Case 10-50811 Doc 1 Filed 06/02/10 Entered 06/02/10 14:24:37 Desc Main B1 (Official Form 1) (4/10) Document Page 1 of 13

| United S Western | rolina | lina | | y Petition | | |
|---|--|---|---|--|---|--|
| Name of Debtor (if individual, enter Last, First, N | Name of Joint Debtor (Spouse) (Last, First, Middle): | | | | | |
| | | Duke, Faith Friddle All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): None | | | | |
| Last four digits of Soc. Sec. or Individual-Taxpay (if more than one, state all): 5495 | er I.D. (ITIN) No/Complete EIN | | Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No/Complete EIN (if more than one, state all): 8273 | | | |
| Street Address of Debtor (No. and Street, City, a 790 Davis Cove Road | nd State) | Street Address of January 790 Davis Co | Street Address of Joint Debtor (No. and Street, City, and State 790 Davis Cove Road | | | |
| Taylorsville, NC | ZIPCODE 28681 | Taylorsville, 1 | Taylorsville, NC ZIPCODE 28681 | | | |
| County of Residence or of the Principal Place of | | County of Residen | ce or of the Principal Pla | ace of Business: | 20001 | |
| Alexander | | Alexander | | | | |
| Mailing Address of Debtor (if different from stre | et address): | Mailing Address of | f Joint Debtor (if differe | nt from street add | iress): | |
| | ZIPCODE | | | | ZIPCODE | |
| Location of Principal Assets of Business Debtor | (if different from street address a | above): | | | ZIPCODE | |
| Type of Debtor (Form of Organization) (Check one box) Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP) Partnership Other (If debtor is not one of the above entities, check this box and state type of entity below.) Filing Fee (Check one b | Nature of Business (Check one box) | ty able) ganization and States | the Petition Chapter 7 Chapter 9 Chapter 11 Chapter 12 Chapter 13 Natu (Che Debts are primarily of debts, defined in 11 U §101(8) as "incurred I individual primarily f personal, family, or h purpose." | J.S.C. Doy an or a ousehold | one box) etition for of a Foreign ling etition for of a Foreign | |
| Full Filing Fee attached Filing Fee to be paid in installments (Application for the court's consideration to pay fee except in installments. Rule 1006 Filing Fee waiver requested (applicable to chattach signed application for the court's consideration. | Debtor Check if: Debtor's insiders of 4/01/13 a Check all s A plan Accepts | is a small business as de is not a small business a aggregate noncontingent li- or affiliates) are less than \$2 and every three years therea applicable boxes is being filed with this p ances of the plan were st asses, in accordance with | us defined in 11 U quidated debts (excl. 2,343,300 (amount sufter). | J.S.C. § 101(51D) Juding debts owed to subject to adjustment on the control of t | | |
| Statistical/Administrative Information THIS SPACE IS FOR | | | | | | |
| Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. | | | | COURT USE ONLY | | |
| Estimated Number of Creditors 1-49 50-99 100-199 200-999 | 1000- 5,001- 5000 10,000 | | 5,001- 50,001- 0,000 100,000 | Over 100,000 | | |
| Estimated Assets \$0 to \$50,001 to \$100,001 to \$500,001 to \$500,000 to \$1 million | \$1,000,001 \$10,000,001 to \$10 to \$50 million million | \$50,000,001 \$10 to \$100 to \$ million mill | | More than \$1 billion | | |
| Estimated Liabilities | 1 \$1,000,001 \$10,000,001 to \$10 to \$50 million million | \$50,000,001 \$10 to \$100 to \$ million mill | | More than \$1 billion | | |

| B1 (Official Gas | | | :37 Desc Main $_{ m Page}$ 2 | | |
|--|---|--|--|--|--|
| Voluntary Pet (This page must be | ition completed and filed in every case) | Name of Debtor(s): Archie Dale Eckard & Faith | | | |
| A | All Prior Bankruptcy Cases Filed Within Last 8 Years (I | If more than two, attach additional sheet) | | | |
| Location Where Filed: | NONE | Case Number: | Date Filed: | | |
| | N.A. | Case Number: | Date Filed: | | |
| Pending Bar | nkruptcy Case Filed by any Spouse, Partner | | | | |
| Name of Debtor: | NONE | Case Number: | Date Filed: | | |
| District: | | Relationship: | Judge: | | |
| 10K and 10Q) with Section 13 or 15(d) relief under chapter | Exhibit A debtor is required to file periodic reports (e.g., forms the Securities and Exchange Commission pursuant to of the Securities Exchange Act of 1934 and is requesting 11) stattached and made a part of this petition. | (To be completed if de whose debts are primare in the formula in the formula in the petitioner that [he or she] may proceed under States Code, and have explained the relief availated in the retrify that I delivered to the debtor the signature of Attorney for Debtor(s) | btor is an individual rily consumer debts) egoing petition, declare that I have informed chapter 7, 11, 12, or 13 of title 11, United ble under each such chapter. | | |
| | | Signature of Attorney for Debioi(s) | Date | | |
| | n or have possession of any property that poses or is alleged chibit C is attached and made a part of this petition. | ibit C d to pose a threat of imminent and identifiable I | narm to public health or safety? | | |
| (To be completed | Ext by every individual debtor. If a joint petition is filed, each | hibit D spouse must complete and attach a separate Ex | thibit D.) | | |
| Exhibit D | completed and signed by the debtor is attached and made a | a part of this petition. | | | |
| If this is a joint pet Exhibit D | ition: also completed and signed by the joint debtor is attached a | and made a part of this petition. | | | |
| | | arding the Debtor - Venue ny applicable box) | | | |
| □ | Debtor has been domiciled or has had a residence, princi immediately preceding the date of this petition or for a le | ipal place of business, or principal assets in this | | | |
| | _ | | | | |
| | Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United Sates 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. | | | | |
| | | ides as a Tenant of Residential Prop | perty | | |
| | Landlord has a judgment for possession of debtor's resid | dence. (If box checked, complete the following | (.) | | |
| | (Name of | landlord that obtained judgment) | · | | |
| | (Address | of landlord) | and the second s | | |
| | Debtor claims that under applicable non bankruptcy law entire monetary default that gave rise to the judgment fo | t, there are circumstances under which the debte or possession, after the judgment for possession | or would be permitted to cure the was entered, and | | |
| | | | | | |
| | | | | | |

United States Code, specified in this petition.

Signature of Authorized Individual Printed Name of Authorized Individual Title of Authorized Individual 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.

Filed 06/02/10 Document

Entered 06/02/10 14:24:37 Desc Main Page 4 of 13

B1 D (Official Form 1, Exhibit D) (12/09)

UNITED STATES BANKRUPTCY COURT Western District of North Carolina

| In re | Archie Dale Eckard & Faith Friddle Duke | Case No. |
|-------|---|------------|
| | Debtor(s) | (if known) |

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- 2. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.

Desc Main

B1 D (Official Form 1, Exh. D) (12/09) - Cont.

Page 2

□ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

- 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
 - ☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
 - Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
 - Active military duty in a military combat zone.
- 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Joint Debtor:

FAITH FRIDDLE DUKE

Date: 6-2-10

B1 D (Official Form 1, Exhibit D) (12/09)

UNITED STATES BANKRUPTCY COURT Western District of North Carolina

| In re | Archie Dale Eckard & Faith Friddle Duke | Case No |
|-------|---|------------|
| _ | Debtor(s) | (if known) |

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.

Desc Main

B1 D (Official Form 1, Exh. D) (12/09) - Cont.

Page 2

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

- ☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
 - ☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
 - Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
 - Active military duty in a military combat zone.
- 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor:

ARCHIE DALE ECKARD

Date: 6-2-10

Doc 1 Filed 06/02/10 Document

Entered 06/02/10 14:24:37 Page 8 of 13

Desc Main

UNITED STATES BANKRUPTCY COURT Western District of North Carolina

| In re | Archie Dale Eckard & Faith Friddle Duke Debtor | _, Case N | o |
|-------|---|-----------|-------------|
| | | Chapte | r <u>11</u> |

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) |
|---|---|--|--|---|
| Name of creditor and complete mailing address including zip code | Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted | Nature of claim (trade debt, bank loan, government contract, etc. | Indicate if claim is contingent, unliquidated, disputed or subject to setoff | Amount of claim [if secured also state value of security] |
| American Express PO Box 981537 El Paso, TX 79998 | | | | 24,432.00 |
| Gerald McLaughlin 7001 Paul Payne Store Road Taylorsville, NC 28681 | | | | 15,000.00 |
| American Express PO Box 981537 El Paso, TX 79998 | • | | | 6,862.00 |
| American Express PO Box 981537 El Paso, TX 79998 | | | | 4,182.00 |

| (1) | (2) | (3) | (4) | (5) |
|--|---|--|--|---|
| Name of creditor and complete mailing address including zip code | Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted | Nature of claim (trade debt, bank loan, government contract, etc. | Indicate if claim is contingent, unliquidated, disputed or subject to setoff | Amount of claim [if secured also state value of security] |
| Catawba Valley Medical Center 810 Fairgrove Church Road Hickory, NC 28602 | | | | 2,491.00 |
| Kevin D. Hefner & Associates PO Box 6184 Bethlehem Station Hickory, NC 28603 | | | | 1,790.00 |
| Autumn Home Nutrition 1558 S. Winstead Avenue Rocky Mount, NC 27803 | | | | 1,076.00 |
| Capital One PO Box 30281 Salt Lake City, UT 84130 | | | | 750.00 |
| NC Baptist Hospital PO Box 344 Winston Salem, NC 27102 | | | | 495.00 |
| Shell Citibank PO Box 6497 Sioux Falls, SD 57117 | | | | 464.00 |
| HSBC PO Box 5253 Carol Stream, IL 60197 | | | | 400.00 |

Bankruptcy2010 @1991-2010, New Hope Software, Inc., ver. 4.5.4-749 - 31669

Case 10-50811 Doc 1 Filed 06/02/10 Entered 06/02/10 14:24:37 Desc Main Document Page 10 of 13

| (1) Name of creditor and complete mailing address including zip code | (2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted | (3) Nature of claim (trade debt, bank loán, government contract, etc. | (4) Indicate if claim is contingent, unliquidated, disputed or subject to setoff | (5) Amount of claim [if secured also state value of security] |
|---|--|---|--|---|
| Capital One PO Box 30281 Salt Lake City, UT 84130 | | | | 400.00 |
| Catawba Radiological Associates 18 Thirteenth Ave NE Hickory, NC 28601 | | | | 301.00 |
| Glen Walker 201 Government Ave SW Hickory, NC 28602 | | | | 300.00 |
| Western Piedmont Anesthesia PO Box 488 Conover, NC 28613 | | | | 182.00 |

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the answers contained in the foregoing list of twenty largest

| unsecu | ared creditors and that it is true and correct to | the best of my | knowledge, information and belief. |
|--------|---|---------------------------|------------------------------------|
| Date | 6-2-10 | Signature | ARCHIE DALE ECKARD |
| Date | 6-2-10 | Signature of Joint Deb | Fatel Friddle Dule |

Bankruptcy2010 @1991-2010, New Hope Software, Inc., ver. 4.5.4-749 - 31669

Alexander County Taxes PO Box 38 Taylorsville, NC 28681

American Express PO Box 981537 El Paso, TX 79998

American Express PO Box 981537 El Paso, TX 79998

American Express PO Box 981537 El Paso, TX 79998

Autumn Home Nutrition 1558 S. Winstead Avenue Rocky Mount, NC 27803

Bank of Granite PO Box 578 Hickory, NC 28603

Capital One PO Box 30281 Salt Lake City, UT 84130

Capital One PO Box 30281 Salt Lake City, UT 84130

Catawba Radiological Associates 18 Thirteenth Ave NE Hickory, NC 28601

Catawba Valley Medical Center 810 Fairgrove Church Road Hickory, NC 28602 Gerald McLaughlin 7001 Paul Payne Store Road Taylorsville, NC 28681

Glen Walker 201 Government Ave SW Hickory, NC 28602

HSBC PO Box 5253 Carol Stream, IL 60197

INTERNAL REVENUE SERVICE INSOLVENCY I 320 FEDERAL PLACE, ROOM 335 GREENSBORO, NC 27401

Kevin D. Hefner & Associates PO Box 6184 Bethlehem Station Hickory, NC 28603

NC Baptist Hospital PO Box 344 · Winston Salem, NC 27102

NC DEPARTMENT OF REVENUE PO BOX 1168 RALEIGH, NC 27602

Shell Citibank PO Box 6497 Sioux Falls, SD 57117

Shuford Credit Union 882-16th Street NE Hickory, NC 28601 Town of Blowing Rock 1036 Main Street P.O. Box 47 Blowing Rock, NC 28605

Watauga County Taxes 842 West King Street, Suite 21 Boone, NC 28607-3485

Western Piedmont Anesthesia PO Box 488 Conover, NC 28613