

United States Bankruptcy Court Eastern District of Tennessee

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Witte, Josh Daniel

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): DBA Witte Construction & Excavation

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) xxx-xx-1883

Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)

Street Address of Debtor (No. and Street, City, and State): 9187 Dayflower Drive Ooltewah, TN ZIP Code 37363

Street Address of Joint Debtor (No. and Street, City, and State): ZIP Code

County of Residence or of the Principal Place of Business: Hamilton

County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address): ZIP Code

Mailing Address of Joint Debtor (if different from street address): ZIP Code

Location of Principal Assets of Business Debtor (if different from street address above):

Type of Debtor (Form of Organization) (Check one box) Individual (includes Joint Debtors) 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.)

Nature of Business (Check one box) Health Care Business Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) Railroad Stockbroker Commodity Broker Clearing Bank Other Tax-Exempt Entity (Check box, if applicable) Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) Chapter 7 Chapter 9 Chapter 11 Chapter 12 Chapter 13 Chapter 15 Petition for Recognition of a Foreign Main Proceeding Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Nature of Debts (Check one box) Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." Debts are primarily business debts.

Filing Fee (Check one box) Full Filing Fee attached Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Chapter 11 Debtors Check one box: Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors Estimated Assets Estimated Liabilities

THIS SPACE IS FOR COURT USE ONLY

Voluntary Petition <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): Witte, Josh Daniel
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All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)

Location Where Filed: Eastern District of TN	Case Number: 09-16473	Date Filed: 10/07/09
Location Where Filed: Eastern District of TN	Case Number: 09-14153	Date Filed: 7/07/09

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: - None -	Case Number:	Date Filed:
District:	Relationship:	Judge:

<p style="text-align: center;">Exhibit A</p> <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>	<p style="text-align: center;">Exhibit B</p> <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 delivered to the debtor the notice required by 11 U.S.C. §342(b).</p> <p>X /s/ David J. Fulton April 27, 2010 <small>Signature of Attorney for Debtor(s) (Date)</small> David J. Fulton 6102</p>
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Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

Yes, and Exhibit C is attached and made a part of this petition.

No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

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

Name of Debtor(s):
Witte, Josh Daniel

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 /s/ Josh Daniel Witte
Signature of Debtor **Josh Daniel Witte**

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

April 27, 2010
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

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

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X _____

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Signature of Attorney*

X /s/ David J. Fulton
Signature of Attorney for Debtor(s)

David J. Fulton 6102
Printed Name of Attorney for Debtor(s)

Scarborough, Fulton & Glass, P.C.
Firm Name

701 Market Street, Suite 1000
Chattanooga, TN 37402

Address

Email: DJF@sfglegal.com
(423) 648-1880 Fax: (423) 648-1881

Telephone Number

April 27, 2010
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 _____
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

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

In re Josh Daniel Witte

Debtor(s)

Case No. _____

Chapter 11

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH
CREDIT COUNSELING REQUIREMENT**

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]* _____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

Active military duty in a military combat zone.

5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Josh Daniel Witte
Josh Daniel Witte

Date: April 27, 2010

A&D Equipment and Parts
1264 Old Federal Road South
Chatsworth, GA 30705

Allied Credit/Alliance One
Attn: Bankruptcy
PO Box 2449
Gig Harbor, WA 98335

Allstate Containers, Inc.
PO Box 23316
Knoxville, TN 37933

Anna Marie Lynn
10804 Pine Hill Rd
Mc Donald, TN 37353

Atlanta Gas Light Co
PO Box 5720
Atlanta, GA 31107

Ballard Equipment
5217 Rossville Blvd
Chattanooga, TN 37407

Benton Oil Service, Inc
c/o Jerome Sheperd
2180 N Ocoee Street
Cleveland, TN 37311

Cardmember Service
PO Box 790408
Saint Louis, MO 63179

CAT Financial
PO Box 340001
2120 West End Ave
Nashville, TN 37203

Chattanooga Tractor & Equipment
2034 Polymer Dr
Chattanooga, TN 37421

Columbia Insurance Group
PO Box 6032
Columbia, MO 65205

CONTECH Construction Products Inc.
9025 Centre Pointe Drive, suite 400
West Chester, OH 45069

Don Voiles
6513 S Lynncrest Terrace
Chattanooga, TN 37416

Erlanger Health Systems
975 East Third Street
Chattanooga, TN 37403

Erosion Control Specialists, LLC
1415 Stuart Street
Chattanooga, TN 37406

FCC Equipment
PO Box 56347
Jacksonville, FL 32241

First Project LLC
c/o Kyle Weems
5312 Ringgold Rd, Suite 203
Chattanooga, TN 37412

Fountain Leasing
8331 E Walker Springs Lane
Suite 203
Knoxville, TN 37923

FSG Bank
PO Box 309
Maynardville, TN 37807

Guardian Financial Group
6121 A Heritage Park Drive, Suite 200
Chattanooga, TN 37416

Hamilton County Chancery Court
625 Georgia Avenue
300 Courthouse
Case No. 09-1030
Chattanooga, TN 37402

Hamilton County Trustee
Carl E. Levi
625 Georgia Ave, Room 210
Chattanooga, TN 37402

Indiana Insurance
PO Box 2056
Keene, NH 03431

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 21126
Philadelphia, PA 19114

Internal Revenue Service
c/o Kent Anderson
1110 Market Street, Suite 301
Chattanooga, TN 37402

Kenesaw Leasing
PO Box 51687
Knoxville, TN 37950

Liberty Mutual
PO Box 8090
Wausau, WI 54402

Memorial Hospital
c/o RMB, Inc.
409 Beardon Park Circle
Knoxville, TN 37919

Memorial Hospital
2525 DeSales Ave.
Chattanooga, TN 37404

Miller & Martin
Suite 1000 Volunteer Building
832 Georgia Avenue
Chattanooga, TN 37402

Nortrax Equipment
4301 Bonny Oaks Dr
Chattanooga, TN 37416

OSI Collect
4165 E Thousand Oaks Blvd
Thousand Oaks, CA 91362

Physician Services
PO Box 3690
Cleveland, TN 37320

Pioneer Financial
3021 Broad Street
PO Box 2369
Chattanooga, TN 37409

Power Equipment
4295 Bonny Oaks Dr
Chattanooga, TN 37406

Power Equipment Company
c/o Christopher Garner, Esq.
PO Box 5059
Maryville, TN 37802

REMCO
PO Box 889
Ringgold, GA 30736

S&S Rock, Inc
PO Box 220
Old Fort, TN 37362

Santander Consumer USA
PO Box 660633
Dallas, TX 75266

Select Portfolio Servicing
3815 South West Temple Street
Salt Lake City, UT 84115

Sherman Dixie Concrete
400 42nd Ave North
Nashville, TN 37209

SkyRidge Medical Center
PO Box 198029
Atlanta, GA 30384

Vista Radiology, PC
c/o Optima Recovery Services, LLC
6215 Kingston Pike, Suite A
PO Box 52968
Knoxville, TN 37950-2968

Volvo Rents Construction Equipment
1313 East 12th Street
Chattanooga, TN 37404

Walter Woods Supply
4509 Rossville Blvd
Chattanooga, TN 37407

Western Finance & Leasing
PO Box 640
Devils Lake, ND 58301

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

In re Josh Daniel Witte
Debtor(s)

Case No. _____
Chapter 11

VERIFICATION OF CREDITOR MATRIX

The above Debtor(s) hereby verifies under the penalty of perjury under the laws of the United States of America that the attached list of creditors is true and correct to the best of his/her knowledge.

Date: April 27, 2010

/s/ Josh Daniel Witte
Josh Daniel Witte
Signature of Debtor

Date: April 27, 2010

/s/ David J. Fulton
Signature of Attorney
David J. Fulton 6102
Scarborough, Fulton & Glass, P.C.
701 Market Street, Suite 1000
Chattanooga, TN 37402
(423) 648-1880 Fax: (423) 648-1881

WARNING: Effective December 1, 2009, the 15-day deadline to file schedules and certain other documents under Bankruptcy Rule 1007(c) is shortened to 14 days. For further information, see note at bottom of page 2

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE**

**NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b)
OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Many filing deadlines change on December 1, 2009. Of special note, 12 rules that set 15 days to act are amended to require action within 14 days, including Rule 1007(c), filing the initial case papers; Rule 3015(b), filing a chapter 13 plan; Rule 8009(a), filing appellate briefs; and Rules 1019, 1020, 2015, 2015.1, 2016, 4001, 4002, 6004, and 6007.

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

In re Josh Daniel Witte
Debtor(s)

Case No. _____
Chapter 11

**CERTIFICATION OF NOTICE TO CONSUMER DEBTOR(S)
UNDER § 342(b) OF THE BANKRUPTCY CODE**

Certification of Debtor

I (We), the debtor(s), affirm that I (we) have received and read the attached notice, as required by § 342(b) of the Bankruptcy Code.

Josh Daniel Witte
Printed Name(s) of Debtor(s)

X /s/ Josh Daniel Witte
Signature of Debtor

April 27, 2010
Date

Case No. (if known) _____

X _____
Signature of Joint Debtor (if any)

Date

Instructions: Attach a copy of Form B 201 A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) **only** if the certification has **NOT** been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

B4 (Official Form 4) (12/07)

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

In re Josh Daniel Witte
Debtor(s)

Case No. _____
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)
<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>
A&D Equipment and Parts 1264 Old Federal Road South Chatsworth, GA 30705	A&D Equipment and Parts 1264 Old Federal Road South Chatsworth, GA 30705			2,700.00
Benton Oil Service, Inc c/o Jerome Sheperd 2180 N Ocoee Street Cleveland, TN 37311	Benton Oil Service, Inc c/o Jerome Sheperd 2180 N Ocoee Street Cleveland, TN 37311			78,228.00
Cardmember Service PO Box 790408 Saint Louis, MO 63179	Cardmember Service PO Box 790408 Saint Louis, MO 63179			2,991.00
Cardmember Service PO Box 790408 Saint Louis, MO 63179	Cardmember Service PO Box 790408 Saint Louis, MO 63179			2,783.00
Chattanooga Tractor & Equipment 2034 Polymer Dr Chattanooga, TN 37421	Chattanooga Tractor & Equipment 2034 Polymer Dr Chattanooga, TN 37421			11,724.00
Columbia Insurance Group PO Box 6032 Columbia, MO 65205	Columbia Insurance Group PO Box 6032 Columbia, MO 65205			2,608.00
CONTECH Construction Products Inc. 9025 Centre Pointe Drive, suite 400 West Chester, OH 45069	CONTECH Construction Products Inc. 9025 Centre Pointe Drive, suite 400 West Chester, OH 45069			3,600.00
Don Voiles 6513 S Lynncrest Terrace Chattanooga, TN 37416	Don Voiles 6513 S Lynncrest Terrace Chattanooga, TN 37416			50,000.00
Guardian Financial Group 6121 A Heritage Park Drive, Suite 200 Chattanooga, TN 37416	Guardian Financial Group 6121 A Heritage Park Drive, Suite 200 Chattanooga, TN 37416			9,000.00
Hamilton County Trustee Carl E. Levi 625 Georgia Ave, Room 210 Chattanooga, TN 37402	Hamilton County Trustee Carl E. Levi 625 Georgia Ave, Room 210 Chattanooga, TN 37402	Taxes due for 9187 Dayflower Dr from Witte Construction & Excavation		2,478.00

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

In re **Josh Daniel Witte**

Case No. _____

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(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>
Hamilton County Trustee Carl E. Levi 625 Georgia Ave, Room 210 Chattanooga, TN 37402	Hamilton County Trustee Carl E. Levi 625 Georgia Ave, Room 210 Chattanooga, TN 37402	Taxes due for 9187 Dayflower Drive		2,230.00
Internal Revenue Service Centralized Insolvency Operations P.O. Box 21126 Philadelphia, PA 19114	Internal Revenue Service Centralized Insolvency Operations P.O. Box 21126 Philadelphia, PA 19114			7,500.00
Liberty Mutual PO Box 8090 Wausau, WI 54402	Liberty Mutual PO Box 8090 Wausau, WI 54402			6,064.00
Power Equipment 4295 Bonny Oaks Dr Chattanooga, TN 37406	Power Equipment 4295 Bonny Oaks Dr Chattanooga, TN 37406			42,000.00
Power Equipment Company c/o Christopher Garner, Esq. PO Box 5059 Maryville, TN 37802	Power Equipment Company c/o Christopher Garner, Esq. PO Box 5059 Maryville, TN 37802			34,855.00
REMCO PO Box 889 Ringgold, GA 30736	REMCO PO Box 889 Ringgold, GA 30736			13,580.00
S&S Rock, Inc PO Box 220 Old Fort, TN 37362	S&S Rock, Inc PO Box 220 Old Fort, TN 37362			2,765.00
Sherman Dixie Concrete 400 42nd Ave North Nashville, TN 37209	Sherman Dixie Concrete 400 42nd Ave North Nashville, TN 37209			33,451.00
Volvo Rents Construction Equipment 1313 East 12th Street Chattanooga, TN 37404	Volvo Rents Construction Equipment 1313 East 12th Street Chattanooga, TN 37404			22,000.00
Walter Woods Supply 4509 Rossville Blvd Chattanooga, TN 37407	Walter Woods Supply 4509 Rossville Blvd Chattanooga, TN 37407			9,000.00

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

In re **Josh Daniel Witte**

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, **Josh Daniel Witte**, 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 **April 27, 2010**

Signature **/s/ Josh Daniel Witte**

Josh Daniel Witte

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.