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| B1 (Official Form 1)(12/11)  |                                  |                                   |   |                                     | 9 . 0.   |  |   |  |                          |  |
|--|----------------------------------|-----------------------------------|---|-------------------------------------|--|--|---|--|--------------------------|--|
|  | United South                     |                                   |   | ruptcy<br>f New Y                   |  |  |   |  | Vol                      | untary Petition  |
| Name of Debtor (if individua 39 South Main LLC   | l, enter Last, First,            | Middle):                          |   |                                     | Name   | of Joint De  | ebtor (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. of (if more than one, state all)   | r Individual-Taxpa               | yer I.D. (I                       | TIN) No./0  | Complete E                          | IN Last fo   | our digits o   | f Soc. Sec. or  | Individual-                                  | Гахрауег I.              | D. (ITIN) No./Complete EIN   |
| Street Address of Debtor (No.<br>29 Cameo Ridge Road<br>Monsey, NY   |                                  | nd State):                        |   | TID C. I                            |  | Address of   | Joint Debtor  | (No. and Str                                 | eet, City, a             | ,  |
|  |                                  |                                   | Г   | ZIP Code<br>10952                   | -  |  |   |  |                          | ZIP Code   |
| County of Residence or of the Rockland   | Principal Place of               | Business                          |   | 10002                               | Count  | y of Reside  | ence or of the  | Principal Pla                                | ace of Busi              | ness:  |
| Mailing Address of Debtor (if  | different from stre              | et address                        | s):   |                                     | Mailir   | g Address  | of Joint Debto  | or (if differen                              | nt from stre             | eet address):  |
|  |                                  |                                   | Г   | ZIP Code                            | _  |  |   |  |                          | ZIP Code   |
| Location of Principal Assets of<br>(if different from street address   |                                  |                                   |   | Main Stre<br>lley, NY 1             |  |  |   |  |                          |  |
| Type of Debt   |                                  |                                   |   | of Business                         |  |  | -   | -  | •                        | Under Which  |
| (Form of Organization) (C ☐ Individual (includes Joint   |                                  | П Неав                            | Check)<br>th Care Bu  | one box)                            |  | ☐ Chapt  |   | etition is Fi                                | led (Check               | one box)   |
| See Exhibit D on page 2 of th  | is form.                         | Sing                              | le Asset Re   | al Estate as                        | defined  | ☐ Chapt  |   |  |                          | etition for Recognition  |
| <ul><li>■ Corporation (includes LLC</li><li>□ Partnership</li></ul>  | and LLP)                         | In 11 Railr                       | U.S.C. § 1<br>road  | 101 (51B)                           |  | ☐ Chapter 11 of a Foreign Main Proceeding ☐ Chapter 12 ☐ Chapter 15 Petition for Recognition |   |  |                          |  |
| Other (If debtor is not one of   |                                  | Stock                             |   | 1                                   |  | ☐ Chapt  |   |  |                          | Nonmain Proceeding   |
| check this box and state type  | of entity below.)                | Clean                             | modity Bro<br>ring Bank   | oker                                |  | Спарс  | C1 13   |  |                          |  |
| Chapter 15 Del   |                                  | Othe                              |   | mnt Entity                          |  | -  |   |  | e of Debts<br>k one box) |  |
| 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)  □ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code). |                                     | e)<br>zation<br>tates  | defined<br>"incurr   | are primarily co<br>I in 11 U.S.C. §<br>ed by an individual, family, or l | nsumer debts,<br>101(8) as<br>dual primarily | for                      | Debts are primarily business debts.                                  |
| Filing F   | ee (Check one box                | )                                 |   | Check                               | one box:   |  | Chap  | ter 11 Debt                                  | ors                      |  |
| Full Filing Fee attached   |                                  |                                   |   |                                     |  |  | debtor as defin   |  |                          |  |
| Filing Fee to be paid in install attach signed application for t   |                                  |                                   |   | Check                               | if:  |  |   |  |                          |  |
| debtor is unable to pay fee ex<br>Form 3A.   |                                  |                                   |   |                                     |  |  |   |  |                          | s owed to insiders or affiliates) and every three years thereafter). |
| ☐ Filing Fee waiver requested (a   | annlicable to chanter            | 7. individua                      | le only) Mu   |                                     | all applicable   |  |   |  |                          |  |
| attach signed application for t  |                                  |                                   |   | B.   🗖 1                            | Acceptances  | of the plan w  | this petition.<br>were solicited products. S.C. § 1126(b).                | epetition from                               | one or more              | e classes of creditors,  |
| Statistical/Administrative In  |                                  | C 11 4 71                         |   |                                     | 1  |  |   | THIS   | SPACE IS I               | FOR COURT USE ONLY   |
| ☐ Debtor estimates that fund☐ Debtor estimates that, after there will be no funds available.   | r any exempt prop                | erty is exc                       | luded and   | administrat                         |  | es paid,   |   |  |                          |  |
| Estimated Number of Creditor   |                                  | _                                 |   |                                     |  |  |   |  |                          |  |
| 1- 50- 100-<br>49 99 199   | 200-                             | 1,000-<br>5,000                   | 5,001-<br>10,000  | 10,001-<br>25,000                   | 25,001-<br>50,000  | 50,001-<br>100,000   | OVER<br>100,000   |  |                          |  |
| Estimated Assets   | ,001 to \$500,001<br>,000 to \$1 | \$1,000,001<br>to \$10<br>million | \$10,000,001<br>to \$50<br>million  | \$50,000,001<br>to \$100<br>million | \$100,000,001<br>to \$500<br>million   | \$500,000,001<br>to \$1 billion  |   |  |                          |  |
| Estimated Liabilities  | ,000 to \$1                      | \$1,000,001<br>to \$10<br>million | \$10,000,001<br>to \$50<br>million  | \$50,000,001<br>to \$100<br>million | \$100,000,001<br>to \$500<br>million   | \$500,000,001 to \$1 billion   |   |  |                          |  |

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**B1** (Official Form 1)(12/11) Page 2 Name of Debtor(s): Voluntary Petition 39 South Main LLC (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Date Filed: Location Where Filed: - None -Date Filed: Location Case Number: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission 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 pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b). and is requesting relief under chapter 11.) ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) (Date) 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)).

B1 (Official Form 1)(12/11) Page 3

# **Voluntary Petition**

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

#### 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 Attorney\*

#### X /s/ Scott B. Ugell

Signature of Attorney for Debtor(s)

#### Scott B. Ugell 2053536

Printed Name of Attorney for Debtor(s)

#### Ugell Law Firm, P.C.

Firm Name

24 South Main Street Suite 100 New City, NY 10956

Address

#### Email: SCOTT@UGELLLAW.COM

#### 845-639-7011 Fax: 845-639-7004

Telephone Number

June 5, 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 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/ Victor Fein

Signature of Authorized Individual

#### Victor Fein

Printed Name of Authorized Individual

#### Senior Member Manager

Title of Authorized Individual

June 5, 2012

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.)

Name of Debtor(s):

39 South Main LLC

- ☐ 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 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.)

 $\mathbf{X}$ 

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.

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

# **United States Bankruptcy Court** Southern District of New York

| In re | 39 South Main LLC |           |         |    |
|-------|-------------------|-----------|---------|----|
|       |                   | 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)   |
|--|---|--|---|---|
| address including zip me                                 | Name, telephone number and complete nailing address, including zip code, of mployee, agent, or department of creditor amiliar with claim who may be contacted | Nature of claim (trade debt, bank loan, government contract, etc.) | Indicate if claim is<br>contingent,<br>unliquidated,<br>disputed, or<br>subject to setoff | Amount of claim<br>[if secured, also<br>state value of<br>security] |
| ghth Avenue 52<br>oor 18                                 | Arthur Yorkes & Company<br>520 Eighth Avenue<br>8th Floor<br>New York, NY 10018   | Finance Advisory<br>Services                                       |   | 12,000.00   |
| Fein Hy<br>neo Ridge Road 29                             | lyman Fein<br>9 Cameo Ridge Road<br>Monsey, NY 10952  | 39 South Main<br>Street, Spring<br>Valley, New York<br>10977       |   | 200,000.00  |
| ox 553672 P.   | nterstate Waste Serviecs<br>P.O. Box 553672<br>Detroit, MI 48255-3672   | Waste Removal<br>Services  |   | 988.63  |
| caping C/chael Bloch P.                                  | Majestic Meadows Landscaping<br>C/O Michael Bloch<br>P.O. Box 866<br>Guffern, NY 10901-0866   | Landscaping<br>Services  |   | 3,568.91  |
| e & Rockland Or Dx 1005 P.                               | Orange & Rockland<br>P.O. Box 1005<br>Spring Valley, NY 10977-0800  | Electrical Services  |   | 587.56  |
| Alarm Corp. Pi<br>ert Drive 26                           | Pincus Alarm Corp.<br>26 Albert Drive<br>Monsey, NY 10952   | Security Alarm<br>Services   |   | 72.80   |
| eign Bank<br>Iskin Moscou<br>Hek<br>, 15th FIr, 1425 RXR | Sovereign Bank<br>C/O Ruskin Moscou Faltischek<br>E. Twr, 15th Flr, 1425 RXR Plz<br>Jniondale, NY 11556-1425  | 39 South Main<br>Street, Spring<br>Valley, New York<br>10977       |   | 1,450,000.00<br>(Unknown<br>secured)                                |
| est Nyack Road 36  | Jnited Water New York<br>660 west Nyack Road<br>Vest Nyack, NY 10994  | Water Services   |   | 1,722.19  |
| iyack, NY 10994 W  | vest nyack, ny 10994  |  |   |   |

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| cial Form 4) (12/07) - Cont.<br>39 South Main LLC |           | Case No. |  |
|---|-----------|----------|--|
|   | Debtor(s) |          |  |

# LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

|  | (3)  | (4)  | (5)  |
|--|--|--|--|
| mailing address, including zip code, of employee, agent, or department of creditor | Nature of claim (trade<br>debt, bank loan,<br>government contract,<br>etc.)        | Indicate if claim is<br>contingent,<br>unliquidated,<br>disputed, or<br>subject to setoff                                | Amount of claim<br>[if secured, also<br>state value of<br>security]  |
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| 1  | mailing address, including zip code, of employee, agent, or department of creditor | mailing address, including zip code, of debt, bank loan, employee, agent, or department of creditor government contract, | mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted debt, bank loan, government contract, unliquidated, disputed, or |

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

I, the Senior Member Manager 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 | June 5, 2012 | Signature | /s/ Victor Fein       |
|------|--------------|-----------|-----------------------|
|      |              | -         | Victor Fein           |
|      |              |           | Senior Member Manager |

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.

ARTHUR YORKES & COMPANY 520 EIGHTH AVENUE 18TH FLOOR NEW YORK, NY 10018

HYMAN FEIN 29 CAMEO RIDGE ROAD MONSEY, NY 10952

INTERSTATE WASTE SERVIECS P.O. BOX 553672 DETROIT, MI 48255-3672

MAJESTIC MEADOWS LANDSCAPING C/O MICHAEL BLOCH P.O. BOX 866 SUFFERN, NY 10901-0866

ORANGE & ROCKLAND P.O. BOX 1005 SPRING VALLEY, NY 10977-0800

PINCUS ALARM CORP. 26 ALBERT DRIVE MONSEY, NY 10952

SOVEREIGN BANK C/O RUSKIN MOSCOU FALTISCHEK E. TWR, 15TH FLR, 1425 RXR PLZ UNIONDALE, NY 11556-1425

UNITED WATER NEW YORK 360 WEST NYACK ROAD WEST NYACK, NY 10994 12-23068-rdd Doc 1 Filed 06/05/12 Entered 06/05/12 16:30:33 Main Document Pg 7 of 7

# **United States Bankruptcy Court** Southern District of New York

| In re              | 39 South Main LLC  |   | Case No.                               |  |
|--------------------|--|---|--|--|
|                    |  | Debtor(s)   | Chapter                                | 11   |
|                    | CORPO  | RATE OWNERSHIP STATEMENT  | (RULE 7007.1)                          |  |
| or recu<br>a (are) | usal, the undersigned counsel for corporation(s), other than the d | cy Procedure 7007.1 and to enable the Jor 39 South Main LLC in the above callebtor or a governmental unit, that directerests, or states that there are no entitie | ptioned action, c<br>tly or indirectly | ertifies that the following is own(s) 10% or more of any |
| ■Non               | e [Check if applicable]  |   |  |  |
| June               | 5, 2012  | /s/ Scott B. Ugell  |  |  |
| Date               |  | Scott B. Ugell 2053536  |  |  |
|                    |  | Signature of Attorney or Litig  | ant                                    |  |
|                    |  | Counsel for 39 South Main L   | LC                                     |  |
|                    |  | Ugell Law Firm, P.C.  |  |  |
|                    |  | 24 South Main Street<br>Suite 100   |  |  |
|                    |  | New City, NY 10956  |  |  |
|                    |  | 845-639-7011 Fax:845-639-7004   | ļ                                      |  |

SCOTT@UGELLLAW.COM