

B1 (Official Form 1)(12/11)

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

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Mike Jost Excavating, Inc.	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) 22-2726728	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 361 Pulis Avenue Franklin Lakes, NJ ZIP Code 07417	Street Address of Joint Debtor (No. and Street, City, and State): ZIP Code
County of Residence or of the Principal Place of Business: Bergen	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): ZIP Code	Mailing Address of Joint Debtor (if different from street address): ZIP Code

Location of Principal Assets of Business Debtor (if different from street address above):

Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.

Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> 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. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> 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). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information

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

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

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

<input type="checkbox"/> \$0 to \$50,000	<input type="checkbox"/> \$50,001 to \$100,000	<input type="checkbox"/> \$100,001 to \$500,000	<input checked="" type="checkbox"/> \$500,001 to \$1 million	<input type="checkbox"/> \$1,000,001 to \$10 million	<input type="checkbox"/> \$10,000,001 to \$50 million	<input type="checkbox"/> \$50,000,001 to \$100 million	<input type="checkbox"/> \$100,000,001 to \$500 million	<input type="checkbox"/> \$500,000,001 to \$1 billion	<input type="checkbox"/> More than \$1 billion
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THIS SPACE IS FOR COURT USE ONLY

<p>Voluntary Petition</p> <p><i>(This page must be completed and filed in every case)</i></p>	<p>Name of Debtor(s): Mike Jost Excavating, Inc.</p>
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All Prior Bankruptcy Cases Filed Within Last 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, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: - None -	Case Number:	Date Filed:
District:	Relationship:	Judge:

<p style="text-align: center;">Exhibit A</p> <p>(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.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p style="text-align: center;">Exhibit B</p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</p> <p>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 delivered to the debtor the notice required by 11 U.S.C. §342(b).</p> <p>X _____ Signature of Attorney for Debtor(s) (Date)</p>
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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.

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(l)).

Voluntary Petition

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

Name of Debtor(s):

Mike Jost Excavating, Inc.

Signatures

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.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of a Foreign Representative

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.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Attorney*

X /s/ Rosemarie E. Matera
Signature of Attorney for Debtor(s)

Rosemarie E. Matera
Printed Name of Attorney for Debtor(s)

Kurtzman Matera, P.C.
Firm Name

664 Chestnut Ridge Road
Spring Valley, NY 10977

Address

Email: law@kmpclaw.com

(845) 352-8800 Fax: (845) 352-8865
Telephone Number

October 26, 2012
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 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 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.)

Address

X _____
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 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.

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.

X /s/ Michael Jost
Signature of Authorized Individual

Michael Jost
Printed Name of Authorized Individual

President
Title of Authorized Individual

October 26, 2012
Date

B4 (Official Form 4) (12/07)

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

In re Mike Jost Excavating, Inc.

Debtor(s)

Case No.

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)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Bill Mitchell 2 Beechwood Drive Saddle River, NJ 07458	Bill Mitchell 2 Beechwood Drive Saddle River, NJ 07458			5,765.43
Bolkema Fuel Co. Inc. PO Box 218 Wyckoff, NJ 07481	Bolkema Fuel Co. Inc. PO Box 218 Wyckoff, NJ 07481			58,081.74
Bolkema Realty PO Box 218 Wyckoff, NJ 07481	Bolkema Realty PO Box 218 Wyckoff, NJ 07481			31,765.09
Brent Materials 741 Northfield Avenue, Suite 203 West Orange, NJ 07052-1104	Brent Materials 741 Northfield Avenue, Suite 203 West Orange, NJ 07052-1104			98,673.70
CACH, LLC 4340 South Monaco Street Denver, CO 80237	CACH, LLC 4340 South Monaco Street Denver, CO 80237			79,611.12
Capital One PO Box 71083 Charlotte, NC 28272	Capital One PO Box 71083 Charlotte, NC 28272			6,912.28
D&T Electric 4 Gertzen Road Ramsey, NJ 07446	D&T Electric 4 Gertzen Road Ramsey, NJ 07446			2,682.00
D'Arpino c/o Maryanne Virgona 115 River Road Edgewater, NJ 07020	D'Arpino c/o Maryanne Virgona 115 River Road Edgewater, NJ 07020			21,227.57
David Zuidema, Inc. 90 Midland Avenue Midland Park, NJ 07432	David Zuidema, Inc. 90 Midland Avenue Midland Park, NJ 07432			2,720.16
Ernest Nuzzo 65 Ramapo Valley Road Route 202 Mahwah, NJ 07430	Ernest Nuzzo 65 Ramapo Valley Road Route 202 Mahwah, NJ 07430			8,807.12
Gamka Sales 983 New Durham Road Edison, NJ 08817-2253	Gamka Sales 983 New Durham Road Edison, NJ 08817-2253			3,595.20

B4 (Official Form 4) (12/07) - Cont.

In re **Mike Jost Excavating, Inc.**

Case No. _____

Debtor(s) _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Kelly & Ward, LLC PO Box 887 Newton, NJ 07860	Kelly & Ward, LLC PO Box 887 Newton, NJ 07860			14,783.00
New Jersey Division of Taxation Revenue Processing Center Corporation Business Tax PO Box 257 Trenton, NJ 08646-0257	New Jersey Division of Taxation Revenue Processing Center Corporation Business Tax Trenton, NJ 08646-0257			2,098.17
Northeast Concrete Products 937 Burnt Meadow Road PO Box 963 Hewitt, NJ 07421	Northeast Concrete Products 937 Burnt Meadow Road PO Box 963 Hewitt, NJ 07421			36,684.61
Stone Industries PO Box 8310 Haledon, NJ 07538	Stone Industries PO Box 8310 Haledon, NJ 07538			239,383.19
TJ Anderson 899 Burnt Meadow Road Hewitt, NJ 07421	TJ Anderson 899 Burnt Meadow Road Hewitt, NJ 07421			52,800.00
Universal Premium Po Box 923928 Norcross, GA 30010	Universal Premium Po Box 923928 Norcross, GA 30010			10,059.19
Wasserman, Jurista & Stolz, PA 225 Millburn Avenue Suite 207 Millburn, NJ 07041	Wasserman, Jurista & Stolz, PA 225 Millburn Avenue Suite 207 Millburn, NJ 07041			2,266.50
Wells Fargo 1540 West Fountainhead Parkway Tempe, AZ 85282	Wells Fargo 1540 West Fountainhead Parkway Tempe, AZ 85282			10,977.10
Yard Card Plus PO Box 33802 Detroit, MI 48232-9998	Yard Card Plus PO Box 33802 Detroit, MI 48232-9998			6,246.20

B4 (Official Form 4) (12/07) - Cont.

In re **Mike Jost Excavating, Inc.**

Case No. _____

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

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

I, the President 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 **October 26, 2012**

Signature **/s/ Michael Jost**

**Michael Jost
President**

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.

Bill Mitchell
2 Beechwood Drive
Saddle River, NJ 07458

Bolkema Fuel Co. Inc.
PO Box 218
Wyckoff, NJ 07481

Bolkema Realty
PO Box 218
Wyckoff, NJ 07481

Brent Materials
741 Northfield Avenue, Suite 203
West Orange, NJ 07052-1104

CACH, LLC
4340 South Monaco Street
Denver, CO 80237

Capital One
PO Box 71083
Charlotte, NC 28272

Caterpillar Financial Services Corp
PO Box 340001
Nashville, TN 37203-0001

D&T Electric
4 Gertzen Road
Ramsey, NJ 07446

D'Arpino
c/o Maryanne Virgona
115 River Road
Edgewater, NJ 07020

David Zuidema, Inc.
90 Midland Avenue
Midland Park, NJ 07432

Ernest Nuzzo
65 Ramapo Valley Road
Route 202
Mahwah, NJ 07430

Gamka Sales
983 New Durham Road
Edison, NJ 08817-2253

Kelly & Ward, LLC
PO Box 887
Newton, NJ 07860

Michael P. Jost
361 Pulis Avenue
Franklin Lakes, NJ 07417

Networx PC Service
210 Center Street
New Milford, NJ 07646

New Jersey Division of Taxation
Revenue Processing Center
Corporation Business Tax
PO Box 257
Trenton, NJ 08646-0257

Northeast Concrete Products
937 Burnt Meadow Road
PO Box 963
Hewitt, NJ 07421

People's United Equipment
300 Franklin W Burr Blvd
Suite 50
Teaneck, NJ 07666

Stone Industries
PO Box 8310
Haledon, NJ 07538

TD Bank
PO Box 5600
Lewiston, ME 04243-5600

TJ Anderson
899 Burnt Meadow Road
Hewitt, NJ 07421

Universal Premium
Po Box 923928
Norcross, GA 30010

Wasserman, Jurista & Stolz, PA
225 Millburn Avenue
Suite 207
Millburn, NJ 07041

Wells Fargo
1540 West Fountainhead Parkway
Tempe, AZ 85282

Yard Card Plus
PO Box 33802
Detroit, MI 48232-9998

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

In re Mike Jost Excavating, Inc.

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 Mike Jost Excavating, Inc. 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:

Michael Jost
361 Pulis Avenue
Franklin Lakes, NJ 07417

None [*Check if applicable*]

October 26, 2012

Date

/s/ Rosemarie E. Matera

Rosemarie E. Matera

Signature of Attorney or Litigant
Counsel for **Mike Jost Excavating, Inc.**
Kurtzman Matera, P.C.

664 Chestnut Ridge Road
Spring Valley, NY 10977
(845) 352-8800 Fax:(845) 352-8865
law@kmpclaw.com