

United States Bankruptcy Court Western District of North Carolina							Voluntary Petition		
Name of Debtor (if individual, enter Last, First, Middle): West Winds Enterprises, 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): EIN: 34-1983317				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)				Street Address of Joint Debtor (No. and Street, City, and State)					
ZIPCODE				ZIPCODE					
County of Residence or of the Principal Place of Business: Cabarrus				County of Residence or of the Principal Place of Business:					
Mailing Address of Debtor (if different from street address): 1940 Derita Road Concord, NC				Mailing Address of Joint Debtor (if different from street address):					
ZIPCODE 28075				ZIPCODE					
Location of Principal Assets of Business Debtor (if different from street address above): West Winds Boulevard, Concord, NC				ZIPCODE 28075					
<b>Type of Debtor</b> (Form of Organization) (Check <b>one</b> box)  <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____		<b>Nature of Business</b> (Check <b>one</b> box)  <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Commercial Property Management _____		<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box)  <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13  <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding					
		<b>Tax-Exempt Entity</b> (Check box, if applicable)  <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code)		<b>Nature of Debts</b> (Check one box) Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts					
<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached  <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3A.  <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.				<b>Check one box: Chapter 11 Debtors</b> <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) <b>Check if:</b> <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). ----- <b>Check all applicable boxes</b> <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).					
<b>Statistical/Administrative Information</b> <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input 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		
<b>Estimated Number of Creditors</b> <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									
<b>Estimated Assets</b> <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									
<b>Estimated Liabilities</b> <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									

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

Name of Debtor(s):  
**West Winds Enterprises, 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.

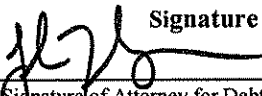
Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X \_\_\_\_\_  
 (Signature of Foreign Representative)

\_\_\_\_\_  
 (Printed Name of Foreign Representative)

\_\_\_\_\_  
 (Date)

**Signature of Attorney\***

X  \_\_\_\_\_  
 Signature of Attorney for Debtor(s)

Glenn C. Thompson  
 Printed Name of Attorney for Debtor(s)

HAMILTON MOON STEPHENS STEELE & MARTIN, PLLC  
 Firm Name

201 S. College Street, Suite 2020  
 Address

Charlotte, NC 28244

704-344-1117  
 Telephone Number

\_\_\_\_\_  
 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/ A. WAYNE MOTLEY, SR.  
 Signature of Authorized Individual

\_\_\_\_\_  
 Printed Name of Authorized Individual

\_\_\_\_\_  
 Title of Authorized Individual

\_\_\_\_\_  
 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.*

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

In re West Winds Enterprises, 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) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim [if secured also state value of security]</i>
Fifth Third Bank 6310 Fairview Road Charlotte, NC 28210				4,579,879.00 Collateral FMV 4,230,000.00
CPS Color Equipment, Inc. 7925 West Winds Boulevard Concord, NC 28027			Contingent	25,246.42
City of Concord PO Box 580469 Charlotte, NC 28258				2,765.45



Allied Waste  
PO Box 219  
Pineville, NC 28134-0219

B & W Motley, LLC  
1940 Derita Road  
Concord, NC 27027

C & M Motley, LLC  
1700 Derita Road  
Concord, NC 28027

Cabarrus County Tax Collectors Office  
PO Box 707  
Concord, NC 28207-2627

City of Concord  
PO Box 580469  
Charlotte, NC 28258

City of Concord Tax Collector  
PO Box 580473  
Charlotte, NC 28258-0473

Corinthian International, Inc.  
7804-C Fairview Road  
Suite 218  
Charlotte, NC 28226

Corinthian International, Inc.  
7804-C Fairview Road, Suite 218  
Charlotte, NC 28226

CPS Color Equipment, Inc.  
7925 West Winds Boulevard  
Concord, NC 28027

CPS Color Equipment, Inc.  
7925 West Winds Boulevard  
Concord, NC 28027

Fifth Third Bank  
6310 Fairview Road  
Charlotte, NC 28210

Flyright, Inc.  
7275 Westwinds Blvd.  
Concord, NC 28027

Helda Enterpises Limited Partnership  
7804-C Fairview Road  
Suite 218  
Charlotte, NC 28226

Helda Enterpises, L.P.  
7804-C Fairview Road  
Suite 218  
Charlotte, NC 28226

NORTH CAROLINA DEPARTMENT  
OF REVENUE  
PO BOX 1168  
RALEIGH, NC 27602

NORTH CAROLINA DEPARTMENT  
OF REVENUE  
PO BOX 1168  
RALEIGH, NC 27602

Robert Shawn Helda  
7804-C Fairview Road  
Suite 218  
Charlotte, NC 28226

Rogers Townsend & Thomas  
2701 Coltsgate Road  
Suite 300  
Charlotte, NC 28211

SC Hondros & Associates  
c/o Ryan L. Beaver  
Shumaker Loop & Kendrick, LLP  
128 S. Tryon Street, Suite 1800  
Charlotte, NC 28202

Team Mechanical  
2811 Central Avenue  
Charlotte, NC 28205-5338

Team Mechanical  
2811 Central Avenue  
Charlotte, NC 28205-5338

Terminix Service  
3206 Perry Street  
Concord, NC 28027

Terminix Service  
3206 Perry Street  
Concord, NC 28027

Valleycrest Landscaping  
PO Box 404083  
Atlanta, GA 30384-4083

Valleycrest Landscaping  
PO Box 404083  
Atlanta, GA 30384-4083

Windstream  
PO Box 9001908  
Louisville, KY 40290



In re West Winds Enterprises, LLC,  
Debtor

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

Chapter 11

**List of Equity Security Holders**

Holder of Security	Number Registered	Type of Interest
B & W Motley, LLC 1940 Derita Road Concord, NC 27027		25% Member
C & M Motley, LLC 1700 Derita Road Concord, NC 28027		25% Member
Helda Enterprises Limited Partnership 7804-C Fairview Road Suite 218 Charlotte, NC 28226		50% Member

B203  
12/94

# United States Bankruptcy Court

Western District of North Carolina

In re West Winds Enterprises, LLC

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

Chapter 11

Debtor(s)

### DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 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>0.00</u>
Prior to the filing of this statement I have received .....	\$	<u>40,621.00</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 other 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, statements 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. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;

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

#### 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 the bankruptcy proceeding.

\_\_\_\_\_  
Date

/s/ Travis W. Moon  
\_\_\_\_\_  
Signature of Attorney

HAMILTON MOON STEPHENS STEELE & MARTIN, PLLC  
\_\_\_\_\_  
Name of law firm

CORPORATE RESOLUTION

1940 We, the undersigned, being the members of West Winds Enterprises, LLC, a North Carolina limited liability corporation (the "Company") having corporate headquarters located at ~~900~~ Derita Road, Concord, NC 28027, do hereby adopt the following resolutions by signing below to consent to action without holding a formal meeting of the Board of the Company:

RESOLVED, that the filing by the Company of a petition for relief under chapter 11 of title 11, United States Code (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Western District of North Carolina is approved; and it is

FURTHER RESOLVED, that either manager of the Company, A. Wayne Motley, Sr. or R. Shawn Helda, is authorized, empowered, and directed to execute on behalf of the Company a petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Western District of North Carolina, and any affidavits, forms, schedules, application or any other pleadings or documents which are necessary or appropriate, including debtor-in-possession financing arrangements; provided that pursuant to Section 5.1(a) of the Company's Operating Agreement, any action of the managers shall require the consent of a minimum of two of the managers, one of whom shall be R. Shawn Helda; and it is

FURTHER RESOLVED, that the retention on behalf of the Company of the law firm of Hamilton Moon Stephens Steele & Martin, PLLC, upon such terms and conditions as the managers of the Company shall approve, to render legal services to, and to represent the Company in connection with such chapter 11 proceedings and other related matters in connection therewith, is authorized and approved; provided that pursuant to Section 5.1(a) of the Company's Operating Agreement, any action of the managers shall require the consent of a minimum of two of the managers, one of whom shall be R. Shawn Helda; and it is

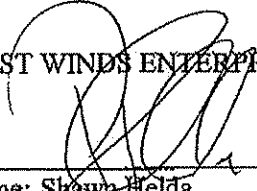
FURTHER RESOLVED, that any of the managers of the Company are each severally authorized to retain on behalf of the Company such other professionals as the managers of the Company deem necessary or appropriate, upon such terms and conditions as the managers of the Company shall approve, to render services to the Company in connection with such chapter 11 proceedings and with respect to other related matters in connection therewith; provided that pursuant to Section 5.1(a) of the Company's Operating Agreement, any action of the managers shall require the consent of a minimum of two of the managers, one of whom shall be R. Shawn Helda; and it is

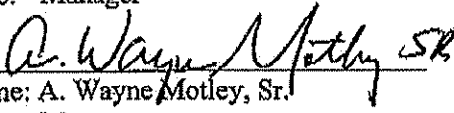
FURTHER RESOLVED, that any of the managers of the Company are authorized, empowered, and directed to take any and all further action and to execute and deliver any and all such further instruments and documents and to pay all such expenses (subject to bankruptcy court approval), where necessary or appropriate in order to carry out fully the intent and accomplish the purposes of the resolutions adopted herein; provided that pursuant to Section 5.1(a) of the Company's Operating Agreement, any action of the managers shall require the consent of a minimum of two of the managers, one of whom shall be R. Shawn Helda; and it is

FURTHER RESOLVED, that all actions taken by the managers of the Company prior to the date hereof in connection with the reorganization of the Company or any matter related thereto, or by virtue of these resolutions, are hereby in all respects ratified, confirmed, and approved.

Dated: Charlotte, North Carolina  
\_\_\_\_\_, 2010

WEST WINDS ENTERPRISES, LLC

By:   
Name: Shawn Helda  
Title: Manager

By:   
Name: A. Wayne Motley, Sr.  
Title: Manager

By:   
Name: Robert Mitchell Motley  
Title: Manager

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

In re: ) Chapter 11  
)  
WEST WINDS ENTERPRISES, LLC ) 10-\_\_\_\_\_  
)  
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 West Winds Enterprises, LLC in the above-captioned action, certifies that no publicly traded corporation directly or indirectly owns 10% or more of any class of the Debtor's interests.

Dated: Charlotte, North Carolina  
June 11, 2010

HAMILTON MOON STEPHENS STEELE  
& MARTIN, PLLC



\_\_\_\_\_  
Glenn C. Thompson (Bar No. 37221)  
2020 Charlotte Plaza  
201 South College Street  
Charlotte, North Carolina 28244-2020  
Telephone: (704) 344-1117  
*Counsel for the Debtor*