B 1 (Official Form 1) (1/08Case: 08-30834 Doc #: 1 Filed: 08/21/2008 Page 1 of 10 **United States Bankruptcy Court Voluntary Petition** District of North Dakota Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): **United States Seamless of Western ND,LLC** All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN(if more Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN(if more than one, state all): 4853 than one, state all): Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): 11540 34th Street SW Dickinson, ND ZIP CODE ZIP CODE 58601 County of Residence or of the Principal Place of Business County of Residence or of the Principal Place of Business: Stark Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): PO Box 447 Dickinson, ND ZIP CODE ZIP CODE 58602 Location of Principal Assets of Business Debtor (if different from street address above): 11540 34th Street SW ZIP CODE 58601 Dickinson, ND Type of Debtor Chapter of Bankruptcy Code Under Which Nature of Business (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box.) Health Care Business Chapter 7 ☐ Chapter 15 Petition for Single Asset Real Estate as defined in 11 Individual (includes Joint Debtors) Recognition of a Foreign Chapter 9 U.S.C. § 101(51B) See Exhibit D on page 2 of this form. Main Proceeding Chapter 11 V Corporation (includes LLC and LLP) □ Railroad ☐ Chapter 15 Petition for Stockbroker Partnership Chapter 12 Recognition of a Foreign ☐ Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding Chapter 13 check this box and state type of entity below.) Clearing Bank Nature of Debts **Limited Liability Company ✓** Other (Check one box) Tax-Exempt Entity Debts are primarily consumer Debts are primarily (Check box, if applicable) debts, defined in 11 U.S.C. business debts. § 101(8) as "incurred by an Debtor is a tax-exempt organization individual primarily for a under Title 26 of the United States personal, family, or house-Code (the Internal Revenue Code.) hold purpose. **Chapter 11 Debtors** Filing Fee (Check one box) Check one box: ✓ Full Filing Fee attached ☑ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b) See Official Form 3A. ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. Check all applicable boxes A plan is being filed with this petition Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY ✓ 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. Estimated Number of Creditors  $\mathbf{\Lambda}$ 100-200-50-1,000-5.001-10,001-25,001-50,001-Over 49 199 999 99 5,000 10,000 25,000 50,000 100,000 100,000 Estimated Assets  $\checkmark$  $\Box$ \$100,000,001 \$50,001 to \$100,001 to \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$0 to \$500,000,001 More than \$1 to \$100 \$50,000 \$100,000 \$500,000 to \$10 to \$50 to \$500 to \$1 billion billion \$1 million million million million million Estimated Liabilities V  $\Box$  $\Box$ \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$100,001 to \$500,000,001 More than \$1 to \$10 to \$50 to \$100 to \$500 \$1 \$50,000 \$100,000 \$500,000 to \$1 billion billion million million million million million

B 1 (Official For	m 1) (1/08Case: 08-30834 Doc #: 1	Filed: 08/21/2008 Page 2 of	<b>FORM B1,</b> Page 2			
Voluntary Peti (This page must	ition be completed and filed in every case)	Name of Debtor(s): United States Seamless of Western ND,LLC				
	All Prior Bankruptcy Cases Filed Within La	ast 8 Years (If more than two, attach additional sheet.)				
Location Where Filed:	NONE	Case Number:	Date Filed:			
Location Where Filed:		Case Number:	Date Filed:			
	Pending Bankruptcy Case Filed by any Spouse, Partner of	or Affiliate of this Debtor (If more than one, attach ad	ditional sheet)			
Name of Debtor: <b>NONE</b>		Case Number:	Date Filed:			
District:		Relationship:	Judge:			
10Q) with the Secur of the Securities Ex-	Exhibit A  f debtor is required to file periodic reports (e.g., forms 10K and rities and Exchange Commission pursuant to Section 13 or 15(d) change Act of 1934 and is requesting relief under chapter 11.)	Exhibit B  (To be completed if debtor is: whose debts are primarily con I, the attorney for the petitioner named in the foregoi have informed the petitioner that [he or she] may pro 12, or 13 of title 11, United States Code, and have e available under each such chapter. I further certify the debtor the notice required by 11 U.S.C. § 342(b).  X Not Applicable  Signature of Attorney for Debtor(s)	sumer debts) ng petition, declare that I ceed under chapter 7, 11, xplained the relief tat I have delivered to the			
		Signature of Attorney for Debtor(s)  Date				
	Ex	chibit C				
	n or have possession of any property that poses or is alleged to pose a bit C is attached and made a part of this petition.	threat of imminent and identifiable harm to public heal	th or safety?			
	Ext	hibit D				
(To be completed by	y every individual debtor. If a joint petition is filed, each spouse mus	st complete and attach a separate Exhibit D.)				
☐ Exhibit D	completed and signed by the debtor is attached and made a part of t	this petition.				
If this is a joint petit		•				
Exhibit D	also completed and signed by the joint debtor is attached and made  Information Regar	rding the Debtor - Venue				
<b>=</b>	(Check any	y applicable box)	one immediately			
<b>⊠</b>	Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.					
	There is a bankruptcy case concerning debtor's affiliate. general p	artner, or partnership pending in this District.				
Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District. or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.						
		des as a Tenant of Residential Property pplicable boxes.)				
	Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following).					
		(Name of landlord that obtained judgment)				
		(Address of landlord)	<del></del>			
	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 a filing of the petition.	ny rent that would become due during the 30-day period	after the			
	Debtor certifies that he/she has served the Landlord with this certi	ification. (11 U.S.C. § 362(1)).				

	Filed: 08/21/2008 Page 3 of 10 FORM B1, Page 3				
Voluntary Petition	Name of Debtor(s):				
(This page must be completed and filed in every case)	United States Seamless of Western ND,LLC				
Sign	natures				
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative				
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 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 <b>one</b> 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				
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.				
X Not Applicable	X Not Applicable				
Signature of Debtor  X Not Applicable	(Signature of Foreign Representative)				
Signature of Joint Debtor	(Printed Name of Foreign Representative)				
Telephone Number (If not represented by attorney)	(Timed (value of Foleign Representative)				
Date	Date				
Signature of Attorney	Signature of Non-Attorney Petition Preparer				
X/s/ Thomas F. Murtha					
Signature of Attorney for Debtor(s)  Thomas F. Murtha Bar No. 02818  Printed Name of Attorney for Debtor(s) / Bar No.	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.				
Murtha Law Office Firm Name					
208 First Avenue East P.O. Box 1111	Not Applicable				
Address Dickinson, ND 58602-1111	Not Applicable Printed Name and title, if any, of Bankruptcy Petition Preparer				
701-227-0146 701-225-0319					
Telephone Number 8/21/2008	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.)				
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.	Address				
Signature of Debtor (Corporation/Partnership)	X Not Applicable				
I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.  The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	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				
X /s/ Brad Brennan	in preparing this document unless the bankruptcy petition preparer is not an individual.				
Signature of Authorized Individual	If more than one person prepared this document, attach to the appropriate official form				
Brad Brennan Printed Name of Authorized Individual	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				
President Title of Authorized Individual	both. 11 U.S.C. § 110; 18 U.S.C. § 156.				
8/21/2008 Date					

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B 201 (04/09/06)

# UNITED STATES BANKRUPTCY COURT DISTRICT OF NORTH DAKOTA

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

In accordance with § 342(b) of the Bankruptcy Code, this notice: (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.

### 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 <a href="mailto:before">before</a> 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.

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.

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

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

- 1. 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, 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.
- 2. 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.
- 3. 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.
- 4. 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, \$39 administrative fee: Total fee \$274)

- 1. 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.
- 2. 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.
- 3. 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.

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B 201 Page 2

#### Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

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, \$39 administrative fee: Total fee \$239)

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.

#### **Certificate of Attorney**

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Thomas F. Murtha	/s/ Thomas F. Murtha	8/21/2008			
Printed Name of Attorney	Signature of Attorney	Date			
Address:					
Murtha Law Office 208 First Avenue East					
P.O. Box 1111					
Dickinson, ND 58602-1111					
701-227-0146					
Certific	eate of the Debtor				
I, the debtor, affirm that I have received and read this notice.					
Brad Brennan	X/s/ Brad Brennan	8/21/2008			
Printed Name of Debtor	Brad Brennan				
	Signature of Debtor	Date			
Case No. (if known)					

B 203 (12/94)

## UNITED STATES BANKRUPTCY COURT District of North Dakota

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In re	:	United Sta	ates Seamless of West	ern	ND,LLC	Case No.		
			Debtor			Chapter	<u>11</u>	
			DISCLOSURE	E C	FOR DEBTOR	TORNE	Y	
p	nd th aid to	nat compensation o me, for services	paid to me within one year	befor	2016(b), I certify that I am the attorney for the above the filing of the petition in bankruptcy, or agreed behalf of the debtor(s) in contemplation of or in		or(s)	
	F	or legal services,	I have agreed to accept				\$	3,500.00
	Р	rior to the filing of	this statement I have recei	ved			\$	3,500.00
	В	alance Due					\$	0.00
2. 1	he s	ource of compens	sation paid to me was:					
		☑ Debtor			Other (specify)			
3. 1	he s	ource of compens	sation to be paid to me is:					
		□ Debtor			Other (specify)			
4.	Ø	I have not agree of my law firm.	ed to share the above-disclo	sed (	compensation with any other person unless they are	re members a	nd associa	ites
		my law firm. A cattached.	copy of the agreement, toge	ther	pensation with a person or persons who are not me with a list of the names of the people sharing in the	compensation		
		urn for the above- iding:	disclosed fee, I have agree	d to r	ender legal service for all aspects of the bankruptc	y case,		
á	a)	Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;						
ł	)	Preparation and filing of any petition, schedules, statement of affairs, and plan which may be required;						
(	;)	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;						
•	<del>)</del> )	[Other provision None	s as needed]					
6.	Зу а	greement with the	debtor(s) the above disclos	ed fe	ee does not include the following services:			
		None						
					CERTIFICATION			
			oing is a complete statemen otor(s) in this bankruptcy pro		any agreement or arrangement for payment to me foliong.	or		
Da	ıted:	8/21/2008						
					/s/ Thomas F. Murtha Thomas F. Murtha, Bar No. 02818	<u> </u>		

Murtha Law Office Attorney for Debtor(s) 

# UNITED STATES BANKRUPTCY COURT DISTRICT OF NORTH DAKOTA

IN RE:			
United	States Seamless of Western ND,LLC		
			CASE NO.
	Deb	otor.	
	VERIFICATION	OF CF	REDITOR MATRIX
The ab	ove named Debtor(s) hereby verifies that the	attached	d list of creditors is true and correct to the best of our
knowle	dge.		
Date:	8/21/2008		d Brennan
			Brennan
		Debtor	signature

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ACME Tool Crib PO Box 13720 Grand Forks, ND 58208-3720

All New Gutters PO Box 2426 Fargo, ND 58108-2426

Allied Building Products PO Box 511 East Rutherford, NJ 07073

B&W Rental PO Box 1141 Dickinson, ND 58602-1141

Bismarck Tribune PO Box 5516 Bismarck, ND 58506-5516

Bosch Lumber PO Box H Dickinson, ND 58602-8302

Bridger Steel 7570 Entryway Drive Billings, MT 59101

Citi Capital 8001 Ridgepoint Drive Irving, TX 75063-3117

Clear Channel
PO Box 847553
Dallas, TX 75284-7553

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Dickinson Ready Mix PO Box 726 Dickinson, ND 58602-0726

Eastside Machine PO Box 2426 Fargo, ND 58108-2426

Emco Building Products PO Box 2426 Fargo, ND 58108-2426

Financial Pacific Leasing 3455 S 344th Way #300 Federal Way, WA 98001-9546

Formall PO Box 12 West Fargo, ND 58078

Frankies West Side Conoco 1554 Villard St W Dickinson, ND 58601

Home Depot PO Box 630348 Irving, TX 75063

Internal Revenue Service PO Box 2461 Fargo, ND 58108-2461

KDIX Radio 119 2nd Ave W Dickinson, ND 58601 Case: 08-30834 Doc #: 1 Filed: 08/21/2008 Page 10 of 10

MidWest Doors 501 21st Ave E Dickinson, ND 58601-6939

UBC 646 E Villard Dickinson, ND 58601-1248

Ulteig Engineers 1412 Basin Ave Bismarck, ND 58504

United States Seamless PO Box 2426 Fargo, ND 58108-2426

Viking Glass 520 Villard St E Dickinson, ND 58601

Wayne Dalton Doors PO Box 67
Mt Hope, OH 44660

Workforce Safety & Insurance PO Box 5585 Bismarck, ND 58506-5585