

B1 (Official Form 1)(4/10)

United States Bankruptcy Court Eastern District of Pennsylvania				Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Middle): Frank S. Miller/David T. Sekely Funeral Services, Inc.			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): FDBA Frank S. Miller Funeral Home, Inc.			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) No./Complete EIN (if more than one, state all) 23-1980433			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): 130 North Market Street Elizabethtown, PA ZIP Code 17022-2040			Street Address of Joint Debtor (No. and Street, City, and State): ZIP Code		
County of Residence or of the Principal Place of Business: Lancaster			County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address): ZIP Code			Mailing Address of Joint Debtor (if different from street address): ZIP Code		
Location of Principal Assets of Business Debtor (if different from street address above):					
Type of Debtor (Form of Organization) (Check one box) ☐ Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> ☒ 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 defined in 11 U.S.C. § 101 (51B) ☐ Railroad ☐ Stockbroker ☐ Commodity Broker ☐ Clearing Bank ☒ Other 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).		Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) ☐ Chapter 7 ☐ Chapter 9 ☒ Chapter 11 ☐ Chapter 12 ☐ Chapter 13 ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) ☐ 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." ☒ Debts are primarily business debts.	
Filing Fee (Check one box) ☒ Full Filing Fee attached ☐ 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.			Chapter 11 Debtors Check one box: ☐ 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). Check if: ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (<i>amount subject to adjustment on 4/01/13 and every three years thereafter</i>). Check all applicable boxes: ☐ 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).		
Statistical/Administrative Information ☒ 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.					THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors ☒ 1-49 ☐ 50-99 ☐ 100-199 ☐ 200-999 ☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 10,001-25,000 ☐ 25,001-50,000 ☐ 50,001-100,000 ☐ OVER 100,000					
Estimated Assets ☒ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☐ \$500,001 to \$1 million ☐ \$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 ☐ More than \$1 billion					
Estimated Liabilities ☒ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☐ \$500,001 to \$1 million ☐ \$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 ☐ More than \$1 billion					

Voluntary Petition

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

Name of Debtor(s):

Frank S. Miller/David T. Sekely Funeral Services, Inc.**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:

Case Number:

Date Filed:

The Miller Real Estate Partnership**10-16974****8/19/10**

District:

Relationship:

Judge:

Eastern District of Pennsylvania**Jean K. FitzSimon****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.)

☐ 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?

☐ 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)).

Voluntary Petition

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

Name of Debtor(s):

Frank S. Miller/David T. Sekely Funeral Services, Inc.

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 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 Attorney*

X /s/ Barry A. Solodky, Esquire
Signature of Attorney for Debtor(s)

Barry A. Solodky, Esquire 19259
Printed Name of Attorney for Debtor(s)

Blakinger, Byler, & Thomas, P.C.
Firm Name
28 Penn Square
Lancaster, PA 17603

Address

717-299-1100 Fax: 717-299-9529
Telephone Number

January 5, 2011
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/ David T. Sekely
Signature of Authorized Individual

David T. Sekely
Printed Name of Authorized Individual

President
Title of Authorized Individual

January 5, 2011
Date

**United States Bankruptcy Court
Eastern District of Pennsylvania**

In re Frank S. Miller/David T. Sekely Funeral Services, Inc.

Debtor(s)

Case No.

Chapter

11

**STATEMENT REGARDING OWNERSHIP AND AUTHORITY
TO SIGN AND FILE PETITION**

I, **David T. Sekely**, declare under penalty of perjury that I am the **President** of **Frank S. Miller/David T. Sekely Funeral Services, Inc.**, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 5th day of January, 2011.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **David T. Sekely, President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter **11** voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **David T. Sekely, President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **David T. Sekely, President** of this Corporation is authorized and directed to employ **Barry A. Solodky, Esquire 19259**, attorney and the law firm of **Blakinger, Byler, & Thomas, P.C.** to represent the corporation in such bankruptcy case."

Date January 5, 2011

Signed s/ David T. Sekely

David T. Sekely

Resolution of Board of Directors
of
Frank S. Miller/David T. Sekely Funeral Services, Inc.

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter **11** of Title 11 of the United States Code;

Be It Therefore Resolved, that **David T. Sekely, President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter **11** voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **David T. Sekely, President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **David T. Sekely, President** of this Corporation is authorized and directed to employ **Barry A. Solodky, Esquire 19259**, attorney and the law firm of **Blakinger, Byler, & Thomas, P.C.** to represent the corporation in such bankruptcy case.

Date January 5, 2011

Signed s/ David T. Sekely

AmeriServ Financial Bank
PO Box 520
Johnstown, PA 15907

ASD, Inc.
PO Box 228
Media, PA 19063-0228

AT&T
PO Box 6463
Carol Stream, IL 60197-6463

AT&T
PO Box 6416
Carol Stream, IL 60197-6416

BP Polo
35 Journal Square, Ste 815
Jersey City, NJ 07306

Capital Blue Cross
PO Box 779516
Harrisburg, PA 17177-9516

Champion Company
PO Box 967
Springfield, OH 45501-0967

Comcast Cable
PO Box 3001
Southeastern, PA 19398-3001

Comcast Cable
PO Box 3005
Southeastern, PA 19398-3005

Commonwealth of PA
Dept. of Transportation
Bureau of Motor Vehicles
Harrisburg, PA 17106-8274

Daily American
334 West Main Street
Somerset, PA 15501

DEX
PO Box 660834
Dallas, TX 75266-0834

Diocesan Publications Ltd.
PO Box 430
New Cumberland, PA 17070

Dodge Co., Inc.
165 Cambridge Park Drive
Cambridge, MA 02140

Donegal Company
PO Box 300
Marietta, PA 17547-0300

Empire Funeral Supply, Inc.
11872 Wiles Road
Coral Springs, FL 33076

Evans Eagle Burial Vaults, Inc.
15 Graybill Road
Leola, PA 17540

Fulton Bank
PO Box 69
East Petersburg, PA 17520

GE Money Bank
140 Wekiva Springs Road
Longwood, FL 32779

Alan C. Gershenson, Esquire
Lamm Rubenstone LLC
3600 Horizon Boulevard, Ste 200
Trevose, PA 19053

Goodville Mutual Casualty Co.
PO Box 489
New Holland, PA 17557-0489

Lancaster Newspapers
PO Box 3999
Lancaster, PA 17604-3999

Messenger
2767 Momentum Place
Chicago, IL 60689-5327

The Miller Real Estate Partnership
130 North Market Street
Elizabethtown, PA 17022

Patriot News
23794 Network Place
Chicago, IL 60673-1237

Press & Journal Publications
20 South Union Street
Middletown, PA 17057

Rob-Win Press, Inc.
691 N. Trump Street
Allentown, PA 18109-8199

Schuylkill Haven Casket Company
PO Box 179
Schuylkill Haven, PA 17972-0179

David T. & Kristine L. Sekely
15 Poplar Lane
Elizabethtown, PA 17022

South Jersey Newspapers Co.
309 S. Broad Street
Woodbury, NJ 08096

Sovereign Bank
PO Box 841002
Boston, MA 02284

Sovereign Bank
235 North 2nd Street
Harrisburg, PA 17101