

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NEW YORK

Case number *(if known)* _____ Chapter 11 Check if this an amended filing**Official Form 201****Voluntary Petition for Non-Individuals Filing for Bankruptcy**

4/16

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** FM Kelly Construction Group, 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)** 45-2793956
-
4. **Debtor's address**
- | Principal place of business | Mailing address, if different from principal place of business |
|--|--|
| <u>2016 Linden Blvd.</u> | _____ |
| <u>Elmont, NY 11003</u> | _____ |
| Number, Street, City, State & ZIP Code | P.O. Box, Number, Street, City, State & ZIP Code |
| <u>Nassau</u> | Location of principal assets, if different from principal place of business |
| County | _____ |
| | Number, Street, City, State & ZIP Code |
-
5. **Debtor's website (URL)** _____
-
6. **Type of debtor**
- Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
- Partnership (excluding LLP)
- Other. Specify: _____
-

Debtor FM Kelly Construction Group, 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(53A))
- 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. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

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 \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 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 operations, 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 _____
District _____	When _____ Case number, if known _____

Debtor FM Kelly Construction Group, 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 type="checkbox"/> \$0 - \$50,000	<input type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input checked="" 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 checked="" 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

Debtor FM Kelly Construction Group, Inc.
Name

Case number *(if known)* _____

Request for Relief, Declaration, and Signatures

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 May 12, 2016
MM / DD / YYYY

/s/ Joseph Barbera
Signature of authorized representative of debtor
 Title Chief Financial Officer

Joseph Barbera
Printed name

18. Signature of attorney

/s/ Kenneth A. Reynolds
Signature of attorney for debtor

Date May 12, 2016
MM / DD / YYYY

Kenneth A. Reynolds
Printed name

McBreen & Kopko
Firm name

500 North Broadway
 Suite 129
 Jericho, NY 11753
Number, Street, City, State & ZIP Code

Contact phone 516-364-1095 Email address kreynolds@mklawny.com

Bar number and State

Fill in this information to identify the case:

Debtor name FM Kelly Construction Group, Inc.
 United States Bankruptcy Court for the: EASTERN DISTRICT OF NEW YORK
 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
Forty Seventh Fifth Company, LLC c/o Wasserman Grubin et a 1700 Broadway, 42nd Floor New York, NY 10019		Litigation commenced by project owner	Contingent Unliquidated Disputed			\$5,000,000.00
NY Electric Maintenance & Data Corp 1370 Broadway New York, NY 10018		Subcontractor	Disputed			\$275,000.00
R.C. Baas Construction c/o Quinn McCabe, LLP 9 East 40th Street 14th Floor New York, NY 10016		Subcontractor	Disputed			\$200,260.00
Rottenberg Lipman Rich PC 369 Lexington Avenue 16th Floor New York, NY 10017		Professional fees				\$160,584.22
Gotham General Construction 58 Raymond Place Yonkers, NY 10704		Subcontractor	Contingent Unliquidated Disputed	Undetermined		\$91,000.00
Image Lighting Distributi 1 Madison Street Building B East Rutherford, NJ 07073		Subcontractor	Unliquidated Disputed	Undetermined		\$83,832.00

Debtor FM Kelly Construction Group, 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
Cooling Guard Mechanical c/o The Scheier Law Firm 60 Washington Street Suite 102G Morristown, NJ 07960		Subcontractor	Disputed			\$68,552.50
Division 10, Inc. c/o Meltzer, Lippe et al 190 Willis Avenue Mineola, NY 11501		Subcontractor	Disputed			\$63,300.00
Premium Millwork, Inc. c/o Wilson Chan, LLP 1375 Broadway, 3rd Floor New York, NY 10018		Subcontractor	Contingent Unliquidated Disputed			\$58,335.00
Liberty Contracting Corp. 2531 94th Street North Bergen, NJ 07047		Subcontractor				\$33,250.00
Blendex Industrial Corp. c/o Steven Cohn 1 Old Country Road Suite 497 Carle Place, NY 11514		Litigation		Undetermined		\$33,022.40
Consolidated Carpet Workroom, LLC c/o Maher & Lawrence 40 Broad Street, 7th FL. New York, NY 10004		Subcontractor		Undetermined		\$25,900.00
Posses & Chasan CPAs, LLC 100 North Centre Avenue Suite 500 Rockville Centre, NY 11570		Professional fees				\$24,680.00
Tri State Dismantling Cor 207 Dupont Street Brooklyn, NY 11222		Subcontractor		Undetermined		\$21,200.00
United Plumbing Mechanical, Inc. 74-23 91st Avenue Woodhaven, NY 11421		Subcontractor		Undetermined		\$18,865.00

Debtor FM Kelly Construction Group, 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
Regional Electric Voice & Data, Inc. 119-15 Liberty Avenue 2nd Floor South Richmond Hill, NY 11419		Subcontractor		Undetermined		\$18,000.00
CFI Stone 244 5th Avenue New York, NY 10037		Subcontractor	Disputed	Undetermined		\$17,067.00
Sergi's Images, Inc. 260 Van Brunt Street Brooklyn, NY 11231		Subcontractor		Undetermined		\$16,530.00
Modco Supply, Inc. 1333 Park Avenue Merrick, NY 11566		Vendor				\$15,758.46
Burnham Nationwide, Inc. Dept 4680 Carol Stream, IL 60122		Vendor				\$14,747.00

Ace Tool
2201 Wantagh Avenue
Wantagh, NY 11793

American Arbitration Assc
120 Broadway
New York, NY 10271

Binary Star Solutions
51 Atlantic Avenue
Suite 205
Floral Park, NY 11001

Blendex Industrial Corp.
c/o Steven Cohn
1 Old Country Road
Suite 497
Carle Place, NY 11514

Burnham Nationwide, Inc.
Dept 4680
Carol Stream, IL 60122

CDF Carpet & Tile Corp.
51 Forest Road
#316-188
Monroe, NY 10950

CFI Stone
244 5th Avenue
New York, NY 10037

Consolidated Carpet
Workroom, LLC
c/o Maher & Lawrence
40 Broad Street, 7th FL.
New York, NY 10004

Cooling Guard Mechanical
c/o The Scheier Law Firm
60 Washington Street
Suite 102G
Morristown, NJ 07960

DCI Metro Inc.
1 Maple Street
East Rutherford, NJ 07073

Dell Business Credit
Payment Processing Center
P.O. Box 5275
Carol Stream, IL 60197-5275

DFB Sales, Inc.
21-07 Borden Avenue
Long Island City, NY 11101

Division 10, Inc.
c/o Meltzer, Lippe et al
190 Willis Avenue
Mineola, NY 11501

Everlast Interior
Construction, Inc.
52 N. Main Street
Bldg. C, Suite 6
Marlboro, NJ 07746

Expressive Lighting
245 48th Street
Brooklyn, NY 11220

Feldman Lumber
1281 Metropolitan Avenue
Brooklyn, NY 11237

Forty Seventh Fifth
Company, LLC
c/o Wasserman Grubin et a
1700 Broadway, 42nd Floor
New York, NY 10019

Fred Kelly
6 Garfield Place
Massapequa, NY 11758

GJS Realty LLC
2016 Linden Blvd.
Elmont, NY 11003

Global Cooling, Inc.
17 11th Street
117A
Brooklyn, NY 11215

Gotham General
Construction
58 Raymond Place
Yonkers, NY 10704

Hiller, PC
600 Madison Avenue
New York, NY 10022

Image Lighting Distributi
1 Madison Street
Building B
East Rutherford, NJ 07073

Isabel Reyes
c/o Langsam Law, LLP
271 Broadway, Suite 606
New York, NY 10007

James Walsh
3 Gorham Avenue
Westport, CT 06880

JJr Wood Floors, Inc.
42-55 77th Street
Elmhurst, NY 11373

John P. Mastropietro, Esq
Mastropietro Law Group
63 Franklin Street
Saratoga Springs, NY 12866

Joseph Barbera
89 Floral Parkway
Floral Park, NY 11001

Joseph Barbera, LLC
99 Madison Avenue
New York, NY 10016

Liberty Contracting Corp.
2531 94th Street
North Bergen, NJ 07047

Lori Arcelay
NEED

Malatesta Paladino, Inc.
139-19 109th Avenue
Jamaica, NY 11435

Metro Fire Protection Inc
1866 Seaford Avenue
Wantagh, NY 11793

Modco Supply, Inc.
1333 Park Avenue
Merrick, NY 11566

NY Electric Maintenance
& Data Corp
1370 Broadway
New York, NY 10018

Posses & Chasan CPAs, LLC
100 North Centre Avenue
Suite 500
Rockville Centre, NY 11570

Premium Millwork, Inc.
c/o Wilson Chan, LLP
1375 Broadway, 3rd Floor
New York, NY 10018

Quarksoft, LLC
51 Atlantic Avenue
Floral Park, NY 11001

R.C. Baas Construction
c/o Quinn McCabe, LLP
9 East 40th Street
14th Floor
New York, NY 10016

Regional Electric Voice
& Data, Inc.
119-15 Liberty Avenue
2nd Floor
South Richmond Hill, NY 11419

Right Temp Mechanical
3902 29th Street
Long Island City, NY 11101

Rottenberg Lipman Rich PC
369 Lexington Avenue
16th Floor
New York, NY 10017

Schindler Elevator Corp.
c/o Law Offices of Edward
Weissman
60 East Grand St., # 557
New York, NY 10165

Sergi's Images, Inc.
260 Van Brunt Street
Brooklyn, NY 11231

Sherwin-Williams
125 W. 21st Street
New York, NY 10011

Stonehenge
NEED INFO

Suzanne Vigliotti
185 Riviera Drive
Brick, NJ 08724

Travelers Commercial Line
P.O. Box 660317
Dallas, TX 75266-0317

Tri State Dismantling Cor
207 Dupont Street
Brooklyn, NY 11222

United Plumbing
Mechanical, Inc.
74-23 91st Avenue
Woodhaven, NY 11421

Wallico
A&A Maintenance
965 Midland Avenue
Yonkers, NY 10704

Weinstein & Holtzman
44 Wall Street
Suite 401
New York, NY 10005

**United States Bankruptcy Court
Eastern District of New York**

In re FM Kelly Construction Group, 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 FM Kelly Construction Group, 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*]

May 12, 2016

Date

/s/ Kenneth A. Reynolds

Kenneth A. Reynolds

Signature of Attorney or Litigant

Counsel for FM Kelly Construction Group, Inc.

McBreen & Kopko

500 North Broadway

Suite 129

Jericho, NY 11753

516-364-1095 Fax:516-364-0612

kreynolds@mklawny.com