Case 10-30924 Doc 1 Filed 07/23/10 Entered 07/23/10 17:37:54 Desc Main Document Page 1 of 10

B1 (Official Form 1)(4/10)		<u> </u>	cument	ı a	ge i oi	10			
Unite		s Bank of North	ruptcy ( Dakota	Court				Voluntary	Petition
Name of Debtor (if individual, enter Last, F Grabanski Grain LLC	irst, Middle)	):		Name	of Joint De	ebtor (Spouse	e) (Last, First,	Middle):	
All Other Names used by the Debtor in the I (include married, maiden, and trade names):	ast 8 years						Joint Debtor ir trade names):	n the last 8 years	
Last four digits of Soc. Sec. or Individual-Ta (if more than one, state all) 20-8880825	xpayer I.D.	(ITIN) No./	Complete EII		our digits o		r Individual-Ta	axpayer I.D. (ITIN) N	Io./Complete EIN
Street Address of Debtor (No. and Street, Ci 223 W 17th St. Grafton, ND	ty, and State	e):		Street	Address of	Joint Debtor	(No. and Stre	eet, City, and State):	
		Г	ZIP Code <b>58237</b>	_					ZIP Code
County of Residence or of the Principal Place Walsh	e of Busines			Count	y of Reside	ence or of the	Principal Plac	ce of Business:	
Mailing Address of Debtor (if different from PO Box 148 Grafton, ND	street addre	ess):		Mailir	ng Address	of Joint Debte	or (if differen	t from street address)	:
Granton, 112		Г	ZIP Code <b>58237</b>						ZIP Code
Location of Principal Assets of Business De (if different from street address above):	otor	I :	36237	<b>I</b>					
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 entitic check this box and state type of entity below.)	☐ Sin in i ☐ Rai ☐ Sto ☐ Coo ☐ Cle ☐ Oth ☐ Del ☐ und	(Check alth Care Bungle Asset Roll U.S.C. § ilroad ockbroker mmodity Brearing Bank her Tax-Exe (Check box btor is a tax-der Title 26 of the same of th	eal Estate as 101 (51B)	) nization States	defined "incurr	er 7 er 9 er 11 er 12 er 13 are primarily co d in 11 U.S.C. § ed by an indivi	Petition is File  Character Character  Character Check Consumer debts,	busin	Recognition eding
Filing Fee (Check one  Full Filing Fee attached  Filing Fee to be paid in installments (applicable attach signed application for the court's consideration is unable to pay fee except in installments Form 3A.  Filing Fee waiver requested (applicable to characteristic) attach signed application for the court's consideration.	e to individua eration certify nts. Rule 1006 pter 7 individu	ying that the 5(b). See Office uals only). Mu	Check if Check ar Check a Check a Check a Check a	ebtor is a si ebtor is not f: ebtor's agg e less than ll applicable plan is bein cceptances	a small busi regate nonco \$2,343,300 ( e boxes: ng filed with of the plan w	debtor as defin ness debtor as d ntingent liquida amount subject this petition.	ated debts (exclusive to adjustment of		ee years thereafter).
Statistical/Administrative Information  ■ Debtor estimates that funds will be avail:  □ Debtor estimates that, after any exempt purple there will be no funds available for distributions.  Estimated Number of Creditors	roperty is ex	xcluded and	administrativ		es paid,		THISS	SPACE IS FOR COURT	USE ONLY
Estimated Number of Creditors  1- 50- 100- 200- 49 99 199 999	1,000- 5,000	5,001- 10,000	10,001-	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated Assets	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				
Estimated Liabilities  So to \$50,001 to \$100,001 to \$500,001 to \$1 \$550,000 \$100,000 \$500,000 to \$1	\$1,000,001 to \$10	\$10,000,001 to \$50	\$50,000,001	\$100,000,001 to \$500	\$500,000,001 to \$1 billion				

Case 10-30924 Doc 1 Filed 07/23/10 Entered 07/23/10 17:37:54 Desc Main Document Page 2 of 10

B1 (Official Form 1)(4/10) Page 2 Name of Debtor(s): Voluntary Petition Grabanski Grain LLC (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Location Case Number: Date Filed: Where Filed: - None -Location Case Number: Date Filed: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: Thomas M. Grabanski and Mari K. Grabanski 10-30902 7/22/10 District: Relationship: Judge: **North Dakota** Members of LLC Hon. William A. Hill Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. (Date) Signature of Attorney for Debtor(s) Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) ☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) 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 partner, or partnership pending in this District. П 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. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable 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) 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 filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

Case 10-30924 Doc 1 Filed 07/23/10 Entered 07/23/10 17:37:54 Desc Main Page 3 of 10 **Document** 

B1 (Official Form 1)(4/10)

# **Voluntary Petition**

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

#### 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.

Signature of Debtor

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

#### Signature of Attorney\*

## X /s/ DeWayne Johnston (ND)

Signature of Attorney for Debtor(s)

#### DeWayne Johnston (ND 05763)

Printed Name of Attorney for Debtor(s)

#### Attorney at Law

Firm Name

219 S 4th St. Grand Forks, ND 58201

Address

# Email: dewayne@wedefendyou.net

(701) 775-0082 Fax: (701) 775-2230

Telephone Number

July 23, 2010

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.

# ▼ /s/ Thomas M. Grabanski

Signature of Authorized Individual

### Thomas M. Grabanski

Printed Name of Authorized Individual

#### Member

Title of Authorized Individual

July 23, 2010

Date

Name of Debtor(s):

Grabanski Grain LLC

### Signatures

#### Signature of a Foreign Representative

Page 3

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 of Foreign Representative

Printed Name of Foreign Representative

Date

#### Signature of Non-Attorney Bankruptcy 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 bankrutpcy 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

Address

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.

Case 10-30924 Doc 1 Filed 07/23/10 Entered 07/23/10 17:37:54 Desc Main Document Page 4 of 10

**B4** (Official Form 4) (12/07)

# United States Bankruptcy Court District of North Dakota

In re	Grabanski Grain LLC		Case No.	
		Debtor(s)	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; 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]
Advanced Business Methods	Advanced Business Methods	Trade creditor	Unliquidated	939.97
PO Box 428	PO Box 428			
West Fargo, ND 58078-0428	West Fargo, ND 58078-0428	Trade creditor	Unliquidated	952.49
Agweek PO Box 5878	Agweek PO Box 5878	rade creditor	Uniiquidated	952.49
Grand Forks, ND 58206-5878	Grand Forks, ND 58206-5878			
Dean Lizakowski	Dean Lizakowski	Trade creditor	Unliquidated	10,591.59
15408 60th St. NE	15408 60th St. NE	Trade creditor	Uniiquidated	10,591.59
Minto, ND 58261	Minto, ND 58261			
Dennis McGeary	Dennis McGeary	Trade creditor	Unliquidated	18,757.06
30925 Center St. E	30925 Center St. E	Trade creditor	Omquidated	10,737.00
Oklee, MN 56742	Oklee, MN 56742			
John Schumacher	John Schumacher	Trade creditor	Unliquidated	12,000.44
PO Box 344	PO Box 344			12,000111
Drayton, ND 58225	Drayton, ND 58225			
JP Farms	JP Farms	Trade creditor	Unliquidated	225,000.00
PO Box 148	PO Box 148			
Grafton, ND 58237	Grafton, ND 58237			
Lance Lenton	Lance Lenton	Trade creditor	Unliquidated	50,580.15
1821 125th St. SE	1821 125th St. SE		-	
Minot, ND 58701	Minot, ND 58701			
Louie Slominski Jr.	Louie Slominski Jr.	Trade creditor	Unliquidated	5,232.15
PO Box 207	PO Box 207			
Minto, ND 58261	Minto, ND 58261			
Louie Slominski Sr.	Louie Slominski Sr.	Trade creditor	Unliquidated	12,837.40
118 Wilson Ave.	118 Wilson Ave.			
Minto, ND 58261	Minto, ND 58261			
Merlyn Grabanski	Merlyn Grabanski	Trade creditor	Unliquidated	81,604.94
15759 65th St. NE	15759 65th St. NE			
Grafton, ND 58237	Grafton, ND 58237	<u> </u>	ļ	
Merlyn or Dolores Grabanski	Merlyn or Dolores Grabanski	Trade creditor	Unliquidated	29,293.67
15759 65th St. NE	15759 65th St. NE			
Grafton, ND 58237	Grafton, ND 58237	<u> </u>		1.500
ND Corn Utilization Council	ND Corn Utilization Council	Trade creditor	Unliquidated	1,589.73
1411 32nd St. S Ste. 2	1411 32nd St. S Ste. 2			
Fargo, ND 58103	Fargo, ND 58103	1		

# Case 10-30924 Doc 1 Filed 07/23/10 Entered 07/23/10 17:37:54 Desc Main Document Page 5 of 10

B4 (Offic	cial Form 4) (12/07) - Cont.		
In re	Grabanski Grain LLC	Case No.	
	Debtor(s)		

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(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]
Nodak Electric	Nodak Electric	Trade creditor	Unliquidated	1,619.00
PO Box 13000	PO Box 13000			
Grand Forks, ND 58208-3000 Paul Grzadzielewski	Grand Forks, ND 58208-3000	Trade creditor	Unlinguidatad	40.020.20
1308 Western Ave.	Paul Grzadzielewski 1308 Western Ave.	Trade creditor	Unliquidated	40,938.28
Grafton, ND 58237	Grafton, ND 58237			
Richard McDonald	Richard McDonald	Trade creditor	Unliquidated	5,373.30
3540 35th St. NE	3540 35th St. NE	Trade or caller	omquaatou	0,070.00
Inkster, ND 58244	Inkster, ND 58244			
Sproule Farms	Sproule Farms	Trade creditor	Unliquidated	143,640.00
2375 Bacon Rd.	2375 Bacon Rd.		-	
Grand Forks, ND 58201	Grand Forks, ND 58201			
Stone's Mobile Radio	Stone's Mobile Radio	Trade creditor	Unliquidated	327.15
1500 47th Ave. S	1500 47th Ave. S			
Grand Forks, ND 58201	Grand Forks, ND 58201			
Suda Group	Suda Group	Trade creditor	Unliquidated	9,410.59
6609 Cty. Rd. 8	6609 Cty. Rd. 8			
Grafton, ND 58237	Grafton, ND 58237			
Walsh County Treasurer	Walsh County Treasurer	Trade creditor	Unliquidated	20,193.22
600 Cooper Ave.	600 Cooper Ave.			
Grafton, ND 58237	Grafton, ND 58237	<del> </del>		05 000 00
Wayne Knudson	Wayne Knudson	Trade creditor	Unliquidated	25,909.69
2077 35th St. NE	2077 35th St. NE			
Larimore, ND 58251	Larimore, ND 58251	1		

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

I, the Member of the corporation 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 23, 2010	Signature	/s/ Thomas M. Grabanski
		_	Thomas M. Grabanski
			Member

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

Case 10-30924 Doc 1 Filed 07/23/10 Entered 07/23/10 17:37:54 Desc Main Document Page 6 of 10

# United States Bankruptcy Court District of North Dakota

In re	Grabanski Grai	n LLC			Case No		
				Debtor(s)	Chapter	11	
	DISC	CLOSURE C	OF COMPENS	ATION OF ATTOR	NEY FOR D	EBTOR(S)	
c	ompensation paid to	me within one ye	ear before the filing of		or agreed to be p	the above-named debtor and to me, for services rendere follows:	
	For legal services	, I have agreed to	accept		\$	15,000.00	
						0.00	
						15,000.00	
2. T	he source of the com	pensation paid to	me was:				
	•	Debtor		Other (specify):			
3. T	The source of compen	sation to be paid	to me is:				
	•	Debtor		Other (specify):			
5. I a b c d	firm.  I have agreed to sl copy of the agreem for return for the above.  Analysis of the delate in Preparation and file.  Representation of the interpretation in the interpretation in the interpretation in the interpretation.	nare the above-distance, together with e-disclosed fee, I otor's financial siting of any petition he debtor at the ras needed]  debtor(s), the abill not give any	sclosed compensation had a list of the names have agreed to rende uation, and rendering n, schedules, statemeneeting of creditors a cove-disclosed fee do advice on tax imped by the Court.	n with a person or persons who of the people sharing in the or legal service for all aspects advice to the debtor in determ of affairs and plan which and confirmation hearing, and es not include the following blications to debtor(s).	ho are not member compensation is a of the bankruptcy rmining whether the may be required; diany adjourned h	case, including: o file a petition in bankruptcy;	ı. A
			C	CERTIFICATION			
	certify that the foregonkruptcy proceeding		e statement of any ag	reement or arrangement for p	payment to me for	representation of the debtor(s)	) in
Dated	July 23, 2010			/s/ DeWayne John DeWayne Johnsto Attorney at Law 219 S 4th St. Grand Forks, ND 5 (701) 775-0082 Fa dewayne@wedefe	on (ND 05763) 58201 ax: (701) 775-22	30	

Case 10-30924 Doc 1 Filed 07/23/10 Entered 07/23/10 17:37:54 Desc Main Document Page 7 of 10

# **United States Bankruptcy Court**

		District of North Dakota		
In re	Grabanski Grain LLC		Case No	
		Debtor	, Chapter	11
Follo	LIST Of the Debtor's equity security	F EQUITY SECURITY holders which is prepared in accor		3) for filing in this chapter 11 ca
	me and last known address place of business of holder	Security Class	Number of Securities	Kind of Interest
N	lone			
	CLARATION UNDER PENALTY O  I, the Member of the corporation na foregoing List of Equity Security Holder	amed as the debtor in this case, of	leclare under penalty of	perjury that I have read the

18 U.S.C §§ 152 and 3571.

ADVANCED BUSINESS METHODS PO BOX 428 WEST FARGO, ND 58078-0428

AG COUNTRY FARM CREDIT SERVICES PCA PO BOX 6020 FARGO, ND 58108-6020

AGWEEK
PO BOX 5878
GRAND FORKS, ND 58206-5878

DAN WILDE 32317 440TH ST. FOSSTON, MN 56542

DEAN LIZAKOWSKI 15408 60TH ST. NE MINTO, ND 58261

DENNIS MCGEARY 30925 CENTER ST. E OKLEE, MN 56742

DON & WYLENE SCHUSTER 15776 66TH ST. NE GRAFTON, ND 58237

DONOVAN SCHUSTER 15776 66TH ST. NE GRAFTON, ND 58237

FIELD BROTHERS GENERAL DELIVERY STEPHEN, MN 56757

JOHN SCHUMACHER PO BOX 344 DRAYTON, ND 58225

JP FARMS PO BOX 148 GRAFTON, ND 58237 LANCE LENTON 1821 125TH ST. SE MINOT, ND 58701

LOUIE SLOMINSKI JR. PO BOX 207 MINTO, ND 58261

LOUIE SLOMINSKI SR. 118 WILSON AVE. MINTO, ND 58261

MERLYN GRABANSKI 15759 65TH ST. NE GRAFTON, ND 58237

MERLYN OR DOLORES GRABANSKI 15759 65TH ST. NE GRAFTON, ND 58237

ND CORN UTILIZATION COUNCIL 1411 32ND ST. S STE. 2 FARGO, ND 58103

NODAK ELECTRIC PO BOX 13000 GRAND FORKS, ND 58208-3000

PAUL GRZADZIELEWSKI 1308 WESTERN AVE. GRAFTON, ND 58237

RICHARD MCDONALD 3540 35TH ST. NE INKSTER, ND 58244

ROCK'S ELECTRIC 14778 HWY. 17 GRAFTON, ND 58237

SPROULE FARMS 2375 BACON RD. GRAND FORKS, ND 58201 STONE'S MOBILE RADIO 1500 47TH AVE. S GRAND FORKS, ND 58201

SUDA GROUP 6609 CTY. RD. 8 GRAFTON, ND 58237

WALSH COUNTY TREASURER 600 COOPER AVE. GRAFTON, ND 58237

WAYNE KNUDSON 2077 35TH ST. NE LARIMORE, ND 58251

ZIMNEY FOSTER PC ATTORNEY ALLEN J. FLATEN PO BOX 13417 GRAND FORKS, ND 58208-3417