

B1 (Official Form 1)(04/13)

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

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Danbury Sports, LLC	Name of Joint Debtor (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. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all) 48-1251286	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 39 Fields Lane North Salem, NY <div style="text-align: right; margin-top: 5px;">ZIP Code 10560</div>	Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>
County of Residence or of the Principal Place of Business: Westchester	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>	Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>
Location of Principal Assets of Business Debtor (if different from street address above): 17-27 Starr Road Danbury, CT 06810	

Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> 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) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
Chapter 15 Debtors 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) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.

Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> 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. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> 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 thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000	
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input checked="" type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Danbury Sports, LLC	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)			
Location Where Filed: - None -		Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: See Attachment		Case Number:	Date Filed:
District:		Relationship:	Judge:
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (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). X _____ 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? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> 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.) <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> 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) <input checked="" type="checkbox"/> 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. <input checked="" type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> 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) <input type="checkbox"/> 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) <input type="checkbox"/> 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 <input type="checkbox"/> Debtor has included with 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. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

Voluntary Petition

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

Name of Debtor(s):
Danbury Sports, LLC

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 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 _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Attorney*

X /s/ Andrew G. Balbus
Signature of Attorney for Debtor(s)

Andrew G. Balbus 1761220
Printed Name of Attorney for Debtor(s)

Balbus Law Firm
Firm Name

108 Mill Plain Road
Suite 200
Danbury, CT 06811

Address

Email: abalbus@balbuslaw.com

203.286.4121 Fax: 203.286.4126
Telephone Number

January 22, 2015
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 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 bankruptcy 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.)

Address

X _____
Date

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.

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/ John A. Kessler
Signature of Authorized Individual

John A. Kessler
Printed Name of Authorized Individual

Managing Member
Title of Authorized Individual

January 22, 2015
Date

In re Danbury Sports, LLC, Case No. _____
Debtor

FORM 1. VOLUNTARY PETITION
Pending Bankruptcy Cases Filed Attachment

<u>Name of Debtor / District</u>	<u>Case No. / Relationship</u>	<u>Date Filed / Judge</u>
John Alexander Kessler SDNY	14-22536 20% owner & manager of Debtor	04/18/14 Robert D. Drain
Swoosh LP SDNY	14-22303 80% owner of Debtor	03/10/14 Robert D. Drain

BALBUS LAW FIRM
Proposed Attorney for the Debtor
108 Mill Plain Road
Danbury, CT 06812
(203) 286-4121

Andrew G. Balbus, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11
Case No. 15 - _____(RDD)

DANBURY SPORTS, LLC

Debtor.

-----X

AFFIDAVIT PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2

STATE OF CONNECTICUT)
) ss.:
COUNTY OF FAIRFIELD)

John A. Kessler, being duly sworn, deposes and says:

1. I am the Managing Member of Danbury Sports, LLC, a Kansas limited liability company, with a principal place of business having an address at 39 Fields Lane, North Salem, NY 10560 ("Debtor"). I submit this Affidavit pursuant to Local Bankruptcy Rule 1007-2.

Local Rule 1007-2(a)(1)

2. Debtor operates a tennis and fitness facility in Danbury, Connecticut. Following a multi-year dispute regarding the terms of the mortgage on the real property containing the Debtor's operations resulting in foreclosure, this Chapter 11 filing was brought to forestall eviction and allow Debtor time to reorganize.

Local Rule 1007-2(a)(2)

3. This case was not originally commenced under Chapter 7 or 13 of the Bankruptcy Code.

Local Rule 1007-2(a)(3)

4. No committee was organized prior to the filing of this case.

Local Rule 1007-2(a)(4)

5. A schedule of the Debtor's 20 largest unsecured creditors is annexed hereto as Exhibit "A".

Local Rule 1007-2(a)(5)

6. A schedule of the Debtor's secured creditors is annexed hereto as Exhibit "B".

Local Rule 1007-2(a)(6)

7. A summary of the Debtor's assets and liabilities is annexed hereto as Exhibit "C".

Local Rule 1007-2(a)(7)

8. The Debtor does not have any publicly held shares of stock, debentures or other securities.

Local Rule 1007-2(a)(8)

9. Real property within which the Debtor conducts operations and in which the Debtor had an equity interest in prior to foreclosure is located at 17-27 Starr Road, Danbury, Connecticut and is in the possession of ARS Investors, 2301 S. Capital of Texas Highway, Suite J-101, Austin, TX 78746.

Local Rule 1007-2(a)(9)

10. The Debtor's principal place of business, which is leased from an unrelated third party, is located at 39 Fields Lane, North Salem, NY 10560. The Debtor conducts its operations at 17-27 Starr Road, Danbury, CT 06810. This location will be moved in connection with this Chapter 11 reorganization.

Local Rule 1007-2(a)(10)

10. The Debtor's operating assets are located at 17-27 Starr Road, Danbury, CT 06810 and its books and records are located at 39 Fields Lane, North Salem, NY 10560.

Local Rule 1007-2(a)(11)

11. As of the filing date the following actions were pending where seizure of property is imminent:

ARS INVESTORS II 2012-HVB, LLC v. DANBURY SPORTS, LLC et al

Index No. DBD-CV12-6010338-S

Superior Court

Judicial District of Danbury

Execution of Ejectment Pending on January 23, 2015 at 9:00 AM

Local Rule 1007-2(a)(12)

12. The Debtor's senior management is comprised of John A. Kessler, who has managed the operations of the Debtor for over 15 years.

Local Rule 1007-2(b)(1)

13. The estimated payroll to employees (exclusive of officers, directors, stockholders and partners) for the thirty (30) day period following the filing of the Chapter 11 petition is approximately \$40,000 per two-week pay period or approximately \$80,000 over the four-week pay period.

Local Rule 1007-2(b)(2)

14. The estimated amount to be paid for services to its officers for the thirty (30) day period following the filing of the Chapter 11 petition is \$10,000.

Local Rule 1007-2(b)(3)

15. The Debtor expects to have cash receipts and disbursements for the thirty (30) day period following the filing of the Chapter 11 petition of approximately \$100,000, with no net cash gain or

loss, and with no obligations and receivables expected to accrue but remaining unpaid, other than professional fees incurred in connection with the Chapter 11 case.

Conclusion

16. In addition to the foregoing, a copy of the corporate resolutions authorizing the filing of the Chapter 11 petition is annexed hereto as Exhibit "D".

17. The Debtor believes it is in the best interests of all of its creditors, employees and members that it be afforded an opportunity to reorganize its obligations in Chapter 11.

18. The needs and interests of the Debtor, its creditors, employees and members will best be served by the Debtor's possession of its assets and management of its affairs as a Debtor-in-Possession under Chapter 11 until confirmation of a Plan.

19. Due to the imminent nature of the ejectment proceeding, this Affidavit is regrettably deficient and will be supplemented and completed as soon as possible.

20. Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Dated: Danbury, Connecticut

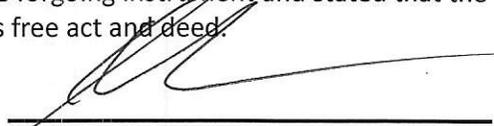
January 22, 2015



John A. Kessler
Managing Member

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

In Danbury, CT, on the 22nd day of January 2015, before me personally appeared John A. Kessler, to me known and known by me, who acknowledged the forgoing instrument and stated that the execution thereof for the purposes contained therein was of his free act and deed.



Andrew G. Balbus
Commissioner of Superior Court

EXHIBIT "A"
TWENTY LARGEST UNSECURED CREDITORS

<u>NAME</u>	<u>AMOUNT OWED</u>
ARS Investors 2301 S Capital of Texas Highway Suite J-101 Austin, TX 78746	\$3,000,000
Internal Revenue Service 915 Lafayette Blvd Room 120 Bridgeport, CT 06604	\$ 136,818.57
State of Connecticut Department of Revenue 25 Sigourney Street Hartford, CT 06106-5032	\$ 25,683.26
CL&P PO Box 650032 Dallas, TX 75265-0032	\$ 12,000
Leigh Overland 235 Main Street Suite 104 Danbury, CT 06810	\$11,008.84
Vaz Cleaning Service 18 Holley Street Danbury, CT 06810	\$8,082.60
All-American Maintenance Co. 1771 Post Road East Suite 189 Westport, CT 06880	\$4,462.42

[Other Creditors To Come]

EXHIBIT "B"
FIVE LARGEST SECURED CREDITORS

NAME

AMOUNT OWED

[To Come]

EXHIBIT "C"
SUMMARY OF ASSETS AND LIABILITIES

[To Come]

EXHIBIT "D"
RESOLUTIONS

See Resolutions Annexed hereto.

RESOLUTIONS OF DANBURY SPORTS, LLC

I, JOHN A. KESSLER, Managing Member of DANBURY SPORTS, LLC, a limited liability company organized under the laws of the State of Kansas, hereby certify that:

1. DANBURY SPORTS, LLC is managed by JOHN A. KESSLER;
2. JOHN A. KESSLER is the owner of 20% of membership interests of DANBURY SPORTS, LLC;
3. As such, JOHN A. KESSLER is not prohibited from or limited by the articles of organization from binding DANBURY SPORTS, LLC; and
4. JOHN A. KESSLER does hereby authorize and adopt the following resolutions on behalf of DANBURY SPORTS, LLC.

RESOLVED, that DANBURY SPORTS, LLC (i) file a voluntary petition for bankruptcy pursuant to Chapter 11 or Chapter 7 of Title 11, United States Code (the "Bankruptcy Code"), and (ii) perform any and all acts as are reasonable, advisable, proper or necessary to effect the foregoing;

FURTHER RESOLVED, that JOHN A. KESSLER shall be, and hereby is, authorized and empowered to execute, deliver and cause to be filed, on behalf of DANBURY SPORTS, LLC, (i) the voluntary petition, and (ii) any and all other documents necessary or appropriate in connection therewith in such form or forms as JOHN A. KESSLER may approve;

FURTHER RESOLVED, that Balbus Law Firm, 108 Mill Plain Road, Suite 200, Danbury, CT 06811 shall be, and hereby is, authorized and empowered to represent DANBURY SPORTS, LLC as Debtor and Debtor-in-Possession in connection with any case commenced by it or against it under the Bankruptcy Code;

FURTHER RESOLVED, that JOHN A. KESSLER shall be, and hereby is, authorized and empowered to retain, on behalf of DANBURY SPORTS, LLC, Balbus Law Firm and such other attorneys, financial advisors and accountants as he shall deem appropriate in his judgment;

FURTHER RESOLVED, that JOHN A. KESSLER shall be, and hereby is, authorized and empowered to take or cause to be taken any and all such further action, to execute and deliver any and all such further instruments and documents, and to pay all such fees and expenses, as he shall deem appropriate in his judgment to fully carry out the intent and accomplish the purposes of these Resolutions; and

FURTHER RESOLVED, that all acts and transactions that have been taken, caused to have been taken, or made prior to the effective date of these Resolutions in

connection with the matters set forth in these Resolutions, are hereby ratified,
confirmed and approved.

IN WITNESS WHEREOF, the undersigned has affixed his signature this 22nd
day of January 2015.



JOHN A. KESSLER
Managing Member
Danbury Sports, LLC

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

In re Danbury Sports, LLC
Debtor

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
John A. Kessler 26 Young Road Katonah, NY 10536	LLC	20%	Member interest
Swoosh, LP 39 Fields Lane North Salem, NY 10560	LLC	80%	Member interest

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Managing Member 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 January 22, 2015

Signature /s/ John A. Kessler

**John A. Kessler
Managing Member**

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.