## Case 10-20270-bam Doc 1 Entered 06/02/10 08:44:13 Page 1 of 10

BI (Official	United States Bankruptcy C District of Nevada					Court				Volu	ntary	Petition	
	Name of Debtor (if individual, enter Last, First, Middle): Smith, Kevin G.					Name	of Joint De	ebtor (Spouse	e) (Last, First	, Middle):			
	All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):				All Of (include)	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):							
Last four di	ne, state all)	Sec. or Indi	vidual-Taxpa	yer I.D. (	ITIN) No./0	Complete E	IN Last for	our digits o	f Soc. Sec. or	r Individual-	Гахрауег I.D.	(ITIN) No	o./Complete EIN
Street Addr 235 Pin		*	Street, City, a	and State)	:	ZID Code		Address of	Joint Debtor	(No. and St	reet, City, and	State):	ZID Code
					Г	ZIP Code 89074-42							ZIP Code
County of F	Residence or	of the Princ	cipal Place of	f Business	s:		Count	y of Reside	ence or of the	Principal Pl	ace of Busines	ss:	
Mailing Ad	ldress of Deb	otor (if diffe	rent from stre	eet addres	ss):		Mailir	ng Address	of Joint Debt	tor (if differe	nt from street	address):	
						ZIP Code	;						ZIP Code
	f Principal A t from street		siness Debtor ove):										
Type of Debtor (Form of Organization) (Check one box)  Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP) Partnership 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) Health Care Business Single Asset Real Estate as dering 11 U.S.C. § 101 (51B) Railroad Stockbroker Commodity Broker Clearing Bank Other  Tax-Exempt Entity (Check box, if applicable)			s defined	defined	er 7 er 9 er 11 er 12 er 13 are primarily co	Petition is Fi		tion for Realin Proceed tion for Realin Proceed tion for Realin Pro	ecognition ding ecognition				
	17.5	Ŀ <b>F</b> (Cl	1	Cod	er Title 26 o	nal Revenu	e Code).		red by an indivional, family, or		rpose."		
□ 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. □ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.				Debtor is a si Debtor is not if: Debtor's agg are less than all applicable A plan is bein Acceptances	a small busing regate nonco \$2,343,300 (color boxes: ag filed with of the plan w	debtor as definess debtor as ontingent liquidamount subject this petition.	ned in 11 U.S. defined in 11 U ated debts (except to adjustment	C. § 101(51D). U.S.C. § 101(51) cluding debts ow	ved to inside	e years thereafter).			
☐ Debtor of Debtor of	estimates tha	t funds will it, after any	ation be available exempt prop for distributi	erty is ex	cluded and	administrat		es paid,		THIS	S SPACE IS FOI	R COURT I	JSE ONLY
Estimated N  1- 49	Number of C	reditors  100- 199	200-	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000				
Estimated A \$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion					
Estimated L \$0 to \$50,000	Liabilities	\$100,001 to \$500,000	to \$1	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion					

Case 10-20270-bam Doc 1 Entered 06/02/10 08:44:13 Page 2 of 10

B1 (Omciai For	m 1)(4/10)		Page 2		
Voluntar	y Petition	Name of Debtor(s): Smith, Kevin G.			
(This page mu	st be completed and filed in every case)				
	All Prior Bankruptcy Cases Filed Within Last	t 8 Years (If more than two, attach ac	dditional sheet)		
Location Where Filed:	- None -	Case Number:	Date Filed:		
Location Where Filed:		Case Number:	Date Filed:		
	nding Bankruptcy Case Filed by any Spouse, Partner, or		n one, attach additional sheet)		
Name of Debt - None -	or:	Case Number:	Date Filed:		
District:		Relationship:	Judge:		
	Exhibit A		xhibit B		
forms 10K a pursuant to S	oleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)	(To be completed if debtor is an individual whose debts are primarily consumer debts.)  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).			
☐ Exhibit	A is attached and made a part of this petition.	X /s/ David A. Riggi, Esq.	June 2, 2010		
		Signature of Attorney for Debtor(s  David A. Riggi, Esq.			
	Exh	nibit C			
Does the debto	or own or have possession of any property that poses or is alleged to	pose a threat of imminent and identifiable	e harm to public health or safety?		
	Exhibit C is attached and made a part of this petition.				
No.					
	Exh	aibit D			
(To be comp	leted by every individual debtor. If a joint petition is filed, ea	ch 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 joi	nt petition:				
☐ Exhibit	D also completed and signed by the joint debtor is attached a	and made a part of this petition.			
	Information Regardin				
l _	(Check any ap	•			
-	Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for				
	There is a bankruptcy case concerning debtor's affiliate, go	eneral partner, or partnership pending	in this District.		
	Certification by a Debtor Who Reside (Check all app		rty		
	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)	<u> </u>			
	(Address of landlord)				
	Debtor claims that under applicable nonbankruptcy law, th				
	the entire monetary default that gave rise to the judgment to Debtor has included in this petition the deposit with the co	•	-		
	after the filing of the petition.  Debtor certifies that he/she has served the Landlord with the	his certification. (11 U.S.C. § 362(1)).			
. –		(1))			

B1 (Official Form 1)(4/10) Page 3

### **Voluntary Petition**

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

### 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 /s/ Kevin G. Smith

Signature of Debtor Kevin G. Smith

 $\mathbf{X}$ 

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

June 2, 2010

Date

#### Signature of Attorney\*

#### X /s/ David A. Riggi, Esq.

Signature of Attorney for Debtor(s)

#### David A. Riggi, Esq. NV Bar # 4727

Printed Name of Attorney for Debtor(s)

#### David A. Riggi, Attorney and Counselor at Law

Firm Name

5550 Painted Mirage Rd. #120 Las Vegas, NV 89149

Address

Email: riggilaw@gmail.com

800-378-0887 Fax: (888) 306-7157

Telephone Number

June 2, 2010

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 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

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Name of Debtor(s):

Smith, Kevin G.

#### Signatures

#### 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.

7	v
2	١

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

#### 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 bankrutpcy 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.)

<b>T</b>
•

Date

Address

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.

B 1D (Official Form 1, Exhibit D) (12/09)

## United States Bankruptcy Court District of Nevada

		District of revada		
In re	Kevin G. Smith		Case No.	
		Debtor(s)	Chapter	11

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- □ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

B 1D (Official Form 1, Exhibit D) (12/09) - Cont.	Page 2
* * · ·	§ 109(h)(4) as impaired by reason of mental illness or alizing and making rational decisions with respect to
financial responsibilities.);	
☐ Disability. (Defined in 11 U.S.C. §	109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate	in a credit counseling briefing in person, by telephone, or
through the Internet.);	
☐ Active military duty in a military co	ombat zone.
☐ 5. The United States trustee or bankruptcy requirement of 11 U.S.C. § 109(h) does not apply in	administrator has determined that the credit counseling this district.
I certify under penalty of perjury that the	information provided above is true and correct.
Signature of Debtor:	/s/ Kevin G. Smith
	Kevin G. Smith
Date∙ June 2, 2010	

**B4** (Official Form 4) (12/07)

### United States Bankruptcy Court District of Nevada

In re	Kevin G. Smith	Case No.		
		Debtor(s)	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)
Name of creditor and complete mailing address including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
America's Servicing Company	America's Servicing Company	1115 Casa Palermo		485,000.00
PO Box 10328	PO Box 10328	Circle, Henderson		(Unknown
Des Moines, IA 50306	Des Moines, IA 50306	NV 89011		secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	1032 Logan Patrick		370,000.00
450 American Street	450 American Street	Drive, Henderson		(Unknown
Simi Valley, CA 93065	Simi Valley, CA 93065	NV 89052		secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	1729 Chevrus		280,000.00
450 American Street	450 American Street	Court, Henderson		(Unknown
Simi Valley, CA 93065	Simi Valley, CA 93065	NV 89012		secured)
BAC Home Loans Servicing 450 American Street Simi Valley, CA 93065	BAC Home Loans Servicing 450 American Street Simi Valley, CA 93065	2477 Brandywine Shoals Place, Henderson NV 89052		275,000.00 (Unknown secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	1907 Tanner Valley		270,000.00
450 American Street	450 American Street	Circle, Paradise		(Unknown
Simi Valley, CA 93065	Simi Valley, CA 93065	Town, NV 89123		secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	1281 Sonatina		300,000.00
450 American Street	450 American Street	Drive, Henderson		(Unknown
Simi Valley, CA 93065	Simi Valley, CA 93065	NV		secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	487 Donavista		245,000.00
450 American Street	450 American Street	Court, Henderson		(Unknown
Simi Valley, CA 93065	Simi Valley, CA 93065	NV 89052		secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	8871 Torino Ave,		233,000.00
450 American Street	450 American Street	Enterprise NV		(Unknown
Simi Valley, CA 93065	Simi Valley, CA 93065	89148		secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	1032 Logan Patrick		365,000.00
450 American Street	450 American Street	Drive, Henderson,		(Unknown
Simi Valley, CA 93065	Simi Valley, CA 93065	NV 89052		secured)

B4 (Official Form 4) (12/07) - Cont.					
In re	Kevin G. Smith	Case No.			
	Debtor(s)				

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured, also state value of security]
BAC Home Loans Servicing	BAC Home Loans Servicing	1729 Chevrus		278,000.00
450 American Street Simi Valley, CA 93065	450 American Street Simi Valley, CA 93065	Court, Henderson, NV 89012		(Unknown secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	1455 Bourne Valley		116,000.00
450 American Street	450 American Street	Court, Paradise		
Simi Valley, CA 93065	Simi Valley, CA 93065	Town, NV 89123		(Unknown
BAC Home Loans Servicing	BAC Home Loans Servicing	2975 Tara Murphy		secured) 205,000.00
450 American Street	450 American Street	Drive, Henderson		205,000.00
Simi Valley, CA 93065	Simi Valley, CA 93065	NV 89044		(Unknown secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	116 Almendio		134,000.00
450 American Street	450 American Street	Lane, Henderson		
Simi Valley, CA 93065	Simi Valley, CA 93065	NV 89074		(Unknown
				secured)
BAC Home Loans Servicing	BAC Home Loans Servicing	536 Moses Lake		175,000.00
450 American Street	450 American Street	Court, Henderson		/Union avva
Simi Valley, CA 93065	Simi Valley, CA 93065	NV 89002		(Unknown secured)
Bank Of America	Bank Of America	CreditCard		221.00
Attn: Bankruptcy	Attn: Bankruptcy NC4-105-03-14			
NC4-105-03-14	Po Box 26012			
Po Box 26012	Greensboro, NC 27410			
Greensboro, NC 27410				
Bank of America	Bank of America			221.00
PO Box 26012	PO Box 26012			
Greensboro, NC 27410	Greensboro, NC 27410	A In !! -		0.740.00
Chrysler Financial Po Box 8065	Chrysler Financial Po Box 8065	Automobile		6,710.00
Royal Oak, MI 48068	Royal Oak, MI 48068			
Coasttocoast	Coasttocoast	01 Republic		420.00
101 Hodencamp Rd Ste 120	101 Hodencamp Rd Ste 120	Services		720.00
Thousand Oaks, CA 91360	Thousand Oaks, CA 91360			
Nevada Federal Cred Un	Nevada Federal Cred Un	Automobile		675.00
2645 S Mojave Rd	2645 S Mojave Rd			
Las Vegas, NV 89121	Las Vegas, NV 89121			
Sams Club	Sams Club	ChargeAccount		87.00
Attention: Bankruptcy	Attention: Bankruptcy Department			
Department	Po Box 105968			
Po Box 105968	Atlanta, GA 30353			
Atlanta, GA 30353			]	

B4 (Official Form 4) (12/07) - Cont.						
In re	Kevin G. Smith	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, **Kevin G. Smith**, 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	June 2, 2010	Signature	/s/ Kevin G. Smith
			Kevin G. Smith
			Debtor

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.

Kevin G. Smith 235 Pintale Circle Henderson, NV 89074-4222

David A. Riggi, Esq.
David A. Riggi, Attorney and Counselor at Law
5550 Painted Mirage Rd. #120
Las Vegas, NV 89149

America's Servicing Company Acct No xxxxxx6970 PO Box 10328 Des Moines, IA 50306

BAC Home Loans Servicing Acct No xxxxx2222 450 American Street Simi Valley, CA 93065

Bank of America Acct No xxxxxx5581 PO Box 26012 Greensboro, NC 27410

Bank Of America Acct No 5581 Attn: Bankruptcy NC4-105-03-14 Po Box 26012 Greensboro, NC 27410

Bank Of America Acct No xxxxxxxxxx7099 4161 Piedmont Pkwy Greensboro, NC 27410

Barclays Bank Delaware Acct No xxxxxx9000 Attention: Customer Support Department Po Box 8833 Wilmington, DE 19899

CCO Mortgage Corp Acct No xxxxxx6691 10561 Telegraph Road Glen Allen, VA 23059

Chase Acct No xxxxxxxx4098 201 N. Walnut St//De1-1027 Wilmington, DE 19801

Chase Home Finance Acct No xxxxxx8024 PO Box 24696 Columbus, OH 43224-4696 Chrysler Financial Acct No xxxxxx2319 PO Box 8065 Royal Oak, MI 48068

Coasttocoast Acct No xxxxxxxxxxxx8643 101 Hodencamp Rd Ste 120 Thousand Oaks, CA 91360

Nevada Federal Cred Un Acct No xxxxxxx5744 2645 S Mojave Rd Las Vegas, NV 89121

PHH Mortgage Services Acct No xxxxxx2732 Attn: Bankruptcy 2001 Bishops Gate Blvd Mount Laurel, NJ 08054

Sams Club
Acct No xxxxxxxx0220
Attention: Bankruptcy Department
Po Box 105968
Atlanta, GA 30353