Case 12-31811 Doc 1 Filed 07/27/12 Entered 07/27/12 16:17:40 Desc Main B1 (Official Form 1) (12/11) Document Page 1 of 10

United Sta Western District of N				o ivisio	n		Vol	untary Petition
Name of Debtor (if individual, enter Last, First, Mide Wallace Road, LLC	dle):		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) /Complete EIN (if more than one, state all): 56-2090079			Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) /Complete EIN (if more than one, state all):					
Street Address of Debtor (No. & Street, City, State & 6406 Carmel Rd., Suite 300	z Zip Code):		Street Address of Joint Debtor (No. & Street, City, State & Zip Code):				ate & Zip Code):	
Charlotte, NC	ZIPCODE 28	3226						ZIPCODE
County of Residence or of the Principal Place of Bus <b>Mecklenburg</b>			County of	Residenc	e or of t	he Principal Pla		
Mailing Address of Debtor (if different from street as P.O. Box 470407	ddress)		Mailing A	ddress of	Joint Do	ebtor (if differer	nt from stre	eet address):
Charlotte, NC	ZIPCODE 28	3247						ZIPCODE
Location of Principal Assets of Business Debtor (if d 3148 Wallace Rd., Concord, NC	ifferent from st	reet address a	bove):				Г	
Type of Debtor		Nature of 1					nkruptcy	ZIPCODE 28027  Code Under Which
(Form of Organization) (Check <b>one</b> box.)	□ Hoolth (	(Check or Care Business	ie box.)			tne Petitio hapter 7		(Check <b>one</b> box.) pter 15 Petition for
☐ Individual (includes Joint Debtors)			ate as defined i	n 11	∏, Cl	hapter 9	Reco	ognition of a Foreign
See Exhibit D on page 2 of this form.  ✓ Corporation (includes LLC and LLP)	U.S.C. §	101(51B)				hapter 11 hapter 12		n Proceeding pter 15 Petition for
Partnership	Stockbro					hapter 13		ognition of a Foreign
Other (If debtor is not one of the above entities,		dity Broker						main Proceeding
check this box and state type of entity below.)	Clearing Other	Dalik					Nature of (Check one	
Chapter 15 Debtor Country of debtor's center of main interests:						ebts are primaril	y consume	r Debts are primarily
	.   (	Tax-Exemp Check box, if				bts, defined in 1 101(8) as "incurr		business debts.
Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Debtor i	s a tax-exemp	t organization		inc	lividual primaril	ly for a	
regarding, or against deotor is pending.		of the United Revenue Code	States Code (t	he		rsonal, family, o ld purpose."	r house-	
Filing Fee (Check one box)	111011111		-).			pter 11 Debtors	s	
✓ Full Filing Fee attached		Check one				•		
			is a small business debtor as defined in 11 U.S.C. § 101(51D). is not a small business debtor as defined in 11 U.S.C. § 101(51D).					
Filing Fee to be paid in installments (Applicable to only). Must attach signed application for the court		Check if:	s not a small dusiness deolor as defined in 11 (0.5.C. § 101(51D).					
consideration certifying that the debtor is unable to except in installments. Rule 1006(b). See Official	pay fee							o insiders or affiliates) are less years thereafter).
Filing Fee waiver requested (Applicable to chapter	7 individuals	Check all a	applicable bo	xes:				
only). Must attach signed application for the court consideration. See Official Form 3B.	's		is being filed with this petition ances of the plan were solicited prepetition from one or more classes of creditors, in					
consideration, see official Form 3B.			nce with 11 U			prepention from	one or mo	re classes of creditors, in
Statistical/Administrative Information								THIS SPACE IS FOR
☐ Debtor estimates that funds will be available for ☐ Debtor estimates that, after any exempt property distribution to unsecured creditors.				id, there	will be r	no funds availab	le for	COURT USE ONLY
Estimated Number of Creditors			-				_	
1-49 50-99 100-199 200-999 1,00	)0- 5,00		J 0,001-	□ 25,001-		50,001-	Over	
5,00			5,000	50,000		100,000	100,000	_
Estimated Assets		_	1			П	П	
\$0 to \$50,001 to \$100,001 to \$500,001 to \$1,0	000,001 to \$10	,000,001 \$:	50,000,001 to	\$100,00	00,001	\$500,000,001	More that	n
		50 million \$				to \$1 billion	\$1 billion	
Estimated Liabilities		_	1	П			П	
\$0 to \$50,001 to \$100,001 to \$500,001 to \$1,0	000,001 to \$10	,000,001 \$:	50,000,001 to		00,001	\$500,000,001	More than	n

\$50,000 \$100,000 \$500,000 \$1 million \$10 million to \$50 million to \$50 million to \$10 million \$10 million to \$10 million \$10 million to \$10 million \$1

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All Prior Bankruptcy Case Filed Within Las	st 8 Years (If more than two, attac	ch additional sheet)
Location Where Filed: <b>None</b>	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 mo	ore than one, attach additional sheet)
Name of Debtor: None	Case Number:	Date Filed:
District:	Relationship:	Judge:
Exhibit A  (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.)  Exhibit A is attached and made a part of this petition.	(To be completed whose debts are p I, the attorney for the petitioner that I have informed the petition chapter 7, 11, 12, or 13 of ti explained the relief available ur that I delivered to the debtor the	xhibit B if debtor is an individual rimarily consumer debts.) named in the foregoing petition, declar ner that [he or she] may proceed unde tle 11, United States Code, and hav nder each such chapter. I further certife enotice required by 11 U.S.C. § 342(b)
	Signature of Attorney for Debtor(s)	Date
(To be completed by every individual debtor. If a joint petition is filed, e  Exhibit D completed and signed by the debtor is attached and ma  If this is a joint petition:	ade a part of this petition.	ach a separate Exhibit D.)
Exhibit D also completed and signed by the joint debtor is attach	ned a made a part of this petition.	
<ul> <li>(Check any a Debtor has been domiciled or has had a residence, principal place preceding the date of this petition or for a longer part of such 18.</li> <li>□ There is a bankruptcy case concerning debtor's affiliate, general</li> </ul>	0 days than in any other District. partner, or partnership pending in	this District.
Debtor is a debtor in a foreign proceeding and has its principal p or has no principal place of business or assets in the United States in this District, or the interests of the parties will be served in reg	but is a defendant in an action or pr	coceeding [in a federal or state court]
Certification by a Debtor Who Resid (Check all apple Landlord has a judgment against the debtor for possession of debtor	plicable boxes.)	
(Name of landlord th	nat 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

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Filed 07/27/12

Document

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Name of Debtor(s):

Wallace Road, LLC

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filing of the petition.

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

**Voluntary Petition** 

Document

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Name of Debtor(s): Wallace Road, LLC

### **Voluntary Petition**

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

### **Signatures**

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

Doc 1

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. §

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

Signature of Debtor X Signature of Joint Debtor Telephone Number (If not represented by attorney)

### 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 11 U.S.C. § 1515 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.

Signature o	of Foreign Repr	resentative		
2 127	CF : 1			
Printed Na	me of Foreign l	Representative		

### Signature of Attorney\*

### X /s/ William S. Gardner

Signature of Attorney for Debtor(s)

William S. Gardner 32684 Gardner Law Offices, PLLC 320-1 E. Graham St. Shelby, NC 28150-0000 (704) 600-6113 billgardner@gardnerlawoffices.com

### July 27, 2012

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/ Reginald S. Wallace Signature of Authorized Individual Reginald S. Wallace Printed Name of Authorized Individual

### President

Title of Authorized Individual

July 27, 2012

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(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.

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			

Signature			
Signature			

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

## NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a joint case (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

### 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days <u>before</u> the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

### **Chapter 7:** Liquidation (\$245 filing fee, \$46 administrative fee, \$15 trustee surcharge: Total fee \$306)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your

discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

# <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$46 administrative fee: Total fee \$281)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

### Chapter 11: Reorganization (\$1000 filing fee, \$46 administrative fee: Total fee \$1046)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

### Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$46 administrative fee: Total fee \$246)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at <a href="http://www.uscourts.gov/bkforms/bankruptcy\_forms.html#procedure">http://www.uscourts.gov/bkforms/bankruptcy\_forms.html#procedure</a>.

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## Document Page 6 of 10 United States Bankruptcy Court Western District of North Carolina, Charlotte Division

IN RE:	Case No
Wallace Road, LLC	Chapter 11
Debtor(s)	•
CERTIFICATION OF NOTICE T	TO CONSUMER DEBTOR(S)

UNDER § 342(b) OF		. ,
Certificate of [Non-Attorn	ey] Bankruptcy P	etition Preparer
I, the [non-attorney] bankruptcy petition preparer signing the denotice, as required by § 342(b) of the Bankruptcy Code.	ebtor's petition, hereb	by certify that I delivered to the debtor the attached
Printed Name and title, if any, of Bankruptcy Petition Preparer Address:		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.)
X	ragnongihla nargan (	(Required by 11 U.S.C. § 110.)
partner whose Social Security number is provided above.	responsible person, c	DI.
Certifica	te of the Debtor	
I (We), the debtor(s), affirm that I (we) have received and read	the attached notice, a	as required by § 342(b) of the Bankruptcy Code.
Wallace Road, LLC	X /s/	7/27/2012
Printed Name(s) of Debtor(s)	Signature of	Debtor Date
Case No. (if known)	X	Loint Debtor (if any)

Instructions: Attach a copy of Form B 201A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) only if the certification has NOT been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

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## B4 (Official Form 4) (12/07) -31811 Doc 1 Filed 07/27/12 Entered 07/27/12 16:17:40

Document Page 7 of 10 United States Bankruptcy Court

### Western District of North Carolina, Charlotte Division

**Desc Main** 

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IN RE:	Case No
Wallace Road, LLC	Chapter 11
Debtor(s)	·

### 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	Name, telephone number and complete mailing	Nature of claim	Indicate if claim	Amount of
including zip code	address, including zip code, of employee, agent	(trade debt,	is contingent,	claim (if
	or department of creditor familiar with claim	bank loan,	unliquidated,	secured also
	who may be contacted	government	disputed or	state value of
		contract, etc.)	subject to setoff	security)

Trade debt

Cabarrus County Tax Collector P.O. Box 707 Concord, NC 28026-0707

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

I, [the president *or* other officer *or* an authorized agent of the corporation][*or* a member *or* an authorized agent of the partnership] 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:	July 27, 2012	Signature:	/s/ Reginald S. Wallace	
			Reginald S. Wallace, President	
			(Prin	nt Name and Title)

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IN RE:	Case 1	No			
Wallace Road, LLC	Chapter 11				
Debtor(s)	•				
LIST OF EQUITY SECU	RITY HOLDERS				
Desistant description and least bus around description below.	Shares	Security Class			
Registered name and last known address of security holder	(or Percentage)	(or kind of interest)			
Reginald S. Wallace	100	Common Stockholder			
P.O. Box 470407					
Charlotte, NC 28247					

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IN RE:		Case No
Wallace Road, LLC		Chapter 11
	Debtor(s)	
	VERIFICATION OF CREDITOR I	MATRIX
The above named debtor(s) hereby v	erify(ies) that the attached matrix listing c	ereditors is true to the best of my(our) knowledge.
•		
Date: July 27, 2012	Signature: /s/ Reginald S. Wallace	
5 a.c. <u>4 a.y 2., 24.2</u>	Reginald S. Wallace, Presid	lent Debtor
Date:	Signature:	

Joint Debtor, if any

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Wallace Road, LLC P.O. Box 470407 Charlotte, NC 28247 Document Page 10 of 10 Carolina Trust Bank
P.O. Box 308
Lincolnton, NC 28093

Gardner Law Offices, PLLC 320-1 E. Graham St. Shelby, NC 28150-0000 Reginald S. Wallace P.O. Box 470407 Charlotte, NC 28247

IRS P.O. Box 21126 Philadelphia, PA 19114

NC Department Of Revenue P.O. Box 25000 Raleigh, NC 27640-0002

NC Dept Of Revenue P.O. Box 1168 Raleigh, NC 27602

U.S. Attorney's Office Room 207 US Courthouse 100 Otis St. Asheville, NC 28801

US Attorney's Office Suite 1700 Carillon Building 227 W. Trade St. Charlotte, NC 28202

Ann Brittian Green Substitute Trustee P.O. Box 2206 Gastonia, NC 28053

Cabarrus County Clerk Of Court File 12-SP-195 77 Union St. Concord, NC 28025

Cabarrus County Tax Collector P.O. Box 707 Concord, NC 28026-0707