & Diehl, P.A.
600 S. College St.
Charlotte, NC 28202

James R. Duncan
Allison L. Duncan
215 East C.J. Thomas Rd.
Monroe, NC 28262

Atreus Homes
9013 Perimeter Woods Dr.
Suite H
Charlotte, NC 28216