B1 (Officia Case 1) 04407499-RTL Doc 1 Filed 12/03/10 Entered 12/03/10 11:58:55 Desc Main United States Bankr Dacy Contr Page 1 of 6
District of New Jersey **Voluntary Petition** Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): DE VRIES IRRIGATION, INC. All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than than one, state all): 22-2397938 one, state all): Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): 24 Stockton Court Belle Mead, NJ ZIP CODE ZIP CODE 08502 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Somerset Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): Location of Principal Assets of Business Debtor (if different from street address above): 24 Stockton Court, Belle Mead, NJ ZIP CODE 502 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 15 Petition for Chapter 7 ■ Single Asset Real Estate as defined in 11 Recognition of a Foreign Individual (includes Joint Debtors) Chapter 9 U.S.C. § 101(51B) See Exhibit D on page 2 of this form. Main Proceeding Railroad Chapter 11 Corporation (includes LLC and LLP) ☐ Chapter 15 Petition for Partnership Chapter 12 Recognition of a Foreign Commodity Broker Nonmain Proceeding Other (If debtor is not one of the above entities, Chapter 13 check this box and state type of entity below.) ☐ Clearing Bank Nature of Debts 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 Check if: 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 \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). ☐ 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  $\mathbf{\Lambda}$ 50-100-200-1.000-5 001-10 001-25 001-50,001-Over 49 10,000 100.000 100,000 99 5.000 25,000 50.000 Estimated Assets  $\Box$  $\Box$  $\Box$  $\Box$  $\checkmark$ \$50,001 to \$50,000,001 \$100,000,001 \$0 to \$100,001 to \$500,001 to \$1,000,001 \$10,000,001 \$500,000,001 More than \$1 \$50,000 \$100,000 to \$100 to \$500 \$500,000 to \$10 to \$50 to \$1 billion billion million million million million million Estimated Liabilities ¥ \$100,000,001 \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$0 to \$50,001 to \$100,001 to \$500,000,001 More than \$1 to \$50 to \$100 \$1 to \$10 to \$500 \$50,000 \$100,000 \$500,000 billion to \$1 billion million million million million million

BI (Official 1988 1) (044)/499-RIL Doc 1 Filed 12/03		Deschwain B1, Page 2			
Toluntary Petition  Document Name age 2 of 6					
(This page must be completed and filed in every case)	DE VRIES IRRIGATION, INC.				
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	lditional 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.)  I, the attorney for the petitioner named in the foregoing petition, declare that I 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 under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).					
Exhibit A is attached and made a part of this petition.	X Not Applicable Signature of Attorney for Debtor(s)	Date			
	xhibit C				
Does the debtor own or have possession of any property that poses or is alleged to pose a Yes, and Exhibit C is attached and made a part of this petition.  No	a threat of imminent and identifiable harm to public heal	th or safety?			
Ex	chibit D				
(To be completed by every individual debtor. If a joint petition is filed, each spouse must	st 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:					
<ul> <li>Exhibit D also completed and signed by the joint debtor is attached and made</li> </ul>	e a part of this petition				
Information Regar	rding the Debtor - Venue				
Debtor has been domiciled or has had a residence, principal place preceding the date of this petition or for a longer part of such 180		ays immediately			
There is a bankruptcy case concerning debtor's affiliate. general partner, 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.					
	ides as a Tenant of Residential Property 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 a filing of the petition.					
Debtor certifies that he/she has served the Landlord with this certi-	Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).				

B1 (Officia <b>)                                    </b>	/10 Entered 12/03/10 11:58:55 Desc <b>F(ABM)</b> B1, Page 3						
Voluntary Petition Document	NaPage-300s.6						
(This page must be completed and filed in every case)	DE VRIES IRRIGATION, INC.						
Signatures							
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.	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.)						
[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 chapter 15 of Title 11, United States Code.  Certified Copies of the documents required by § 1515 of title 11 are attached.						
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the 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	(Signature of Foreign Representative)						
X Not Applicable							
Signature of Joint Debtor	(Printed Name of Foreign Representative)						
Telephone Number (If not represented by attorney)	D.						
Date	Date						
Signature of Attorney	Signature of Non-Attorney Petition Preparer						
X s/ Arthur H. Miller Signature of Attorney for Debtor(s)	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						
Arthur H. Miller Bar No. AM5238	U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been						
Printed Name of Attorney for Debtor(s) / Bar No.	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						
Rebenack Aronow Mascolo Miller, LLP	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.						
Firm Name							
111 Livingston Avenue New Brunswick, NJ 08901							
Address	Not Applicable						
	Printed Name and title, if any, of Bankruptcy Petition Preparer						
732-247-3600 732-247-3630 Telephone Number	Social-Security number (If the bankruptcy petition preparer is not an individual, state						
12/3/2010	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.	Date						
	Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.						
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	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						
X s/ Donald DeVries	individual.						
Signature of Authorized Individual	If more than one person prepared this document, attach to the appropriate official form for each person.						
<u>Donald DeVries</u> Printed Name of Authorized Individual	A bankruptcy petition preparer's failure to comply with the provisions of title 11 and						
President	the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.						
Title of Authorized Individual	V ,						
12/3/2010 Data							
Date							

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B4 (Official Form 4) (12/07)

# United States Bankruptcy Court District of New Jersey

In re DE VRIES IRRIGATION, INC.		Case No.	
	Debtor	Chapter	11

#### LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1)

Name of creditor and complete mailing address including zip code (2)

Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted

(3)

Nature of claim (trade debt, bank loan, government contract, etc.) (4)

Indicate if claim is contingent, unliquidated, disputed or subject to setoff (5)

Amount of claim [if secured also state value of security]

NJ Dept. of the Treasury Division of Taxation PO Box 269 Trenton, NJ 08695-0269

\$414,716.00

Internal Revenue Service Centralized Insolvency Operation PO Box 7346 Philadelphia, PA 19101-7346

\$200,000.00

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

I, Donald DeVries, President of the Corporation named as the debtor in this case	e, declare under penalty of perjury that I have read the foregoing list and that it	t is
true and correct to the best of my information and belief.		

Date: 12/3/2010 Signature: s/ Donald DeVries

**Donald DeVries , President** 

(Print Name and Title)

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.

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Bank of America
PO Box 15019
Wilmington, DE 19886-5019

Central Irrigation Supply 8 Williams Street Elmsford, NY 10523

Internal Revenue Service Centralized Insolvency Operation PO Box 7346 Philadelphia, PA 19101-7346

NJ Dept. of the Treasury Division of Taxation PO Box 269 Trenton, NJ 08695-0269

Wells Fargo PO Box 348750 Sacramento, CA 95834

Wells Fargo Bank PO Box 248750 Sacramento, CA 95839 Case 10-47499-RTL Doc 1 Filed 12/03/10 Entered 12/03/10 11:58:55 Desc Main Document Page 6 of 6

### **United States Bankruptcy Court**

### **District of New Jersey**

In re:		Case No.	
		Chapter	11
DE VRIES IRRIGATION, INC.			
STATEMENT REGARDING AUTHO	RITY T	O SIGN AND FILE P	ETITION
I, <b>Donald DeVries</b> , declare under penalty of perjury that I am the Corporation and that on <b>12/02/2010</b> the following resolution was du			
	,		
"Whereas, it is in the best interest of this Corporation to file a Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United			
Bankrupicy Court pursuant to Chapter 11 of Title 11 of the Office	States Cot	J <del>C</del> ,	
Be It Therefore Resolved, that Donald DeVries, President of th			
documents necessary to perfect the filing of a Chapter 11 voluntar	y bankrupt	cy case on behalf of the Corpo	oration; and
Be It Further Resolved, that <b>Donald DeVries</b> , <b>President</b> of this proceedings on behalf of the Corporation, and to otherwise do and			
necessary documents on behalf of the Corporation in connection v			no and donvor an
Be It Further Resolved, that Donald DeVries, President of this			
attorney and the law firm of Rebenack Aronow Mascolo Miller, LLP	to represer	nt the Corporation in such bank	kruptcy case."
Executed on: 12/3/2010	Signed:	s/ Donald DeVries	
	J	Donald DeVries	