

<b>United States Bankruptcy Court District of South Dakota</b>						<b>Voluntary Petition</b>					
Name of Debtor (if individual, enter Last, First, Middle): <b>Grizzly Excavation, Inc</b>						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) No./Complete EIN(if more than one, state all): <b>EIN: 37-1499044</b>						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. & Street, City, and State): <b>2555 Emerson Lane Rapid City, SD</b>						Street Address of Joint Debtor (No. & Street, City, and State):					
ZIP CODE <b>57701</b>						ZIP CODE					
County of Residence or of the Principal Place of Business: <b>Pennington</b>						County of Residence or of the Principal Place of Business:					
Mailing Address of Debtor (if different from street address):						Mailing Address of Joint Debtor (if different from street address):					
ZIP CODE						ZIP CODE					
Location of Principal Assets of Business Debtor (if different from street address above): <b>2555 Emerson Lane Rapid City, South Dakota</b>						ZIP CODE <b>57701</b>					
<b>Type of Debtor</b> (Form of Organization) (Check <b>one</b> 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.)  			<b>Nature of Business</b> (Check <b>one</b> 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  <b>Tax-Exempt Entity</b> (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.)			<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check <b>one</b> 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  <b>Nature of Debts</b> (Check <b>one</b> 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 house- hold purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.					
<b>Filing Fee</b> (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.					<b>Chapter 11 Debtors</b>  <b>Check one box:</b> <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).  <b>Check if:</b> <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. ----- <b>Check all applicable boxes</b> <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).						
<b>Statistical/Administrative Information</b> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" 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.										<b>THIS SPACE IS FOR COURT USE ONLY</b>	
<b>Estimated Number of Creditors</b> <input type="checkbox"/> 1-49 <input checked="" 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											
<b>Estimated Assets</b> <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											
<b>Estimated Liabilities</b> <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											

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): <b>Grizzly Excavation, Inc</b>	
<b>All Prior Bankruptcy Cases Filed Within Last 8 Years</b> (If more than two, attach additional sheet.)			
Location Where Filed: <b>NONE</b>		Case Number:	
Location Where Filed:		Date Filed:	
Case Number:		Date Filed:	
<b>Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor</b> (If more than one, attach additional sheet)			
Name of Debtor: <b>NONE</b>		Case Number:	
District:		Date Filed:	
Relationship:		Judge:	
<div style="text-align: center;"><b>Exhibit A</b></div> <p>(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.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>		<div style="text-align: center;"><b>Exhibit B</b></div> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts)</p> <p>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 have delivered to the debtor the notice required by 11 U.S.C. § 342(b).</p> <p><b>X Not Applicable</b></p> <div style="display: flex; justify-content: space-between;"> <div>Signature of Attorney for Debtor(s)</div> <div>Date</div> </div>	
<div style="text-align: center;"><b>Exhibit C</b></div> <p>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?</p> <p><input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.</p> <p><input checked="" type="checkbox"/> No</p>			
<div style="text-align: center;"><b>Exhibit D</b></div> <p>(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)</p> <p><input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.</p> <p>If this is a joint petition:</p> <p><input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.</p>			
<div style="text-align: center;"><b>Information Regarding the Debtor - Venue</b></div> <p style="text-align: center;">(Check any applicable box)</p> <p><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.</p> <p><input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.</p> <p><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.</p>			
<div style="text-align: center;"><b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b></div> <p style="text-align: center;">(Check all applicable boxes.)</p> <p><input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following).</p> <div style="margin-left: 300px;"> <div>_____</div> <div>(Name of landlord that obtained judgment)</div> <div>_____</div> <div>(Address of landlord)</div> </div> <p><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</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).</p>			

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

Name of Debtor(s):

**Grizzly Excavation, 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 Not Applicable**

Signature of Debtor

**X Not Applicable**

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 § 1515 of title 11 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the Chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

**X Not Applicable**

(Signature of Foreign Representative)

(Printed Name of Foreign Representative)

Date

**Signature of Attorney****X s/Stan H. Anker**

Signature of Attorney for Debtor(s)

**Stan H. Anker Bar No. SBSDB#1924**

Printed Name of Attorney for Debtor(s) / Bar No.

**Anker Law Group, P.C.**

Firm Name

**1301 West Omaha Street, Suite 207**

Address

**Rapid City, South Dakota 57701****(605) 718-7050**

Telephone Number

**Fax: (605) 718-0700****12/4/2009**

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 Non-Attorney 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.

**Not Applicable**

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 Not Applicable**

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 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 the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X s/ Steven J. Lhotak**

Signature of Authorized Individual

**Steven J. Lhotak**

Printed Name of Authorized Individual

**President**

Title of Authorized Individual

**12/4/2009**

Date

B4 (Official Form 4) (12/07)

**United States Bankruptcy Court  
District of South Dakota**

In re **Grizzly Excavation, Inc**, Case No. **09-50xxx**  
Debtor Chapter **11**

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim [if secured also state value of security]</i>
Dakota Supply Group 1936 Marlin Drive Rapid City, SD 57701	Dave Henrikson  Dakota Supply Group 1936 Marlin Drive Rapid City, SD 57701	Supplies		<b>\$107,508.25</b>
Starion Financial 4610 Amber Valley South, Ste B Fargo, SD 58104	Aaron Tscholsik  Starion Financial 4610 Amber Valley South, Ste B Fargo, SD 58104	Security Agreement		<b>\$100,000.00</b>
JoEllen Lhotak P. O. Box 114 Rapid City, SD 57709	JoEllen Lhotak  JoEllen Lhotak P. O. Box 114 Rapid City, SD 57709	Business Loan		<b>\$100,000.00</b>
MG Oil Company PO Box 1006 Rapid City, SD 57709	Tammy Young  MG Oil Company PO Box 1006 Rapid City, SD 57709	Supplies		<b>\$82,000.00</b>
Solid Construction, Inc. PO Box 3372 Rapid City, SD 57709	Casey Skyberg  Solid Construction, Inc. PO Box 3372 Rapid City, SD 57709	Service		<b>\$50,000.00</b>
US Bank PO Box 790179 Saint Louis, MO 63179		Trade debt		<b>\$50,000.00</b>

B4 (Official Form 4) (12/07)4 -Cont.

In re **Grizzly Excavation, Inc**Case No. **09-50xxx**

Debtor

Chapter **11****LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim [if secured also state value of security]</i>
<b>Cretex West PO Box 1450 Minneapolis, MN 55485-5645</b>	<b>Brant Shewey  Cretex West PO Box 1450 Minneapolis, MN 55485-5645</b>	<b>Supplies</b>		<b>\$41,537.55</b>
<b>Black Hills Community Bank 821 Mount Rushmore Road Rapid City, SD 57701</b>	<b>Brad Hammerbeck  Black Hills Community Bank 821 Mount Rushmore Road Rapid City, SD 57701</b>	<b>Security Agreement</b>		<b>\$32,858.25</b>
<b>Buskerud Construction, Inc. P. O. Box 187 Dell Rapids, SD 57022-0187</b>	<b>Elouise Skatvold  Buskerud Construction, Inc. P. O. Box 187 Dell Rapids, SD 57022-0187</b>	<b>Service</b>		<b>\$23,691.00</b>
<b>Bierschbach PO Box 1444 Sioux Falls, SD 57101-1444</b>	<b>Mark Hasvold  Bierschbach PO Box 1444 Sioux Falls, SD 57101-1444</b>	<b>Service</b>		<b>\$16,809.25</b>
<b>AEL Financial, LLC Attention: Angel Chavez 600 North Buffalo Grove Road Suite 203 Buffalo Grove, IL 60089</b>	<b>Angel Chavez  AEL Financial, LLC Attention: Angel Chavez 600 North Buffalo Grove Road Suite 203 Buffalo Grove, IL 60089</b>	<b>Trade debt</b>		<b>\$11,000.00</b>
<b>GMAC PO Box 380901 Bloomington, MN 55438-0901</b>	<b>Javier  GMAC PO Box 380901 Bloomington, MN 55438-0901</b>	<b>Trade debt</b>		<b>\$10,957.40</b>

B4 (Official Form 4) (12/07)4 -Cont.

In re **Grizzly Excavation, Inc**Case No. **09-50xxx**

Debtor

Chapter **11****LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim [if secured also state value of security]</i>
<b>Sheehan Mack Sales PO Box 5130 Sioux Falls, SD 57117</b>	<b>Ryan Cadwalder  Sheehan Mack Sales PO Box 5130 Sioux Falls, SD 57117</b>	<b>Supplies</b>		<b>\$10,381.00</b>
<b>Holmes Murphy PO Box 9207 Des Moines, IA 50306-9207</b>	<b>Greg Kiner  Holmes Murphy PO Box 9207 Des Moines, IA 50306-9207</b>	<b>Service</b>		<b>\$10,000.00</b>
<b>Northwest PipeFittings, Inc. P. O. Box 920 Rapid City, SD 57709-0920</b>	<b>Doug Johnson  Northwest PipeFittings, Inc. P. O. Box 920 Rapid City, SD 57709-0920</b>	<b>Supplies</b>		<b>\$9,081.00</b>
<b>Bank of America PO Box 15184 Wilmington, DE 19850-5184</b>		<b>Credit Card</b>		<b>\$9,036.00</b>
<b>Ketel Thorstenson PO Box 3140 Rapid City, SD 57709-3140</b>	<b>Carol Mavela  Ketel Thorstenson PO Box 3140 Rapid City, SD 57709-3140</b>	<b>Service</b>		<b>\$8,236.70</b>
<b>Pete Lien PO Box 440 Rapid City, SD 57709-0440</b>	<b>Sandy Mikley  Pete Lien PO Box 440 Rapid City, SD 57709-0440</b>	<b>Supplies</b>		<b>\$6,932.25</b>

B4 (Official Form 4) (12/07)4 -Cont.

In re **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**Chapter **11****LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim [if secured also state value of security]</i>
Steven J. Lhotak 2555 Emerson Lane Rapid City, SD 57701	Steven J. Lhotak Steven J. Lhotak 2555 Emerson Lane Rapid City, SD 57701	Business Loans		<b>\$6,500.00</b>
Rocking Tree Landscape 1340 LaZelle Street Sturgis, SD 57785	Randy Hallock Rocking Tree Landscape 1340 LaZelle Street Sturgis, SD 57785	Trade debt		<b>\$6,096.80</b>

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

I, Steven J. Lhotak, 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: **12/4/2009**Signature: **s/ Steven J. Lhotak****Steven J. Lhotak ,President**

(Print Name and Title)

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.

B6 Summary (Official Form 6 - Summary) (12/07)

**United States Bankruptcy Court**  
**District of South Dakota**

In re **Grizzly Excavation, Inc**,  
 Debtor

Case No. **09-50xxx**Chapter **11**

## SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	\$ 123,000.00		
B - Personal Property	YES	5	\$ 1,078,593.65		
C - Property Claimed as Exempt	NO				
D - Creditors Holding Secured Claims	YES	3		\$ 1,831,520.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	YES	2		\$ 0.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	10		\$ 868,628.85	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	NO	0			\$
J - Current Expenditures of Individual Debtor(s)	NO	0			\$
TOTAL		23	\$ 1,201,593.65	\$ 2,700,148.85	



## Form 6 - Statistical Summary (12/07)

United States Bankruptcy Court  
District of South DakotaIn re **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**Chapter **11****STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)**

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

**This information is for statistical purposes only under 28 U.S.C. § 159.**

**Summarize the following types of liabilities, as reported in the Schedules, and total them.**

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$ 0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$ 0.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	\$ 0.00
Student Loan Obligations (from Schedule F)	\$ 0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E.	\$ 0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$ 0.00
<b>TOTAL</b>	<b>\$ 0.00</b>

**State the following:**

Average Income (from Schedule I, Line 16)	\$ 0.00
Average Expenses (from Schedule J, Line 18)	\$ 0.00
Current Monthly Income (from Form 22A Line 12; <b>OR</b> , Form 22B Line 11; <b>OR</b> , Form 22C Line 20 )	\$ 0.00

**State the following:**

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		\$ 961,520.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column.	\$ 0.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$ 0.00
4. Total from Schedule F		\$ 862,128.85
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		\$ 1,823,648.85

B6A (Official Form 6A) (12/07)

In re: Grizzly Excavation, Inc,  
DebtorCase No. 09-50xxx  
(If known)**SCHEDULE A - REAL PROPERTY**

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Lot Two (2) in Block Two of Northstar Subdivision, Rapid City, Pennington County, South Dakota; a/k/a 2555 Emerson Lane, Rapid City, SD 57701	Fee Owner		\$ 123,000.00	\$ 123,000.00

**NOTE:** This property is subject to a mortgage with Great Western Bank.Total > **\$ 123,000.00**

(Report also on Summary of Schedules.)

B6B (Official Form 6B) (12/07)

In re **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**

(If known)

**SCHEDULE B - PERSONAL PROPERTY**

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand	<b>X</b>			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		<b>Pioneer Bank &amp; Trust</b>		<b>1,500.00</b>
3. Security deposits with public utilities, telephone companies, landlords, and others.	<b>X</b>			
4. Household goods and furnishings, including audio, video, and computer equipment.	<b>X</b>			
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	<b>X</b>			
6. Wearing apparel.	<b>X</b>			
7. Furs and jewelry.	<b>X</b>			
8. Firearms and sports, photographic, and other hobby equipment.	<b>X</b>			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		<b>Prudential Life Ins. (three term life policies)</b>		<b>0.00</b>
		<b>NOTE: Term life on officers and shareholders.</b>		
10. Annuities. Itemize and name each issuer.	<b>X</b>			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	<b>X</b>			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	<b>X</b>			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	<b>X</b>			
14. Interests in partnerships or joint ventures. Itemize.	<b>X</b>			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	<b>X</b>			

B6B (Official Form 6B) (12/07) -- Cont.

In re **Grizzly Excavation, Inc**Case No. **09-50xxx**

Debtor

(If known)

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
16. Accounts receivable.		<b>Outstanding invoices:</b> <b>Dan Lundeen - 1,664.00</b> <b>Century Companies (Don Weiseler) - 35,195.15</b> <b>Ken Skyberg - 19,600.00</b> <b>GBA, Inc. - 55,000.00</b> <b>Sampson - 28,000.00</b>		<b>139,459.15</b>
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	<b>X</b>			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	<b>X</b>			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	<b>X</b>			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	<b>X</b>			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.		<b>Mitch Paris - \$60,000.00 (Promissory Note)</b> <b>Elk Vale Business Park (Doyle Estes) - 60,929.00</b> <b>Elk Vale Business Park (Doyle Estes) - 35, 105.50</b> <b>Kahn Development - 13,600.00</b>		<b>169,634.50</b>
22. Patents, copyrights, and other intellectual property. Give particulars.	<b>X</b>			
23. Licenses, franchises, and other general intangibles. Give particulars.	<b>X</b>			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	<b>X</b>			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		<b>1994 Chevy pickup</b>		<b>1,000.00</b>
Automobiles, trucks, trailers, and other vehicles and accessories.		<b>2000 Ford F250</b>		<b>5,200.00</b>
Automobiles, trucks, trailers, and other vehicles and accessories.		<b>2008 Chevy Silverado</b>		<b>22,000.00</b>
		<b>NOTE: This vehicle is subject to a lien with GMAC.</b>		
Automobiles, trucks, trailers, and other vehicles and accessories.		<b>2008 Chevy Silverado HD 2500</b>		<b>25,000.00</b>
		<b>NOTE: This vehicle is subject to a lien with US Bank.</b>		
Automobiles, trucks, trailers, and other vehicles and accessories.		<b>Chevy flatbed</b>		<b>1,500.00</b>

B6B (Official Form 6B) (12/07) -- Cont.

In re Grizzly Excavation, IncCase No. 09-50xxx

Debtor

(If known)

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
26. Boats, motors, and accessories.	<b>X</b>			
27. Aircraft and accessories.	<b>X</b>			
28. Office equipment, furnishings, and supplies.		(2) Computers Copier/fax (2) Desks (2) Planning tables Refrigerator		<b>1,500.00</b>
Office equipment, furnishings, and supplies.		Small manufactured home - used as office		<b>1,000.00</b>
29. Machinery, fixtures, equipment and supplies used in business.		Caterpillar 314 Skidsteer 236B2		<b>91,000.00</b>
		NOTE: This equipment is subject ot a lien with Caterpillar Financial Sevices.		
Machinery, fixtures, equipment and supplies used in business.		Hypac C822A/Compactor Dresser Blade Dozer D-3 Peterbilt w/sidedumper Freightliner w/pup Load King lowboy trailer		<b>105,500.00</b>
		NOTE: This equipment is subject to a lien with Great Western Bank.		
Machinery, fixtures, equipment and supplies used in business.		Hypac Roller C812C Komatsu - 320 Loader		<b>66,000.00</b>
		NOTE: This equipment is subject to a lien with Wells Fargo Equipment Leasing.		
Machinery, fixtures, equipment and supplies used in business.		Komatsu - PC200LC - 8 Komatsu - PC200LC - 7L Komatsu - PC300LC - 7L Komatsu - 250 Loader Komatsu - Hydraulic Breaker Komatsu - Quick Coupler Komatsu - D-41 Dozer		<b>336,000.00</b>
		NOTE: This equipment is subject to a lien with Komatsu Financial.		

B6B (Official Form 6B) (12/07) -- Cont.

In re Grizzly Excavation, Inc

Debtor

Case No. 09-50xxx

(If known)

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
29. Machinery, fixtures, equipment and supplies used in business.		Komatsu PC35 Road King 23' flatbed trailer 2003 Titan trailer Water trailer 2002 Alumiline Trailer Box lube trailer Semi-trailer Trench box 8x12 Trench box 8x20 Bedding box - 9 yard (2) Bedding box - 7 yard Vacuum tester Hydrostatic test pump 8"-12" Mandrel system 2007 Skidsteer forks Loader forks 320 Loader forks 250		37,600.00
Machinery, fixtures, equipment and supplies used in business.		Linkbelt Hypac C822A		57,000.00
		NOTE: This equipment is subject to a lien with GE Capital.		
Machinery, fixtures, equipment and supplies used in business.		RT82 Walk behind roller		6,000.00
		NOTE: This equipment is subject to a lease with CFC Investment, subsidiary of Cincinnati Financial Corp.		
Machinery, fixtures, equipment and supplies used in business.		RT82 Walk behind roller		11,000.00
		NOTE: This equipment is subject to a lease with Northland Capital Equip Leasing.		
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.		Tools and supplies on hand - 2 chop saws - \$200.00 Misc. tools - 500.00		700.00

B6B (Official Form 6B) (12/07) -- Cont.

In re Grizzly Excavation, Inc,  
DebtorCase No. 09-50xxx  
(If known)**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
<u>4</u> continuation sheets attached			Total >	<b>\$1,078,593.65</b>

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

B6D (Official Form 6D) (12/07)

In re Grizzly Excavation, Inc.Case No. 09-50xxx

Debtor

(If known)

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions, Above.)	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.			11-2008 Security Agreement Equipment - Caterpillar 314CLCR excavator Caterpillar 236B2 Skid steer loader  VALUE \$91,000.00				149,193.00	58,193.00
Caterpillar Financial Services Corp PO Box 730669 Dallas, TX 75373-0669								
ACCOUNT NO.			Security Agreement Equipment - Linkbelt excavator Hypac 822 roller  VALUE \$57,000.00				101,000.00	44,000.00
GE Capital PO Box 3083 Cedar Rapids, IA 52404-3083								
ACCOUNT NO.			Security Agreement 2008 Chevy Silverado  VALUE \$22,000.00				40,000.00	18,000.00
GMAC PO Box 380901 Bloomington, MN 55438-0901								
ACCOUNT NO.			Mortgage Lot Two (2) in Block Two of Northstar Subdivision, Rapid City, Pennington County, South Dakota; a/k/a 2555 Emerson Lane, Rapid City, SD 57701  VALUE \$123,000.00				123,000.00	0.00
Great Western Bank 14 Saint Joseph Street Rapid City, SD 57701								

2

continuation sheets  
attachedSubtotal >  
(Total of this page)Total >  
(Use only on last page)

\$ 413,193.00	\$ 120,193.00
\$	\$

(Report also on Summary of Schedules) (If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)



B6D (Official Form 6D) (12/07)- Cont.

In re Grizzly Excavation, IncCase No. 09-50xxx

Debtor

(If known)

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions, Above.)	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. 15525091410			Security Agreement Equipment: Hypac C822A compactor - \$10,000 1999 Peterbilt semi w/sidedumper - 35,000 1999 Dresser Blade - 20,000 Freightliner w/pup - 30,000 Load King Lowboy trailer - 30,000 D-3 Dozer - 25,000 _____ VALUE \$150,000.00				331,304.00	181,304.00
Great Western Bank 14 Saint Joseph Street Rapid City, SD 57701  Curtis S. Jensen Demerrseman Jensen Law Firm P. O. Box 1820 Rapid City, SD 57709								
ACCOUNT NO.			Security Agreement Third position on assets of the business. _____ VALUE \$0.00				475,000.00	475,000.00
Jerry and Lois Ulberg - Trustees Ulberg Family Trust 6901 Ainsdale Court Rapid City, SD 57702								
ACCOUNT NO.			Security Agreement Komatsu equipment: PC200LC-8 PC200LC-7L PC300LC-7L 250 Loader Breaker Coupler D-41Dozer _____ VALUE \$336,000.00				479,037.00	143,037.00
Komatsu Financial, L.P. One Continenetal Towers 1701 W. Golf Road, Suite 300 P. O. Box 5050 Rolling Meadows, IL 60008  Michael R. Johnson Ray Quinney & Nebeker P.C. 36 South State Street, Suite 1400 Salt Lake City, Utah 84111								

Sheet no. 1 of 2 continuation  
sheets attached to Schedule of  
Creditors Holding Secured  
Claims

Subtotal >  
(Total of this page)

Total >  
(Use only on last page)

\$ 1,285,341.00	\$ 799,341.00
\$	\$

(Report also on Summary of Schedules) (If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

B6D (Official Form 6D) (12/07)- Cont.

In re Grizzly Excavation, IncCase No. 09-50xxx

Debtor

(If known)

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions, Above.)	CODEBTR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.			Security Agreement 2008 Chevy Silverado  VALUE \$25,000.00				36,060.00	11,060.00
US Bank PO Box 790179 Saint Louis, MO 63179								
ACCOUNT NO. <u>0020529022700</u>			03-2008 Security Agreement Equipment - Hypac roller C812C Komatsu - 320 Loader  VALUE \$66,000.00				96,926.00	30,926.00
Wells Fargo Equipment Finance, Inc 1540 West Fountainhead Parkway Tempe, AZ 85282								

Sheet no. 2 of 2 continuation  
sheets attached to Schedule of  
Creditors Holding Secured  
Claims

Subtotal >  
(Total of this page)

Total >  
(Use only on last page)

\$ 132,986.00	\$ 41,986.00
\$ 1,831,520.00	\$ 961,520.00

(Report also on Summary of  
Schedules) (If applicable, report  
also on Statistical  
Summary of Certain  
Liabilities and  
Related Data.)

B6E (Official Form 6E) (12/07)

In re Grizzly Excavation, Inc

Debtor

Case No. 09-50xxx

(If known)

**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**☒ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets.)

☐ **Domestic Support Obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$10,950\* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$5,400\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ **Deposits by individuals**

Claims of individuals up to \$2,425\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

☐ **Taxes and Certain Other Debts Owed to Governmental Units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Claims for Death or Personal Injury While Debtor Was Intoxicated**

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

\* Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

**1 continuation sheets attached**

B6E (Official Form 6E) (12/07) – Cont.

In re Grizzly Excavation, Inc,  
DebtorCase No. 09-50xxx  
(If known)**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
ACCOUNT NO.									<b>\$0.00</b>

Sheet no. 1 of 1 continuation sheets attached to Schedule of  
Creditors Holding Priority ClaimsSubtotals >  
(Totals of this page)

\$	<b>0.00</b>	\$	<b>0.00</b>	\$	<b>0.00</b>
\$	<b>0.00</b>				
		\$	<b>0.00</b>	\$	<b>0.00</b>

Total >  
(Use only on last page of the completed  
Schedule E. Report also on the Summary of  
Schedules.)Total >  
(Use only on last page of the completed  
Schedule E. If applicable, report also on the  
Statistical Summary of Certain Liabilities  
and Related Data.)

B6F (Official Form 6F) (12/07)

In re Grizzly Excavation, Inc  
DebtorCase No. 09-50xxx  
(If known)**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.		<b>Supplies</b>				<b>513.75</b>
<b>Ace Hardware East 1602 East Saint Patrick Street Rapid City, SD 57701</b>						
ACCOUNT NO.		<b>Supplies</b>				<b>495.40</b>
<b>Ace Hardware West 1724 West Main Street Rapid City, SD 57702</b>						
ACCOUNT NO.		<b>RT82 Walk-behind roller (Returned 11-20-2009 to Bierschbach Equipment, Rapid City, SD)</b>				<b>11,000.00</b>
<b>AEL Financial, LLC Attention: Angel Chavez 600 North Buffalo Grove Road Suite 203 Buffalo Grove, IL 60089</b>						
ACCOUNT NO.		<b>Service</b>				<b>264.20</b>
<b>American Engineering 550 Cleveland Avenue North Saint Paul, MN 55114</b>						
ACCOUNT NO.		<b>Service</b>				<b>5,000.00</b>
<b>Arleth and Associates PO Box 39 Deadwood, SD 57732</b>						

9 Continuation sheets attached

Subtotal > \$ **17,273.35**

Total &gt; \$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Grizzly Excavation, Inc  
DebtorCase No. 09-50xxx  
(If known)**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. <b>5474150090238477</b> <b>Bank of America</b> <b>PO Box 15184</b> <b>Wilmington, DE 19850-5184</b>	<b>X</b>	<b>Credit card</b>				<b>9,036.00</b>
ACCOUNT NO. <b>5474150001288033</b> <b>Bank of America</b> <b>PO Box 15184</b> <b>Wilmington, DE 19850-5184</b>	<b>X</b>	<b>Credit card</b>				<b>5,299.00</b>
ACCOUNT NO. <b>Bierschbach</b> <b>PO Box 1444</b> <b>Sioux Falls, SD 57101-1444</b>		<b>Service</b>				<b>16,809.25</b>
ACCOUNT NO. <b>401229</b> <b>Black Hills Community Bank</b> <b>821 Mount Rushmore Road</b> <b>Rapid City, SD 57701</b>		<b>Bank Loan</b>				<b>32,858.25</b>
ACCOUNT NO. <b>Buskerud Construction, Inc.</b> <b>P. O. Box 187</b> <b>Dell Rapids, SD 57022-0187</b>		<b>Service</b>				<b>23,691.00</b>

Sheet no. 1 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$ <b>87,693.50</b>
Total >	\$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**

(If known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
<b>CarQuest</b> <b>PO Box 503589</b> <b>Saint Louis, MO 63150-3589</b>		<b>Supplies</b>				<b>4,135.45</b>
<b>Bay Area Credit</b> <b>PO Box 468089</b> <b>Atlanta, GA 31146</b>						
ACCOUNT NO.						
<b>Construction Industry Center</b> <b>PO Box 1227</b> <b>Rapid City, SD 57709-1227</b>		<b>Supplies</b>				<b>350.00</b>
ACCOUNT NO.						
<b>Cretex West</b> <b>PO Box 1450</b> <b>Minneapolis, MN 55485-5645</b>		<b>Supplies</b>				<b>41,537.55</b>
ACCOUNT NO.						
<b>Croell Redi Mix</b> <b>PO Box 1352</b> <b>Sundance, WY 82729</b>	<b>J</b>	<b>Supplies</b>				<b>3,478.00</b>

Sheet no. 2 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$	<b>49,501.00</b>
Total >	\$	

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**

(If known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
<b>Dakota Supply Group</b> <b>1936 Marlin Drive</b> <b>Rapid City, SD 57701</b>		<b>Supplies</b>				<b>107,508.25</b>
ACCOUNT NO.						
<b>Dale's Tire and Retreading</b> <b>3200 Cambell Street</b> <b>Rapid City, SD 57701</b>		<b>Service</b>				<b>2,430.80</b>
ACCOUNT NO.						
<b>Diesel Machinery, Inc</b> <b>4301 North Cliff Avenue</b> <b>Sioux Falls, SD 57118-5825</b>		<b>Service</b>				<b>441.00</b>
ACCOUNT NO.						
<b>Dioten Engineering</b> <b>7245 Tanager Drive</b> <b>Rapid City, SD 57701</b>		<b>Service</b>				<b>2,025.00</b>
ACCOUNT NO.						
<b>Express Marketing</b> <b>2451 South Plaza Drive</b> <b>Rapid City, SD 57702</b>		<b>Service</b>				<b>141.70</b>

Sheet no. 3 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal &gt;

\$ **112,546.75**

Total &gt;

\$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)



B6F (Official Form 6F) (12/07) - Cont.

In re Grizzly Excavation, Inc  
DebtorCase No. 09-50xxx  
(If known)**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. <b>0241911250575</b>  <b>GMAC</b> <b>PO Box 380901</b> <b>Bloomington, MN 55438-0901</b>  <b>GC Services Limited Partnership</b> <b>Collection Agency Division</b> <b>P. O. Box 2667</b> <b>Houston, TX 77252-2667</b>	<b>X</b>	<b>Repossessed:</b> <b>2007 Chevy Silverado pickup</b> <b>(Deficiency)</b>				<b>10,957.40</b>
ACCOUNT NO.  <b>Godfrey Brake Service</b> <b>PO Box 799</b> <b>Rapid City, SD 57709-0799</b>		<b>Service</b>				<b>4,302.00</b>
ACCOUNT NO.  <b>Grimms Pump and Supply</b> <b>PO Box 3028</b> <b>Rapid City, SD 57709-3028</b>		<b>Service</b>				<b>273.50</b>
ACCOUNT NO.  <b>Hermanson Engineering</b> <b>2324 Huntington Place</b> <b>Rapid City, SD 57702</b>		<b>Service</b>				<b>3,180.00</b>

Sheet no. 4 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$	<b>18,712.90</b>
Total >	\$	

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**

(If known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
<b>Holmes Murphy</b> <b>PO Box 9207</b> <b>Des Moines, IA 50306-9207</b>		<b>Service</b>				<b>10,000.00</b>
ACCOUNT NO.						
<b>Industrial Supply</b> <b>2131 Rand Road</b> <b>Rapid City, SD 57702</b>		<b>Supplies</b>				<b>100.00</b>
ACCOUNT NO.						
<b>JoEllen Lhotak</b> <b>P. O. Box 114</b> <b>Rapid City, SD 57709</b>		<b>Business Loan</b>				<b>100,000.00</b>
ACCOUNT NO.						
<b>Johnson Machine</b> <b>814 East Omaha Street</b> <b>Rapid City, SD 57701</b>		<b>Supplies</b>				<b>3,717.00</b>
ACCOUNT NO.						
<b>Ketel Thorstenson</b> <b>PO Box 3140</b> <b>Rapid City, SD 57709-3140</b>		<b>Service</b>				<b>8,236.70</b>

Sheet no. 5 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal > \$ **122,053.70**

Total &gt; \$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**

(If known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
<b>Kieffer Sanitation</b> <b>PO Box 2754</b> <b>Rapid City, SD 57709</b>		<b>Sanitation</b>				<b>340.00</b>
ACCOUNT NO.						
<b>Knecht Home Center</b> <b>320 West Boulevard</b> <b>Rapid City, SD 57701</b>		<b>Supplies</b>				<b>745.70</b>
ACCOUNT NO.						
<b>KRM Concrete</b> <b>2340 Taggart</b> <b>Rapid City, SD 57701</b>		<b>Service</b>				<b>1,218.15</b>
ACCOUNT NO.						
<b>Merchants Bonding Company</b> <b>2100 Fleur Drive</b> <b>Des Moines, IA 50321</b>		<b>Bonds</b>				<b>130,000.00</b>
ACCOUNT NO.						
<b>MG Oil Company</b> <b>PO Box 1006</b> <b>Rapid City, SD 57709</b>		<b>Service</b>				<b>82,000.00</b>

Sheet no. 6 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal > \$ **214,303.85**

Total &gt; \$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**

(If known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
<b>Northwest PipeFittings, Inc.</b> <b>P. O. Box 920</b> <b>Rapid City, SD 57709-0920</b>		<b>Supplies</b>				<b>9,081.00</b>
ACCOUNT NO.						
<b>Pete Lien</b> <b>PO Box 440</b> <b>Rapid City, SD 57709-0440</b>		<b>Service</b>				<b>6,932.25</b>
ACCOUNT NO.						
<b>Rocking Tree Landscape</b> <b>1340 LaZelle Street</b> <b>Sturgis, SD 57785</b>		<b>Service</b>				<b>6,096.80</b>
ACCOUNT NO.						
<b>Schaffer Manufacturing</b> <b>PO Box 790100</b> <b>Saint Louis, MO 63179-0100</b>		<b>Supplies</b>				<b>462.45</b>
ACCOUNT NO.						
<b>Sheehan Mack Sales</b> <b>PO Box 5130</b> <b>Sioux Falls, SD 57117</b>		<b>Supplies</b>				<b>10,381.00</b>

Sheet no. 7 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal > \$ **32,953.50**

Total &gt; \$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Grizzly Excavation, Inc

Debtor

Case No. 09-50xxx

(If known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
<b>Solid Construction, Inc.</b> <b>PO Box 3372</b> <b>Rapid City, SD 57709</b>		<b>Service</b>				<b>50,000.00</b>
<b>Jeffery D. Collins, Attorney</b> <b>Lynn, Jackson, Shultz &amp; LeBrun</b> <b>P. O. Box 8250</b> <b>Rapid City, SD 57709</b>						
<b>NOTE: This account is in litigation. See Q. 4 of SoFA.</b>						
ACCOUNT NO.						
<b>Sperlich Consulting</b> <b>821 Columbus Street, #1</b> <b>Rapid City, SD 57701</b>		<b>Service</b>				<b>1,300.90</b>
ACCOUNT NO.	X					
<b>Starion Financial</b> <b>4610 Amber Valley South, Ste B</b> <b>Fargo, SD 58104</b>		<b>Line of credit</b>				<b>100,000.00</b>
ACCOUNT NO.						
<b>Steven J. Lhotak</b> <b>2555 Emerson Lane</b> <b>Rapid City, SD 57701</b>		<b>Business Loans</b>				<b>6,500.00</b>
<b>NOTE: Mr. Lhotak is also a co-debtor on Bank of America credit card ending in 8033.</b>						

Sheet no. 8 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$	<b>157,800.90</b>
Total >	\$	

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Grizzly Excavation, Inc  
DebtorCase No. 09-50xxx  
(If known)**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
<b>US Bank</b> <b>PO Box 790179</b> <b>Saint Louis, MO 63179</b>		<b>Two vehicles returned in 2009:</b> <b>2005 Hummer</b> <b>2008 Chevy 2500</b>				<b>50,000.00</b>
ACCOUNT NO.						
<b>Verizon Wireless</b> <b>PO Box 25505</b> <b>Lehigh Valley, PA 18002-5505</b>		<b>Utility</b>				<b>2,747.90</b>
ACCOUNT NO.						
<b>White's Queen City Motors</b> <b>PO Box 277</b> <b>Spearfish, SD 57783</b>		<b>Vehicle repairs</b>				<b>3,041.50</b>
<b>NOTE: This account is currently in litigation. See Q. 4 of SoFA.</b>						

Sheet no. 9 of 9 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$	<b>55,789.40</b>
Total >	\$	<b>868,628.85</b>

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6G (Official Form 6G) (12/07)

In re: Grizzly Excavation, Inc  
DebtorCase No. 09-50xxx  
(If known)**SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES**☐ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.
<b>CFC Investment Company</b> <b>PO Box 145496</b> <b>Cincinnati, OH 45250-5496</b>  <b>Attorney Dennis Rehor</b> <b>55 Public Square, Ste 930</b> <b>Cleveland, OH 44113</b>	<b>Lease on a 2006 Wacker Articulating Double-Drum Roller -</b> <b>Monthly payments of \$666.00 with a remaining balance of</b> <b>\$17,600.00</b>
<b>Northland Capital Equipment Leasing</b> <b>PO Box 7278</b> <b>St. Cloud, Minnesota 56302</b>	<b>Lease on a 2008 Wacker RT82SC Vibratory</b> <b>Roller/Compactor - Monthly payments of \$646.00 with a</b> <b>remaining balance of \$33,922.65.</b>

B6H (Official Form 6H) (12/07)

In re: **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**

(If known)

**SCHEDULE H - CODEBTORS**☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
<b>Kelly J. Avvampato</b> <b>6536 Muirfield Drive</b> <b>Rapid City, SD 57702</b>  <b>Steven J. Lhotak</b> <b>2555 Emerson Lane</b> <b>Rapid City, SD 57701</b>	<b>Bank of America</b> <b>PO Box 15184</b> <b>Wilmington, DE 19850-5184</b>
<b>Kelly J. Avvampato</b> <b>6536 Muirfield Drive</b> <b>Rapid City, SD 57702</b>	<b>GMAC</b> <b>PO Box 380901</b> <b>Bloomington, MN 55438-0901</b>
<b>JoEllen Lhotak</b> <b>P. O. Box 114</b> <b>Rapid City, SD 57709</b>	<b>Starion Financial</b> <b>4610 Amber Valley South, Ste B</b> <b>Fargo, SD 58104</b>



**UNITED STATES BANKRUPTCY COURT**  
**District of South Dakota**

In re: **Grizzly Excavation, Inc**Case No. **09-50xxx**Chapter **11**

**BUSINESS INCOME AND EXPENSES**

FINANCIAL REVIEW OF THE DEBTOR'S BUSINESS (NOTE: ONLY INCLUDE information directly related to the business operation.)

## PART A - GROSS BUSINESS INCOME FOR PREVIOUS 12 MONTHS:

1. Gross Income For 12 Months Prior to Filing: \$ **2,948,994.00**

PART B - ESTIMATED AVERAGE FUTURE GROSS MONTHLY INCOME:

2. Gross Monthly Income: \$ **126,750.50**

## PART C - ESTIMATED FUTURE MONTHLY EXPENSES:

3. Net Employee Payroll (Other Than Debtor)	\$ <b><u>32,000.00</u></b>
4. Payroll Taxes	<b><u>3,000.00</u></b>
5. Unemployment Taxes	<b><u>0.00</u></b>
6. Worker's Compensation	<b><u>0.00</u></b>
7. Other Taxes	<b><u>1,080.25</u></b>
8. Inventory Purchases (Including raw materials)	<b><u>44,879.00</u></b>
9. Purchase of Feed/Fertilizer/Seed/Spray	<b><u>0.00</u></b>
10. Rent (Other than debtor's principal residence)	<b><u>1,105.00</u></b>
11. Utilities	<b><u>494.00</u></b>
12. Office Expenses and Supplies	<b><u>2,846.00</u></b>
13. Repairs and Maintenance	<b><u>2,951.00</u></b>
14. Vehicle Expenses	<b><u>4,000.00</u></b>
15. Travel and Entertainment	<b><u>8.00</u></b>
16. Equipment Rental and Leases	<b><u>0.00</u></b>
17. Legal/Accounting/Other Professional Fees	<b><u>237.20</u></b>
18. Insurance	<b><u>4,079.40</u></b>
19. Employee Benefits (e.g., pension, medical, etc.)	<b><u>1,300.00</u></b>
20. Payments to Be Made Directly By Debtor to Secured Creditors For Pre-Petition Business Debts (Specify):	
<b>Equipment</b>	<b><u>8,000.00</u></b>
21. Other (Specify):	
<b>Bond expense</b>	<b><u>665.50</u></b>

22. Total Monthly Expenses (Add items 3 - 21) \$ **106,645.35**

PART D - ESTIMATED AVERAGE NET MONTHLY INCOME:

23. AVERAGE NET MONTHLY INCOME (Subtract Item 22 from Item 2) \$ **20,105.15**

B6 Declaration (Official Form 6 - Declaration) (12/07)

In re Grizzly Excavation, Inc

Debtor

Case No. 09-50xxx

(If known)

## DECLARATION CONCERNING DEBTOR'S SCHEDULES

### DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

(NOT APPLICABLE)

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

I **Steven J. Lhotak**, the **President** of the **Corporation** named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 25 sheets (*Total shown on summary page plus 1*), and that they are true and correct to the best of my knowledge, information, and belief.

Date 12/4/2009

Signature: s/ Steven J. Lhotak

Steven J. Lhotak President

[Print or type name of individual signing on behalf of debtor.]

*[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]*

B7 (Official Form 7) (12/07)

**UNITED STATES BANKRUPTCY COURT**  
**District of South Dakota**

In re: **Grizzly Excavation, Inc**

Debtor

Case No. **09-50xxx**

(If known)

**STATEMENT OF FINANCIAL AFFAIRS**

**1. Income from employment or operation of business**

None ☐ State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE	FISCAL YEAR PERIOD
3,863,991.00	Grizzly Excavation, Inc (Gross Income)	2007
10,635.00	Grizzly Excavation, Inc (Net Income)	2007
-234,655.00	Grizzly Excavation, Inc (Net Income)	2008
2,948,994.00	Grizzly Excavation, Inc (Gross Income)	2008
-206,706.50	Grizzly Excavation, Inc (Net Income)	2009 y-t-d

**2. Income other than from employment or operation of business**

None ☒ State the amount of income received by the debtor other than from employment, trade, profession, operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE	FISCAL YEAR PERIOD
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**3. Payments to creditors**

**Complete a. or b., as appropriate, and c.**

None ☒ a. *Individual or joint debtor(s) with primarily consumer debts:* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
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- None ☒ b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$5,475. If the debtor is an individual, indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
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- None ☐ c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
<b>Lois Ulberg</b> <b>Rapid City, SD</b> <b>Relative of control person</b>	<b>Various - short term loans to cover payroll for a couple days until receiveables came in.</b>	<b>9,000.00</b>	<b>None</b>

#### 4. Suits and administrative proceedings, executions, garnishments and attachments

- None ☐ a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATIO	STATUS OR DISPOSITION
<b>White's Queen City Motors</b> <b>v.</b> <b>Grizzly Excavation, Inc</b> <b>(Kelly Avvampato)</b> <b>40SMC090649</b>	<b>Collection</b>	<b>Small Claims Court</b> <b>Fourth Judicial Circuit</b> <b>Lawrence County, South Dakota</b>	<b>Pending</b>
<b>White's Queen City Motors</b> <b>v.</b> <b>Grizzly Excavation, Inc</b> <b>(Steve Lhotak)</b> <b>40SMC090648</b>	<b>Collection</b>	<b>Small Claims Court</b> <b>Fourth Judicial Circuit</b> <b>Lawrence County, South Dakota</b>	<b>Pending</b>
<b>Great Western Bank</b> <b>v.</b> <b>Grizzly Excavation, Inc, et al.</b> <b>CIV09-xxxx</b>	<b>Foreclsosure</b>	<b>Seventh Judicial Circuit Court</b> <b>Pennington County, South Dakota</b>	<b>Pending</b>
<b>Solid Construction, Inc</b> <b>v.</b> <b>Grizzly Excavation, Inc</b> <b>CIV09-1503</b>	<b>Collection</b>	<b>Seventh Judicial Circuit Court</b> <b>Pennington County, South Dakota</b>	<b>Pending</b>

- None ☒ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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### 5. Repossessions, foreclosures and returns

- None ☐ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
AEL Financial, LLC PO Box 88046 Milwaukee, WI 53288	11-2009	Wacker walk-behind roller Value: \$6,500.00
BankWest Winner, SD	2009	2005 Ford F250 pickup Value: \$15,900.00
Butler Machinery Fargo, ND	2009	308 Excavator Value: \$24,000.00
GMAC Bloomington, MN	2009	2007 Chevy Silverado Value: \$27,968.00
US Bank thru White's Queen City Motors Spearfish, SD	2009	2005 Hummer Value: \$25,000.00 2008 Chevy Silverado Value: \$25,000.00

### 6. Assignments and receiverships

- None ☒ a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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- None ☒ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND ADDRESS OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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**7. Gifts**

None ☒ List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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**8. Losses**

None ☒ List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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**9. Payments related to debt counseling or bankruptcy**

None ☐ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Anker Law Group, PC	08-10-2009 \$2,500.00	\$20,000.00
Rapid City, SD	10-15-2009 \$17,500.00	

**10. Other transfers**

None ☐ a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
Butler Machinery Rapid City, SD	3-2009	Traded Cat 928G Loader and Cat 236B skidsteer for new Cat 236B skidsteer - \$6,900.00
Diesel Machinery, Inc. Rapid City, SD None	3-2009	DMI sold T-600 water truck for Grizzly Excavation; recvd \$19,000.00 from sale. Funds allocated to DMI to pay account balance with DMI. Remaining funds were paid to Great Western bank toward account balance.
Solid Construction, Inc. Rapid City, SD None	2008	Traded Felling trailer for retaining wall blocks - \$8500.00

None ☒ b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR INTEREST IN PROPERTY
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**11. Closed financial accounts**

None ☐ List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
Great Western Bank Rapid City, SD	Business checking account Last four digits: 0395 Final Balance: \$0.00	Date of Closing: 11-2009 Amount: \$0.00

**12. Safe deposit boxes**

None ☒ List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITOR	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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**13. Setoffs**

None ☒ List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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**14. Property held for another person**

None ☒ List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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**15. Prior address of debtor**

None ☒ If debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
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**16. Spouses and Former Spouses**

None ☒ If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME



**17. Environmental Information.**

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law.

None



a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None



b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None



c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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**18. Nature, location and name of business**

None



a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

*If the debtor is a partnership*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the **six years** immediately preceding the commencement of this case.

*If the debtor is a corporation*, list the names, addresses, taxpayer identification numbers, nature of the business, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOCIAL SECURITY OR OTHER INDIVIDUAL TAXPAYER-I.D. NO. (ITIN)/ COMPLETE EIN	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
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None



b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS
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**19. Books, records and financial statements**

None



a. List all bookkeepers and accountants who within **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED
Jack M. Guidi, CPA 9150 Chesapeake Drive, Ste 160 San Deigo, CA 92123	2007 & 2008
Ketel Thorstenson Rapid City, SD	2008 - general accounting services

None



b. List all firms or individuals who within **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME	ADDRESS	DATES SERVICES RENDERED
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None



c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME	ADDRESS
Debtor	Rapid City, SD
Jack M. Guidi, CPA	9150 Chesapeake Dr., Suite 160 San Diego, CA 92123
Ketel Thorstenson	Rapid City, SD

None ☐ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within **two years** immediately preceding the commencement of this case.

NAME AND ADDRESS

DATE ISSUED

**Great Western Bank**  
**Rapid City, SD**

**2008**

**Merchant Bonding**  
**Rapid City, SD**

**2008 & 2009****20. Inventories**

None ☒ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY

INVENTORY SUPERVISOR

DOLLAR AMOUNT OF INVENTORY  
(Specify cost, market or other  
basis)

None ☒ b. List the name and address of the person having possession of the records of each of the inventories reported in a., above.

DATE OF INVENTORY

NAME AND ADDRESSES OF CUSTODIAN  
OF INVENTORY RECORDS

**21. Current Partners, Officers, Directors and Shareholders**

None ☒ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS

NATURE OF INTEREST

PERCENTAGE OF INTEREST

None ☐ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS

TITLE

NATURE AND PERCENTAGE  
OF STOCK OWNERSHIP

**Joseph Avvampato**  
**2820 West Main Street**  
**Rapid City, SD 57702**

**Secretary****4%**

**Kelly J. Avvampato**  
**6536 Muirfield Drive**  
**Rapid City, SD 57702**

**CFO****54%**

**Steven J. Lhotak**  
**2555 Emerson Lane**  
**Rapid City, SD 57701**

**President****42%****22. Former partners, officers, directors and shareholders**

None ☒ a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME

ADDRESS

DATE OF WITHDRAWAL

None ☒ b. If the debtor is a corporation, list all officers or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS

TITLE

DATE OF TERMINATION

**23. Withdrawals from a partnership or distributions by a corporation**

None ☐ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Joseph Avvampato Rapid City, SD Officer and Shareholder	No withdrawals	None
Kelly J. Avvampato Rapid City, SD Officer and Shareholder	Gross salary - 1/1/2009 to 8/21/2009	\$26,537.51
Steven J. Lhotak Rapid City, SD Officer and Shareholder	Gross salary - 1/1/2009 to 8/21/2009	\$28,076.27

**24. Tax Consolidation Group.**

None ☒ If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER (EIN)
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**25. Pension Funds.**

None ☒ If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

NAME OF PENSION FUND	TAXPAYER IDENTIFICATION NUMBER (EIN)
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\* \* \* \* \*

*[If completed on behalf of a partnership or corporation]*

I, declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information and belief.

Date 12/4/2009

Signature s/ Steven J. Lhotak

Steven J. Lhotak, President

Print Name and Title

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

\_\_\_\_\_ continuation sheets attached

**United States Bankruptcy Court  
District of South Dakota**

In re: **Grizzly Excavation, Inc**Case No. **09-50xxx**

**List of Equity Security Holders**

REGISTERED NAME OF HOLDER OF SECURITY LAST KNOWN ADDRESS OR PLACE OF BUSINESS	CLASS OF SECURITY	NUMBER REGISTERED	KIND OF INTEREST REGISTERED
<b>Joseph Avvampato</b> <b>Rapid City, SD</b>	<b>Common</b>	<b>4</b>	<b>Stock</b>
<b>Kelly J. Avvampato</b> <b>Rapid City, SD</b>	<b>Common</b>	<b>54</b>	<b>Stock</b>
<b>Steven J. Lhotak</b> <b>Rapid City, SD</b>	<b>Common</b>	<b>42</b>	<b>Stock</b>

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

I, **Steven J. Lhotak, President** 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: 12/4/2009

s/ Steven J. Lhotak  
**Steven J. Lhotak ,President**  
 Debtor

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.