

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF NEW JERSEY

Case number (if known) Chapter 11

Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

12/15

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 Kirby Brothers, Inc.

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) 21-0619238

4. Debtor's address Principal place of business Mailing address, if different from principal place of business 67 N. Main St. Medford, NJ 08055 Burlington

5. Debtor's website (URL)

6. Type of debtor Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) Partnership Other. Specify:

Debtor **Kirby Brothers, Inc.**
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(53AB))
- 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. §80a-3)

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.naics.com/search/>.

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 \$2,490,925 (amount subject to adjustment on 4/01/16 and every three 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 operation, 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 to you _____ |
| District _____ | When _____ Case number, if known _____ |

Debtor **Kirby Brothers, Inc.**
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 checked="" 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 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 checked="" 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 |

Debtor **Kirby Brothers, Inc.**
Name

Case number (if known)

Request for Relief, Declaration, and Signature

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 **March 23, 2016**
MM / DD / YYYY

X /s/ Charles E. Kirby, Jr.
Signature of authorized representative of debtor

Title **President**

Charles E. Kirby, Jr.
Printed name

18. Signature of attorney

X /s/ David A. Kasen
Signature of attorney for debtor

Date **March 23, 2016**
MM / DD / YYYY

David A. Kasen
Printed name

Kasen & Kasen
Firm name

**Society Hill Office Park
1874 E. Marlton Pike, Suite 3
Cherry Hill, NJ 08003**
Number, Street, City, State & ZIP Code

Contact phone **856-424-4144** Email address

DK1778
Bar number and State

Fill in this information to identify the case:

Debtor name Kirby Brothers, Inc.

United States Bankruptcy Court for the: DISTRICT OF NEW JERSEY

Case number (if known) _____

Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud 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.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- Schedule H: Codebtors* (Official Form 206H)
- Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- Amended Schedule*
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- Other document that requires a declaration _____

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

Executed on March 23, 2016

X /s/ Charles E. Kirby, Jr.
Signature of individual signing on behalf of debtor

Charles E. Kirby, Jr.
Printed name

President
Position or relationship to debtor

Fill in this information to identify the case:

Debtor name Kirby Brothers, Inc.

United States Bankruptcy Court for the: DISTRICT OF NEW JERSEY

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 | | |
|--|--|---|--|---|---|-----------------|
| | | | | 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 |
| Arett Sales Corp. 9285 Commerce Highway Pennsauken, NJ 08110 | | | | | | \$1,699.04 |
| Capital One P.O. Box 71083 Charlotte, NC 28272 | | Credit card | | | | \$6,307.32 |
| Chase P.O. Box 15123 Wilmington, DE 19850 | | Credit card | | | | \$6,416.29 |
| Citizens Bank P.O. Box 18290 Bridgeport, CT 06601 | | Credit card | | | | \$8,203.62 |
| Co-Operative Feed Dealers, Inc. c/o Coughlin & Gerhart, LLP 99 Corporate Drive P.O. Box 2039 Binghamton, NY 13902 | | Feed | | | | \$2,770.97 |
| Discover P.O. Box 71084 Charlotte, NC 28272 | | Credit card | | | | \$3,887.82 |
| Ellis, Joseph and Meg 82 Hawkin Rd. Tabernacle, NJ 08088 | | Loan | | | | \$2,000.00 |
| First Bankcard P.O. Box 3331 Omaha, NE 68103 | | Credit card | | | | \$9,011.61 |

Debtor **Kirby Brothers, Inc.**
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 |
| Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101 | | 941 taxes | | | | \$30,000.00 |
| Kalmbach Feed Co. 7148 Highway 199 Upper Sandusky, OH 43351 | | Feed | | | | \$8,227.44 |
| Kathy Stoneback Accounting 117 Round Hill Rd. Voorhees, NJ 08043 | | Accounting services | | | | \$20,000.00 |
| Medford Township Tax Collector 17 N. Main St. Medford, NJ 08055 | | 67 N. Main St., Medford, NJ 08055 | | \$9,587.63 | \$0.00 | \$9,587.63 |
| Pet Food Experts P.O. Box 8 Pawtucket, RI 02860 | | Dogfood | | | | \$1,069.40 |
| Phillips Pet Supplies 3747 Hecktown Rd. Easton, PA 18045 | | Supplies | | | | \$2,179.25 |
| PSE&G Co. Attn: Bankruptcy Section P.O. Box 490 Cranford, NJ 07016 | | Utilities | | | | \$2,500.00 |
| Snap Advances 136 East South Temple, Suite 2420 Salt Lake City, UT 84111 | | Loan | | | | \$57,662.78 |
| State of New Jersey Division of Fire Code Enforcement P.O. Box 809 Trenton, NJ 08625 | | Administrative fee | | | | \$1,418.00 |
| State of NJ, Div. of Taxation Bankruptcy Unit CN 245 Trenton, NJ 08695 | | Sales tax | | | | \$17,729.88 |
| Sun Bank Credit Card/First Bankcard P.O. Bix 2818 Omaha, NE 68103 | | Credit card | | | | \$9,513.74 |
| Woodstown Ice & Coal Grant St. Woodstown, NJ 08098 | | Supplies | | | | \$4,119.65 |

United States Bankruptcy Court
District of New Jersey

In re Kirby Brothers, Inc.

Debtor(s)

Case No.

Chapter 11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

Table with 2 columns: Description of compensation and Amount. Rows include: For legal services, I have agreed to accept (\$ 5,000.00), Prior to the filing of this statement I have received (\$ 5,000.00), and Balance Due (\$ 0.00).

2. \$ 1,717.00 of the filing fee has been paid.

3. The source of the compensation paid to me was:

Debtor [checked] Other (specify): [unchecked]

4. The source of compensation to be paid to me is:

Debtor [checked] Other (specify): [unchecked]

5. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
e. [Other provisions as needed]

7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

March 23, 2016

Date

/s/ David A. Kasen

David A. Kasen DK1778

Signature of Attorney

Kasen & Kasen

Society Hill Office Park

1874 E. Marlton Pike, Suite 3

Cherry Hill, NJ 08003

856-424-4144 Fax: 856-424-7565

Name of law firm

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

In re Kirby Brothers, Inc.

Debtor(s)

Case No.
Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

| Name and last known address or place of business of holder | Security Class | Number of Securities | Kind of Interest |
|--|----------------|----------------------|------------------|
|--|----------------|----------------------|------------------|

| | | | |
|--|--|--|--|
| Charles E. Kirby, Jr. 77 Branch St. Medford, NJ 08055 | | | |
|--|--|--|--|

| | | | |
|--|--|--|--|
| Janice C. Kirby 77 Branch St. Medford, NJ 08055 | | | |
|--|--|--|--|

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF 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 of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date March 23, 2016

Signature /s/ Charles E. Kirby, Jr.
Charles E. Kirby, Jr.

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

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

In re Kirby Brothers, Inc. Debtor(s) Case No. _____
Chapter 11

VERIFICATION OF CREDITOR MATRIX

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: March 23, 2016

/s/ Charles E. Kirby, Jr.
Charles E. Kirby, Jr./President
Signer/Title

Arett Sales Corp.
9285 Commerce Highway
Pennsauken, NJ 08110

Capital One
P.O. Box 71083
Charlotte, NC 28272

Charles E. Kirby, Jr.
77 Branch St.
Medford, NJ 08055

Charles Kirby
77 Branch St.
Medford, NJ 08055

Chase
P.O. Box 15123
Wilmington, DE 19850

Citizens Bank
P.O. Box 18290
Bridgeport, CT 06601

Co-Operative Feed Dealers, Inc.
c/o Coughlin & Gerhart, LLP
99 Corporate Drive
P.O. Box 2039
Binghamton, NY 13902

Comcast
P.O. Box 3002
Southeastern, PA 19398

Discover
P.O. Box 71084
Charlotte, NC 28272

Ellis, Joseph and Meg
82 Hawkin Rd.
Tabernacle, NJ 08088

First Bankcard
P.O. Box 3331
Omaha, NE 68103

Integrity Credit Cards
1700 Higgins Rd., Suite 690
Des Plaines, IL 60018

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101

Janice C. Kirby
77 Branch St.
Medford, NJ 08055

Janice Kirby
77 Branch St.
Medford, NJ 08055

Jon H. Rogers, Esquire
825 North 300 West, Suite N144
Northgate Park Business Center
Salt Lake City, UT 84103

Kalmbach Feed Co.
7148 Highway 199
Upper Sandusky, OH 43351

Kathy Stoneback Accounting
117 Round Hill Rd.
Voorhees, NJ 08043

Medford Township Tax Collector
17 N. Main St.
Medford, NJ 08055

Medford Township Water & Sewer
17 N. Main St.
Medford, NJ 08055

Moyer & Son
113 E. Reliance Rd.
P.O. Box 64198
Souderton, PA 18964

Parr Brown Gee & Loveless, P.C.
101 South 200 East, Suite 700
Salt Lake City, UT 84111

Pet Food Experts
P.O. Box 8
Pawtucket, RI 02860

Phillips Pet Supplies
3747 Hecktown Rd.
Easton, PA 18045

PSE&G Co.
Attn: Bankruptcy Section
P.O. Box 490
Cranford, NJ 07016

Quill
P.O. Box 37600
Philadelphia, PA 19101

RCN Capital Funding, LLC
c/o Steven D. Krol, Esquire
RAS Citron, LLC
130 Clinton Rd., Suite 202
Fairfield, NJ 07004

Rick's Saddle Shop
282 Rt. 539
Cream Ridge, NJ 08514

Snap Advances
136 East South Temple, Suite 2420
Salt Lake City, UT 84111

State of New Jersey
Division of Fire Code Enforcement
P.O. Box 809
Trenton, NJ 08625

State of NJ, Div. of Taxation
Bankruptcy Unit
CN 245
Trenton, NJ 08695

Sun Bank Credit Card/First Bankcard
P.O. Bix 2818
Omaha, NE 68103

Woodstown Ice & Coal
Grant St.
Woodstown, NJ 08098

Zeiglers Distributor
27 Kabanon Valley Parkway
Lebanon, PA 17042

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

In re **Kirby Brothers, 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 **Kirby Brothers, 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:

None [*Check if applicable*]

March 23, 2016

Date

/s/ David A. Kasen

David A. Kasen DK1778

Signature of Attorney or Litigant
Counsel for **Kirby Brothers, Inc.**

Kasen & Kasen

**Society Hill Office Park
1874 E. Marlton Pike, Suite 3
Cherry Hill, NJ 08003
856-424-4144 Fax:856-424-7565**

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

In re Kirby Brothers, Inc.

Debtor(s)

Case No. _____

Chapter 11

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, **Charles E. Kirby, Jr.**, declare under penalty of perjury that I am the **President** of **Kirby Brothers, Inc.**, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 22 day of March, 2016.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Charles E. Kirby, Jr.**, **President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Charles E. Kirby, Jr.**, **President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Charles E. Kirby, Jr.**, **President** of this Corporation is authorized and directed to employ **David A. Kasen DK1778**, attorney and the law firm of **Kasen & Kasen** to represent the corporation in such bankruptcy case."

Date March 22, 2016

Signed /s/ Charles E. Kirby, Jr.

Charles E. Kirby, Jr.

Resolution of Board of Directors
of
Kirby Brothers, Inc.

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Charles E. Kirby, Jr., President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Charles E. Kirby, Jr., President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Charles E. Kirby, Jr., President** of this Corporation is authorized and directed to employ **David A. Kasen** , attorney and the law firm of **Kasen & Kasen** to represent the corporation in such bankruptcy case.

Date March 22, 2016

Signed /s/ Charles E. Kirby, Jr.
Charles E. Kirby, Jr.

Date March 22, 2016

Signed /s/ Janice C. Kirby
Janice C. Kirby