

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 Horne Excavating, LLC

2. All other names debtor used in the last 8 years
Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 02-0633390

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>51 Pinnacle Road</u>	
	<u>North Haverhill, NH 03774</u>	
	Number, Street, City, State & ZIP Code	P.O. Box, Number, Street, City, State & ZIP Code
	<u>Grafton</u>	Location of principal assets, if different from principal place of business
	County	
		Number, Street, City, State & ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

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**
Name

Case number (if known)

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

<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5001-10,000	<input type="checkbox"/> 50,001-100,000
<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

15. Estimated Assets

<input type="checkbox"/> \$0 - \$50,000	<input checked="" type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

16. Estimated liabilities

<input type="checkbox"/> \$0 - \$50,000	<input type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input checked="" type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> 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

Title **President**

Kevin Horne
Printed name

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 Woodsville, NH 03785						\$8,000.00
Carroll Nihan Trucking 150 Plains Road Monroe, NH 03771						\$7,856.00
Chris Whitcher Whitcher Hill Rd. Warren, NH						\$50,000.00
DMS Fuels Dartmouth College Hwy North Haverhill, NH 03774						\$7,000.00
Don Bigelow Trucking PO Box 295 North Haverhill, NH 03774						\$9,483.00
Ferguson Waterworks 40 Interchange Drive West Lebanon, NH 03784						\$5,297.26
George Tucker JD Excavator PO Box 202 Bethlehem, NH						\$10,000.00
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101		Payroll Taxes				\$66,000.00
John Deere Financial			Disputed			\$15,662.62

Debtor **Horne Excavating, LLC**
Name

Case number (if known)

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.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
McCullough Crushing 5458 McCullough Hill Road Middlesex, VT						\$3,601.35
Mt. Milk 2860 Dartmouth College Hwy North Haverhill, NH 03774						\$10,220.46
Proquip Equipment Rentals 515 Main Street Gorham, NH 03581			Disputed			\$15,436.00
Randy Cassidy Limekiln Road Pike, NH 03780						\$16,971.00
Town of Haverhill 2975 Dartmouth College Hwy North Haverhill, NH 03774		Real Estate Taxes				\$17,983.00
United Rentals c/o Jeff Schugg McCarthy Burgess and Wolf 260000 Cannon Rd. Bedford, OH 44146		Rental of various pieces of equipment	Disputed			\$45,795.00
Visa PO Box 30131 Tampa, FL 33630						\$5,882.23
Woodsville Guaranty Savings Bank Woodsville, NH 03785						\$7,213.47
Woodsville Guaranty Savings Bank Woodsville, NH 03785		All assets		\$8,571.19	\$0.00	\$8,571.19
Woodsville Guaranty Savings Bank Woodsville, NH 03785		Various pieces of equipment		\$104,825.88	\$0.00	\$104,825.88
Woodsville Guaranty Savings Bank Woodsville, NH 03785		All Assets		\$57,431.73	\$0.00	\$57,431.73

**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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603-204-5513 Fax:603-204-5515
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Carroll Nihan Trucking
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Monroe, NH 03771

Chris Whitcher
Whitcher Hill Rd.
Warren, NH

Daniel C. Proctor
Of Counsel to Cohn & Dussi, LLC
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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
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Pike, NH 03780

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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