

## Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF NEW HAMPSHIRE

Case number (if known)

Chapter 11 Check if this an amended filing

## Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

|  |   |  |   |
|--|---|--|---|
| 1. Debtor's name   | <u>Horne Excavating, LLC</u>  |  |   |
| 2. All other names debtor used in the last 8 years       | <p>Include any assumed names, trade names and <i>doing business as</i> names</p>  |  |   |
| 3. Debtor's federal Employer Identification Number (EIN) | <u>02-0633390</u>   |  |   |
| 4. Debtor's address                                      | <b>Principal place of business</b>  | <b>Mailing address, if different from principal place of business</b>              | <b>P.O. Box, Number, Street, City, State &amp; ZIP Code</b> |
|  | <u>51 Pinnacle Road<br/>North Haverhill, NH 03774</u>   |  |   |
|  | Number, Street, City, State & ZIP Code  |  |   |
|  | <u>Grafton</u>  | <b>Location of principal assets, if different from principal place of business</b> | <b>Number, Street, City, State &amp; ZIP Code</b>           |
|  | County  |  |   |
| 5. Debtor's website (URL)                                |   |  |   |
| 6. Type of debtor  | <input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))<br><input type="checkbox"/> Partnership (excluding LLP)<br><input type="checkbox"/> Other. Specify: _____ |  |   |

Debtor **Horne Excavating, LLC**  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business** A. *Check one:*

Health Care Business (as defined in 11 U.S.C. § 101(27A))  
 Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
 Railroad (as defined in 11 U.S.C. § 101(44))  
 Stockbroker (as defined in 11 U.S.C. § 101(53A))  
 Commodity Broker (as defined in 11 U.S.C. § 101(6))  
 Clearing Bank (as defined in 11 U.S.C. § 781(3))  
 None of the above

B. *Check all that apply*

Tax-exempt entity (as described in 26 U.S.C. §501)  
 Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)  
 Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

## C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.

See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

## Check one:

Chapter 7  
 Chapter 9  
 Chapter 11. *Check all that apply:*

Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).  
 The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
 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).  
 The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
 The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?** No. Yes.

If more than 2 cases, attach a separate list.

|                |            |                   |
|----------------|------------|-------------------|
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?** No Yes.

List all cases. If more than 1, attach a separate list

|                |                    |                             |
|----------------|--------------------|-----------------------------|
| Debtor _____   | Relationship _____ |                             |
| District _____ | When _____         | Case number, if known _____ |

Debtor Horne Excavating, LLC \_\_\_\_\_ Case number (if known) \_\_\_\_\_  
 Name \_\_\_\_\_

**11. Why is the case filed in this district?** *Check all that apply:*

Debtor has had its domicile, 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.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention? (Check all that apply.)**

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? \_\_\_\_\_

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other \_\_\_\_\_

**Where is the property?**

Number, Street, City, State & ZIP Code \_\_\_\_\_

**Is the property insured?**

No

Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information**

**13. Debtor's estimation of available funds** *Check one:*

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**

1-49  
 50-99  
 100-199  
 200-999

1,000-5,000  
 5001-10,000  
 10,001-25,000

25,001-50,000  
 50,001-100,000  
 More than 100,000

**15. Estimated Assets**

\$0 - \$50,000  
 \$50,001 - \$100,000  
 \$100,001 - \$500,000  
 \$500,001 - \$1 million

\$1,000,001 - \$10 million  
 \$10,000,001 - \$50 million  
 \$50,000,001 - \$100 million  
 \$100,000,001 - \$500 million

\$500,000,001 - \$1 billion  
 \$1,000,000,001 - \$10 billion  
 \$10,000,000,001 - \$50 billion  
 More than \$50 billion

**16. Estimated liabilities**

\$0 - \$50,000  
 \$50,001 - \$100,000  
 \$100,001 - \$500,000  
 \$500,001 - \$1 million

\$1,000,001 - \$10 million  
 \$10,000,001 - \$50 million  
 \$50,000,001 - \$100 million  
 \$100,000,001 - \$500 million

\$500,000,001 - \$1 billion  
 \$1,000,000,001 - \$10 billion  
 \$10,000,000,001 - \$50 billion  
 More than \$50 billion

Debtor

**Horne Excavating, LLC**

Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2018

MM / DD / YYYY

**X /s/ Kevin Horne**

Signature of authorized representative of debtor

**Kevin Horne**

Printed name

Title President

**18. Signature of attorney**

**X /s/ Peter N. Tamposi**

Signature of attorney for debtor

Date April 15, 2018

MM / DD / YYYY

**Peter N. Tamposi**

Printed name

**The Tamposi Law Group, P.C.**

Firm name

**159 Main St.**

**Nashua, NH 03060**

Number, Street, City, State & ZIP Code

Contact phone 603-204-5513

Email address peter@thetamposilawgroup.com

**04931 NH**

Bar number and State

Fill in this information to identify the case:

Debtor name **Horne Excavating, LLC**United States Bankruptcy Court for the: **DISTRICT OF NEW HAMPSHIRE**

Case number (if known): \_\_\_\_\_

 Check if this is an  
amended filing
**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

| Name of creditor and complete mailing address, including zip code        | Name, telephone number and email address of creditor contact | Nature of claim (for example, trade debts, bank loans, professional services, and government contracts) | Indicate if claim is contingent, unliquidated, or disputed | Amount of claim                   |   |                 |
|--|--|---|--|-----------------------------------|---|-----------------|
|  |  |   |  | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| Bradley Downer<br>Woodsville, NH 03785                                   |  |   |  |                                   |   | \$8,000.00      |
| Carroll Nihan<br>Trucking<br>150 Plains Road<br>Monroe, NH 03771         |  |   |  |                                   |   | \$7,856.00      |
| Chris Whitcher<br>Whitcher Hill Rd.<br>Warren, NH                        |  |   |  |                                   |   | \$50,000.00     |
| DMS Fuels<br>Dartmouth College<br>Hwy<br>North Haverhill, NH 03774       |  |   |  |                                   |   | \$7,000.00      |
| Don Bigelow<br>Trucking<br>PO Box 295<br>North Haverhill, NH 03774       |  |   |  |                                   |   | \$9,483.00      |
| Ferguson<br>Waterworks<br>40 Interchange Drive<br>West Lebanon, NH 03784 |  |   |  |                                   |   | \$5,297.26      |
| George Tucker<br>JD Excavator<br>PO Box 202<br>Bethlehem, NH             |  |   |  |                                   |   | \$10,000.00     |
| Internal Revenue Service<br>PO Box 7346<br>Philadelphia, PA 19101        |  | Payroll Taxes   |  |                                   |   | \$66,000.00     |
| John Deere<br>Financial  |  |   | Disputed   |                                   |   | \$15,662.62     |

| Debtor  | Horne Excavating, LLC |  | Case number (if known)  |  |   |
|---|-----------------------|--|---|--|---|
| Name  |                       |  |   |  |   |
| Name of creditor and complete mailing address, including zip code   |                       | Name, telephone number and email address of creditor contact | Nature of claim (for example, trade debts, bank loans, professional services, | Indicate if claim is contingent, unliquidated, or disputed | Amount of claim   |
|   |                       |  |   |  | If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim. |
| McCullough<br>Crushing<br>5458 McCullough<br>Hill Road<br>Middlesex, VT                                     |                       |  |   |  | Total claim, if partially secured      Deduction for value of collateral or setoff      Unsecured claim<br><br><b>\$3,601.35</b>  |
| Mt. Milk<br>2860 Dartmouth<br>College Hwy<br>North Haverhill, NH<br>03774                                   |                       |  |   |  | <b>\$10,220.46</b>  |
| Proquip Equipment<br>Rentals<br>515 Main Street<br>Gorham, NH 03581   |                       |  | Disputed  |  | <b>\$15,436.00</b>  |
| Randy Cassidy<br>Limekiln Road<br>Pike, NH 03780  |                       |  |   |  | <b>\$16,971.00</b>  |
| Town of Haverhill<br>2975 Dartmouth<br>College Hwy<br>North Haverhill, NH<br>03774                          |                       | Real Estate Taxes  |   |  | <b>\$17,983.00</b>  |
| United Rentals<br>c/o Jeff Schugg<br>McCarthy Burgess<br>and Wolf<br>260000 Cannon Rd.<br>Bedford, OH 44146 |                       | Rental of various pieces of equipment                        | Disputed  |  | <b>\$45,795.00</b>  |
| Visa<br>PO Box 30131<br>Tampa, FL 33630   |                       |  |   |  | <b>\$5,882.23</b>   |
| Woodsville<br>Guaranty Savings<br>Bank<br>Woodsville, NH<br>03785   |                       |  |   |  | <b>\$7,213.47</b>   |
| Woodsville<br>Guaranty Savings<br>Bank<br>Woodsville, NH<br>03785   |                       | All assets   |   | \$8,571.19   | \$0.00 <b>\$8,571.19</b>  |
| Woodsville<br>Guaranty Savings<br>Bank<br>Woodsville, NH<br>03785   |                       | Various pieces of equipment                                  |   | \$104,825.88   | \$0.00 <b>\$104,825.88</b>  |
| Woodsville<br>Guaranty Savings<br>Bank<br>Woodsville, NH<br>03785   |                       | All Assets   |   | \$57,431.73  | \$0.00 <b>\$57,431.73</b>   |

**United States Bankruptcy Court  
District of New Hampshire**

In re **Horne Excavating, LLC**

Debtor(s)

Case No.  
Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Horne Excavating, LLC in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

■ None [Check if applicable]

**April 15, 2018**

Date

**/s/ Peter N. Tamposi**

**Peter N. Tamposi**

Signature of Attorney or Litigant  
Counsel for **Horne Excavating, LLC**

**The Tamposi Law Group, P.C.**

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peter@thetamposilawgroup.com**

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Woodsville, NH 03785

Carroll Nihan Trucking  
150 Plains Road  
Monroe, NH 03771

Chris Whitcher  
Whitcher Hill Rd.  
Warren, NH

Daniel C. Proctor  
Of Counsel to Cohn & Dussi, LLC  
PO Box 3544  
Concord, NH 03302-3544

DMS Fuels  
Dartmouth College Hwy  
North Haverhill, NH 03774

Don Bigelow Trucking  
PO Box 295  
North Haverhill, NH 03774

Farm Family Insurance  
PO Box 3714  
Houston, TX 77253

Ferguson Waterworks  
40 Interchange Drive  
West Lebanon, NH 03784

First Bank Richmond NA  
d/b/a First Federal Leasing  
31 N 9th St.  
Pershing, IN 47370-4000

First Federal Leasing  
PO Box 1145  
Richmond, IN 47375-1145

Frank Hoffman  
898 Limekiln Road  
Pike, NH 03780

George Tucker  
JD Excavator  
PO Box 202  
Bethlehem, NH

Gregory A. Moffett, Esq.  
PretiFlaherty  
PO Box 1318  
Concord, NH 03302-1318

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101

John Deere Financial

Kevin Horne  
776 French Pond Rd.  
North Haverhill, NH 03774

Lawson Products  
8770 West Bryne Avenue  
Chicago, IL 60631-3515

Mark A. Kirkorsky  
PO Box 25287  
Tempe, AZ 85285

McCullough Crushing  
5458 McCullough Hill Road  
Middlesex, VT

Mt. Milk  
2860 Dartmouth College Hwy  
North Haverhill, NH 03774

Navitas Lease Corp.  
111 Executive Center Dr., Suite 102  
Columbia, SC 29210

NH Employment Security  
45 South Fruit Street  
Concord, NH 03301

Niederman, Stanzel & Lindsey  
55 West Webster Street  
Manchester, NH 03104

Proquip Equipment Rentals  
515 Main Street  
Gorham, NH 03581

Randy Cassidy  
Limekiln Road  
Pike, NH 03780

State of NH  
Department of Revenue Administration  
45 Chennell Dr.  
Concord, NH 03301

Steve Thomas  
Brennan and Clark  
721 E. Madison St.  
Ste. 200  
Villa Park, IL 60181

Town of Haverhill  
2975 Dartmouth College Hwy  
North Haverhill, NH 03774

United Rentals  
c/o Jeff Schugg  
McCarthy Burgess and Wolf  
260000 Cannon Rd.  
Bedford, OH 44146

Visa  
PO Box 30131  
Tampa, FL 33630

Weltman, Weinberg & Reis Co., LPA  
323 West Lakeside Ave, Suite 200  
Cleveland, OH 44113-1009

Woodsville Guaranty Savings Bank  
Woodsville, NH 03785

Woodsville Guaranty Savings Bank  
63 Central Street  
Woodsville, NH 03785