### Case 10-32015-mkn Doc 1 Entered 11/23/10 08:22:44 Page 1 of 10

Name of Joint Debtor (Spouse) (Last, First, Middle):

**Voluntary Petition** 

B1 (Official Form 1)(4/10)	
	Bankruptcy Court
Name of Debtor (if individual enter Last First Middle):	Name

Clark

Form 3A.

### Messner, Christian 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) No./Complete EIN Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one state all) xxx-xx-0661 Street Address of Joint Debtor (No. and Street, City, and State): Street Address of Debtor (No. and Street, City, and State): 1002 Tam OShanter Drive Las Vegas, NV ZIP Code ZIP Code 89101 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): ZIP Code ZIP Code Location of Principal Assets of Business Debtor (if different from street address above): Type of Debtor Nature of Business **Chapter of Bankruptcy Code Under Which** (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box) Health Care Business Chapter 7 □ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) □ Chapter 15 Petition for Recognition Chapter 9 Individual (includes Joint Debtors) of a Foreign Main Proceeding Chapter 11 See Exhibit D on page 2 of this form. Railroad □ Chapter 15 Petition for Recognition □ Chapter 12 □ Stockbroker Corporation (includes LLC and LLP) of a Foreign Nonmain Proceeding Chapter 13 Commodity Broker □ Partnership Clearing Bank □ Other (If debtor is not one of the above entities, □ Other Nature of Debts check this box and state type of entity below.) (Check one box) **Tax-Exempt Entity** Debts are primarily consumer debts, Debts are primarily (Check box, if applicable) defined in 11 U.S.C. § 101(8) as business debts. Debtor is a tax-exempt organization "incurred by an individual primarily for under Title 26 of the United States Code (the Internal Revenue Code). a personal, family, or household 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 Check if: attach signed application for the court's consideration certifying that the П Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) debtor is unable to pay fee except in installments. Rule 1006(b). See Official are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes:

Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

### 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 $\Box$ $\Box$ $\Box$ 50-99 200-999 5,001-100-1,000-10,001-25,001-50,001-OVER 1-49 50,000 199 5,000 25.000 100,000 100.000 Estimated Assets П П \$50,001 to \$100,000 \$100,001 to \$500,000 \$10,000,001 to \$50 \$500,000,001 to \$1 billion More than \$1 billion \$0 to \$50,000 \$500,001 \$1,000,001 \$50,000,001 \$100,000,001 to \$100 to \$500 to \$1 million to \$10 million million million million Estimated Liabilities \$1,000,001 to \$10 million \$10,000,001 to \$50 million \$100,000,001 \$500,000,001 More than to \$500 to \$1 billion \$1 billion \$0 to \$50,000 \$50.001 to \$100,001 to \$500,000 \$500.001 \$50,000,001 \$100,000 to \$100 million to \$1 million

A plan is being filed with this petition.

Acceptances of the plan were solicited prepetition from one or more classes of creditors,

B1 (Official Fo Voluntar	y Petition	Name of Debtor(s):	Page 2	
	•	Messner, Christian		
(This page mi	ust be completed and filed in every case)		· 1 11/2 1.1 A	
Location	All Prior Bankruptcy Cases Filed Within Last	Case Number:	Date Filed:	
Where Filed:	District of Nevada (Las Vegas)	10-27054-mkn	9/09/10	
Location Where Filed:	District of Nevada (Las Vegas)	Case Number: 10-22868-mkn	Date Filed: <b>7/12/10</b>	
	ending Bankruptcy Case Filed by any Spouse, Partner, or		ore than one, attach additional sheet)	
Name of Deb - None -	tor:	Case Number:	Date Filed:	
District:		Relationship:	Judge:	
	Exhibit A		Exhibit B	
forms 10K a pursuant to	pleted 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 esting 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.	XIst C. Andrew Wariner, SBN:November 23, 2010Signature of Attorney for Debtor(s)(Date)C. Andrew Wariner, SBN: 003228		
■ Exhibit If this is a jo	bleted by every individual debtor. If a joint petition is filed, ea D completed and signed by the debtor is attached and made	a part of this petition.		
	Information Regardin	0		
-	(Check any ap Debtor has been domiciled or has had a residence, principa days immediately preceding the date of this petition or for	al place of business, or princip		
	There is a bankruptcy case concerning debtor's affiliate, ge	eneral partner, or partnership p	ending in this District.	
	Certification by a Debtor Who Reside (Check all app		Property	
	Landlord has a judgment against the debtor for possession	of debtor's residence. (If box c	hecked, complete the following.)	
	(Name of landlord that obtained judgment)			
	(Address of landlord)		which the debter would be normitted to	
	Debtor claims that under applicable nonbankruptcy law, the the entire monetary default that gave rise to the judgment f Debtor has included in this petition the deposit with the co- after the filing of the petition.	for possession, after the judgm	ent for possession was entered, and	

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

B1 (Official Form 1)(4/10)	Page 3
Voluntary Petition	Name of Debtor(s):
(This page must be completed and filed in every case)	Messner, Christian
Sign	atures
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/ Christian Messner         Signature of Debtor Christian Messner         X       /signature of Joint Debtor	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
Telephone Number (If not represented by attorney)	Signature of Non-Attorney Bankruptcy Petition Preparer
November 23, 2010	Signature of Non-Attorney Bankrupicy Petition Preparer
Date	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
Signature of Attorney*         Signature of Attorney for Debtor(s)         C. Andrew Wariner, SBN: 003228         Printed Name of Attorney for Debtor(s)         C. Andrew Wariner, SBN: 003228         Printed Name of Attorney for Debtor(s)         C. Andrew Wariner, Esq.         Firm Name         823 Las Vegas Blvd., South         Suite 500         Las Vegas, NV 89101         Address         Email: awariner@lvbklaw.com         (702) 953-0404 Fax: (702) 989-5388         Telephone Number	<ul> <li>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(b), 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.</li> <li>Printed Name and title, if any, of Bankruptcy Petition Preparer</li> <li>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.)</li> </ul>
November 23, 2010	Address
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 X
Signature of Debtor (Corporation/Partnership)	Date
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.	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:
Signature of Authorized Individual Printed Name of Authorized 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
Title of Authorized Individual	fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.
Date	

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

## United States Bankruptcy Court District of Nevada

In re Christian Messner

Debtor(s)

Case No. \_\_\_\_\_\_ 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*.

 $\Box$  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.* 

 $\Box$  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.] Software Copyright (c) 1996-2010 Best Case Solutions - Evanston, IL - bestcase.com Best

Best Case Bankruptcy

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

 $\Box$  Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

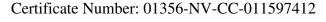
 $\Box$  Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

□ Active military duty in a military combat zone.

□ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

### I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Christian Messner Christian Messner Date: November 23, 2010





# **CERTIFICATE OF COUNSELING**

I CERTIFY that on July 10, 2010, at 3:32 o'clock PM EDT, Christian Messner received from Hummingbird Credit Counseling and Education, Inc., an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the District of Nevada, an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.

A debt repayment plan <u>was not prepared</u>. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate.

This counseling session was conducted by internet and telephone.

Date: July 10, 2010

By: <u>/s/Deyanira Reyes</u>

Name: Deyanira Reyes

Title: Certified Counselor

\* Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. *See* 11 U.S.C. §§ 109(h) and 521(b).

B4 (Official Form 4) (12/07)

### United States Bankruptcy Court District of Nevada

District of Nevada

In re Christian Messner

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)
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 450 American St Simi Valley, CA 93065	BAC Home Loans Servicing 450 American St Simi Valley, CA 93065	ConventionalRealE stateMortgage		157,252.00 (Unknown secured)
BAC Home Loans Servicing 450 American St Simi Valley, CA 93065	BAC Home Loans Servicing 450 American St Simi Valley, CA 93065	ConventionalRealE stateMortgage		63,604.00 (Unknown secured)
Chase PO Box 901039 Fort Worth, TX 76101	Chase PO Box 901039 Fort Worth, TX 76101	HomeEquityLineOf Credit		328,103.00 (Unknown secured)
Chase PO Box 24696 Columbus, OH 43224	Chase PO Box 24696 Columbus, OH 43224	HomeEquityLineOf Credit		300,000.00 (Unknown secured)
Chase PO Box 1093 Northridge, CA 91328	Chase PO Box 1093 Northridge, CA 91328	ConventionalRealE stateMortgage		187,375.00 (Unknown secured)
Southern California Edison Company 2131 Walnut Grove Ave Rosemead, CA 91770	Southern California Edison Company 2131 Walnut Grove Ave Rosemead, CA 91770	Other		12.00
Wells Fargo Home Mortgage 8480 Stagecoach Cir Frederick, MD 21701	Wells Fargo Home Mortgage 8480 Stagecoach Cir Frederick, MD 21701	ConventionalRealE stateMortgage		146,955.00 (Unknown secured)

B4 (Official Form 4) (12/07) - Cont. In re Christian Messner

Debtor(s)

Case No.

### 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]

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

I, **Christian Messner**, 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 November 23, 2010

Signature /s/ Christian Messner Christian Messner 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. Christian Messner 1002 Tam OShanter Drive Las Vegas, NV 89101

C. Andrew Wariner, SBN: C. Andrew Wariner, Esq. 823 Las Vegas Blvd., South Suite 500 Las Vegas, NV 89101

BAC Home Loans Servicing Acct No xxxx7475 450 American St Simi Valley, CA 93065

California Reconveyance Company 9200 Oakdale Avenue Mail Stop: CA2-4379 Chatsworth, CA 91311

Chase Acct No xxxxxx3412 PO Box 901039 Fort Worth, TX 76101

Chase Acct No x4829 PO Box 24696 Columbus, OH 43224

Chase Acct No xxxxxxx9675 PO Box 1093 Northridge, CA 91328

DEPT OF EMPLOYMENT, TRAINING & REHAB EMPLOYMENT SECURITY DIVISION 500 EAST THIRD STREET CARSON CITY, NV 89713

INTERNAL REVENUE SERVICE P.O. BOX 21126 DPN 781 PHILADELPHIA, PA 19114

NEVADA DEPT OF TAXATION BANKRUPTCY SECTION 555 E. WASHINGTON AVENUE, #1300 LAS VEGAS, NV 89101

Southern California Edison Company Acct No xxxxx8185 2131 Walnut Grove Ave Rosemead, CA 91770 STATE OF NV DEPT OF MOTOR VEHICLES ATTN: LEGAL DIVISION 555 WRIGHT WAY CARSON CITY, NV 89711

UNITED STATES TRUSTEE 300 LAS VEGAS BLVD SOUTH #4300 LAS VEGAS, NV 89101

Washington Mutual Bank Attention: OH4-7133 3415 Vision Drive Columbus, OH 43219

Wells Fargo Home Mortgage Acct No xxxxxxx5397 8480 Stagecoach Cir Frederick, MD 21701