Name of Debtor (3 Individual, enter Last, First, Middle):  Wheeler Gadillac-Pontiac, Inc.  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia, madeia, and trade names):  All Other Names used by the Debtor in the last 8 years (include aurancia):  All Other Names used by the Debtor in the last 8 years (include aurancia):  All Other Names used by the Debtor in the last 8 years (included aurancia):  All Other Names used by the Debtor in the last 8 years (included aurancia):  All Other Names used by the Debtor in the last 8 years (included aurancia):  All Other Names used by the Debtor in the last 8 years (included aurancia):  All Other Names used by the Debtor in the last 8 years (included aurancia):  All Other Names used by the Debtor in the last 8 years (included aurancia):  All Other Names used by the Debtor in the last 8 years (included aurancia):  All Other Names used by the Debtor in the last 8 yea	B1 (Official Fo	<u>orm 1)(1/0</u>		United S								Volu	ntary Petitio	nn
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Type of Debtor (From of Organization) (Check one box)   Health Care Business (Check one box)   Health Care Business (Check one box)   Grain (Individual Ginellus Debtors)   See Exhibit D on page 2 of this form.   Groproration (includes LLC and LLP)   Braintenant   Groproration (includes LLC and LLP)   Grain Bank	Location of P	rincinal As	ssets of Bus	siness Debtor										
(Check one box)   Corporation (includes Joint Debtors)   See Exhibit D on page 2 of this form.   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.)   Other (If debtor is not one of the above entities, check this box and state type of entity below.)   Tax-Exempt Entity (Check box. if applicable)   Obebtor is a tax-exempt organization under "Itale 26 of the United States Code (the Internal Revenue Code).    Filling Fee (Check one box)   Filling Fee tatached   Filling Fee attached   Filling Fee tatached   Filling 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 (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.   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).   Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).   Debtor is on 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).   Debtor is not 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).   Debtor is not a small bus														
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B1 (Official Form 1)(1/08) Page 2 Name of Debtor(s): Voluntary Petition Wheeler Cadillac-Pontiac, Inc. (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: Location Date Filed: Where Filed: - None -Location Case Number: Date Filed: 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 and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ 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(1)).

B1 (Official Form 1)(1/08) Page 3

**Signatures** 

## **Voluntary Petition**

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

#### Name of Debtor(s):

Wheeler Cadillac-Pontiac, Inc.

#### 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.

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Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

#### Signature of Attorney\*

#### X /s/ James R. Walsh PA

Signature of Attorney for Debtor(s)

#### James R. Walsh PA 27901

Printed Name of Attorney for Debtor(s)

#### Spence, Custer, Saylor, Wolfe & Rose

Firm Name

400 Ameriserv Financial Building P.O.Box 280 Johnstown, PA 15907-0280

Address

# Email: jwalsh@spencecuster.com

814 536-0735 Fax: 814 539-1423

Telephone Number

# December 9, 2009

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/ James M. Messler

Signature of Authorized Individual

#### James M. Messler

Printed Name of Authorized Individual

#### President

Title of Authorized Individual

#### December 9, 2009

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.

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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.)

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.

# United States Bankruptcy Court Western District of Pennsylvania

In re	Wheeler Cadillac-Pontiac, Inc.		Case No.	
		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)
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]
ADP Dealer Services PO Box 88921	ADP Dealer Services PO Box 88921	Computer Supplies		1,840.62
Chicago, IL 60695-1921	Chicago, IL 60695-1921			
Advanta Bank Corp. PO Box 8088 Philadelphia, PA 19101-8088	Advanta Bank Corp. PO Box 8088 Philadelphia, PA 19101-8088	Business Credit Card		25,469.17
Ashland Inc PO Box 371002	Ashland Inc PO Box 371002	Oil		2,080.96
Pittsburgh, PA 15250-7002 Capital One PO Box 105474 Atlanta, GA 30348-5474	Pittsburgh, PA 15250-7002  Capital One PO Box 105474 Atlanta, GA 30348-5474	Business Credit Card		93,533.63
Citizens Automobile Finance Inc 410 Jefferson Blvd Warwick, RI 02886	Citizens Automobile Finance Inc 410 Jefferson Blvd Warwick, RI 02886	Breach of Contract Claim	Contingent Unliquidated Disputed	9,061.71
Commonwealth of Pennsylvania Department of Labor & Industry Attn: Deborah C. Phillips 914 Penn Ave., 6th Floor Pittsburgh, PA 15222	Commonwealth of Pennsylvania Department of Labor & Industry Attn: Deborah C. Phillips Pittsburgh, PA 15222	Unpaid Unemployment Tax for First Quarter of 2009	Contingent Unliquidated Disputed	11,916.00
Commonwealth of Pennsylvania Department of Revenue Bureau of Compliance Department 280946 Harrisburg, PA 17128-0946	Commonwealth of Pennsylvania Department of Revenue Bureau of Compliance Harrisburg, PA 17128-0946	Unpaid Sales Tax for February 2009 and Withholding for Last Payroll Issued by Debtor	Contingent Unliquidated Disputed	5,760.21
CVR 7000 Village Drive Buena Park, CA 90621	CVR 7000 Village Drive Buena Park, CA 90621	Revenue		5,575.43
Dominion Peoples P.O. Box 26784 Richmond, VA 23261-6784	Dominion Peoples P.O. Box 26784 Richmond, VA 23261-6784	Natural Gas		2,969.39

B4 (Offi	cial Form 4) (12/07) - Cont.	
In re	Wheeler Cadillac-Pontiac.	Inc

Case No.	

Debtor(s)

# 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]
Fibernet PO Box 11171	Fibernet PO Box 11171	Telephone service		3,623.80
Charleston, WV 25339-1171	Charleston, WV 25339-1171			
Fisher Auto Parts PO Box 2246 Staunton, VA 24402-2246	Fisher Auto Parts PO Box 2246 Staunton, VA 24402-2246	Body Shop Supplies		2,106.75
Internal Revenue Service Special Procedures Branch Bankruptcy Section P.O. Box 628 Pittsburgh, PA 15230	Internal Revenue Service Special Procedures Branch Bankruptcy Section Pittsburgh, PA 15230	Unpaid Federal Withholding for Last Payroll Issued by Debtor	Contingent Unliquidated Disputed	5,090.00
Leona G. Telek Tax Collector 301 Metzler Street Johnstown, PA 15904	Leona G. Telek Tax Collector 301 Metzler Street Johnstown, PA 15904	Real estate taxes		24,710.04
Miller Auto Parts Lock Box #8456 PO Box 8500 Philadelphia, PA 19178-8456	Miller Auto Parts Lock Box #8456 PO Box 8500 Philadelphia, PA 19178-8456	Parts Vendor		4,397.58
MMCA 6400 Katella Avenue Cypress, CA 90630	MMCA 6400 Katella Avenue Cypress, CA 90630	Trade Debt		5,360.21
Penelec P.O. Box 3687 Akron, OH 44309-3687	Penelec P.O. Box 3687 Akron, OH 44309-3687	Electric service		7,338.42
Reyna Capital Corporation 21175 Network Place Chicago, IL 60673-1211	Reyna Capital Corporation 21175 Network Place Chicago, IL 60673-1211	Lease on Mitsubishi Medic Computer		3,121.81
Stoystown Auto Wreckers PO Box 240 Stoystown, PA 15563	Stoystown Auto Wreckers PO Box 240 Stoystown, PA 15563	Parts Vendor		3,721.85
Sunoco Processing Center PO Box 689156 Des Moines, IA 50368-9156	Sunoco Processing Center PO Box 689156 Des Moines, IA 50368-9156	Gasoline		2,852.08
TriStar Suzuki 1200 Logan Blvd Altoona, PA 16602	TriStar Suzuki 1200 Logan Blvd Altoona, PA 16602	Parts Vendor		2,822.07

B4 (Offi	cial Form 4) (12/07) - Cont.
In re	Wheeler Cadillac-Pontiac, Inc.

Case No.

Debtor(s)

# LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

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

I, the President 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	December 9, 2009	Signature	/s/ James M. Messler	
			James M. Messler	
			President	

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.

ADP Commercial Leasing, LLC 15 Waterview Blvd Parsippany, NJ 07054

ADP Dealer Services PO Box 88921 Chicago, IL 60695-1921

Advanta Bank Corp. PO Box 8088 Philadelphia, PA 19101-8088

Air Contact Transport PO Box 570 Budd Lake, NJ 07828

Albert Garczynski 433 Basin Drive Windber, PA 15963

Ashland Inc PO Box 371002 Pittsburgh, PA 15250-7002

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

Capital One PO Box 105474 Atlanta, GA 30348-5474

Carmens Wholesale Tires 1801 Bedford Street Johnstown, PA 15902

CCC Information Services Inc. 8059 Innovation Way Chicago, IL 60682-0080

Christian Bookstore & Office Supply 1238 Scalp Avenue Johnstown, PA 15904

Citizens Automobile Finance Inc 410 Jefferson Blvd Warwick, RI 02886

Commercial Services Group Inc. Attn Robert Begley 11603 Shelbyville Road Suite 3 Louisville, KY 40243 Commonwealth of Pennsylvania Department of Labor & Industry Attn: Deborah C. Phillips 914 Penn Ave., 6th Floor Pittsburgh, PA 15222

Commonwealth of Pennsylvania Department of Revenue Bureau of Compliance Department 280946 Harrisburg, PA 17128-0946

Cover Chevrolet 1 Cheny Drive Windber, PA 15963

Custom Vehicle Outfitters PO Box 411 Liverpool, NY 13088

CVR 7000 Village Drive Buena Park, CA 90621

Dominion Peoples P.O. Box 26784 Richmond, VA 23261-6784

Douglas Seeley 810 Edwards Hill POB 1461 Johnstown, PA 15907

Fibernet PO Box 11171 Charleston, WV 25339-1171

First National Bank of PA 4140 E. State Street Hermitage, PA 16148

First National Bank of PA 532 Main Street Johnstown, PA 15901

Fisher Auto Parts PO Box 2246 Staunton, VA 24402-2246

GMAC Financial Services 3104 Unionville Road Suite 200 Cranberry Twp, PA 16066 Highland Sewer and Water Authority 120 Tank Drive Johnstown, PA 15904

Idearc Media Corp.
PO Box 619810
DFW Airport, TX 75261-9810

Indiana First Savings Bank 935 Philadelphia Street Indiana, PA 15701

Internal Revenue Service Special Procedures Branch Bankruptcy Section P.O. Box 628 Pittsburgh, PA 15230

James C. Warmbrodt, Esq. Weltman Weinberg and Reis Co 436 Seventh Ave, Ste 1400 Pittsburgh, PA 15219

James M. Messler 116 Deer Run Court Johnstown, PA 15904

John B. Joyce, Esq. Grenen & Birsic PC One Gateway Center 9th Floor Pittsburgh, PA 15222

John D. Cycyk 512 Cherry Lane Johnstown, PA 15904

Kent Automotive 2689 Paysphere Circle Chicago, IL 60674

Laurel Ford Lincoln Mercury 135 Ford Drive Windber, PA 15963

Leona G. Telek Tax Collector 301 Metzler Street Johnstown, PA 15904

Lorain Borough 503 Green Valley Street Johnstown, PA 15902 Margaret A. Cycyk 512 Cherry Lane Johnstown, PA 15904

Marlin Leasing Corp PO Box 13604 Philadelphia, PA 19101-3604

Miller Auto Parts Lock Box #8456 PO Box 8500 Philadelphia, PA 19178-8456

MMCA 6400 Katella Avenue Cypress, CA 90630

Monach Carpet Cleaning PO Box 91 Altoona, PA 16603

Penelec P.O. Box 3687 Akron, OH 44309-3687

Pitney Bowes 2225 American Drive Neenah, WI 54956-1005

Reyna Capital Corporation 21175 Network Place Chicago, IL 60673-1211

Robert D. Kodak, Esquire Kodak & Imblum PC Cameron Mansion 407 N. Front St., PO Box 11848 Harrisburg, PA 17108-1848

Schwartz Auto Parts 1640 Scalp Avenue Johnstown, PA 15904

Sharon L. Messler 116 Deer Run Court Johnstown, PA 15904

Staples
PO Box 689020
Des Moines, IA 50368-9020

Stoystown Auto Wreckers PO Box 240 Stoystown, PA 15563

Sunoco Processing Center PO Box 689156 Des Moines, IA 50368-9156

TriStar Suzuki 1200 Logan Blvd Altoona, PA 16602

Waste Management 625 Cherrington Pkwy Coraopolis, PA 15108