

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

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Schmitt Construction, LLC	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) 20-2228217	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): PO Box 497 Harrison, TN ZIP Code 37341	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): 6202 Hamilton Island Harrison, TN 37341	

Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.
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Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (<i>amount subject to adjustment on 4/01/13 and every three years thereafter</i>). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000 Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input checked="" type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$50 million <input type="checkbox"/> \$10,000,001 to \$100 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	THIS SPACE IS FOR COURT USE ONLY
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Voluntary Petition <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): Schmitt Construction, LLC
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All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)

Location Where Filed: - None -	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:

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

Name of Debtor: - 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 _____ Signature of Attorney for Debtor(s) (Date)</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):

Schmitt Construction, LLC

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

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

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of a Foreign Representative

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

(Check only one box.)

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

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

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Attorney*

X /s/ W. Thomas Bible, Jr.
Signature of Attorney for Debtor(s)

W. Thomas Bible, Jr. 014754
Printed Name of Attorney for Debtor(s)

Law Office of W. Thomas Bible, Jr.
Firm Name

6918 Shallowford Road, Suite 100
Chattanooga, TN 37421

Address

tom@tombiblelaw.com or melinda@tombiblelaw.com
(423) 424-3116 Fax: (423) 499-6311

Telephone Number

April 20, 2011

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Non-Attorney Bankruptcy Petition Preparer

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

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

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

Address

X _____

Date

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

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

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

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

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

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

X /s/ Larry Schmitt
Signature of Authorized Individual

Larry Schmitt
Printed Name of Authorized Individual

President
Title of Authorized Individual

April 20, 2011

Date

Schmitt Construction, LLC
PO Box 497
Harrison, TN 37341

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Cornerstone Community Bank
2280 Gunbarrel Road
Chattanooga, TN 37421

David Matthews Surveying
1820 Hamill Road
Hixson, TN 37343

Door Connection, LLC
107 Roland Hills Drive Northeast
Dalton, GA 30721

E&P Backhoe Services
6235 Ooltewah Georgetown Road
Ooltewah, TN 37363

East Chattanooga Lumber & Supply
P.O. Box 5105
Chattanooga, TN 37406

EMC Mortgage Corporation
Attn: Bankruptcy Department
P.O. Box 293150
Lewisville, TX 75029-3150

Ferguson Enterprise Inc
4100 Amnicola Hwy
Chattanooga, TN 37405

General Shale Brick
7833 Lee Highway
Chattanooga, TN 37421

Hamilton County Delinquent Tax Office
107 Courthouse
Chattanooga, TN 37402

Hamilton County Water Quality
1250 Market Street #3050
Chattanooga, TN 37402

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19104-7346

James Sheets
6309 Hamilton Island Road
Harrison, TN 37341

Johnson's Quailty Systems
194 Robert Lane
Ringgold, GA 30736

Junior's Building Materials
7574 Battlefield Parkway
Ringgold, GA 30736

Key-James Brick and Supply
4130 Jersey Pike
Chattanooga, TN 37421

Lambert Concrete
P.O. Box 140
Ooltewah, TN 37363

M. Kent Anderson, Asst. US Attorney
1110 Market Street, Suite 301
Chattanooga, TN 37402

Nationwide Trustee Services
Substitute Trustee
1587 Northeast Expressway
Atlanta, GA 30329

Northwest Georgia Bank
7731 Nashville St # A
Ringgold, GA 30736

Ooltewah Electric
11610 McGhee Road
Apison, TN 37302

Sears Commercial One
PO Box 630859
Irving, TX 75063-0859

SIANO Appliance Distributors
7106 Crossroads Blvd # 201□□
Brentwood, TN 37027

SM Building Supply
2140 Amnicola Hwy
Chattanooga, TN 37406

Southern Cabinet and Lighting
1814 Gunbarre, Suite 104
Chattanooga, TN 37421

SunTrust Mortgage
Attn: Bankruptcy Department
1001 Semms Avenue
Richmond, VA 23224

Tammy Combs
Assistant U.S. Attorney
1110 Market Street, Suite 301
Chattanooga, TN 37402

The Roofing & Supply
1409 Fort Street
Chattanooga, TN 37402

B4 (Official Form 4) (12/07)

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

In re **Schmitt Construction, LLC** 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>
David Matthews Surveying 1820 Hamill Road Hixson, TN 37343	David Matthews Surveying 1820 Hamill Road Hixson, TN 37343			17,220.50
E&P Backhoe Services 6235 Ooltewah Georgetown Road Ooltewah, TN 37363	E&P Backhoe Services 6235 Ooltewah Georgetown Road Ooltewah, TN 37363			3,795.00
East Chattanooga Lumber & Supply P.O. Box 5105 Chattanooga, TN 37406	East Chattanooga Lumber & Supply P.O. Box 5105 Chattanooga, TN 37406			64,744.74
EMC Mortgage Corporation Attn: Bankruptcy Department P.O. Box 293150 Lewisville, TX 75029-3150	EMC Mortgage Corporation Attn: Bankruptcy Department P.O. Box 293150 Lewisville, TX 75029-3150	325 Cyndica Drive, Chattanooga, TN		89,000.00 (0.00 secured)
EMC Mortgage Corporation Attn: Bankruptcy Department P.O. Box 293150 Lewisville, TX 75029-3150	EMC Mortgage Corporation Attn: Bankruptcy Department P.O. Box 293150 Lewisville, TX 75029-3150	219 Brently Woods Drive, Chattanooga, TN 37421		89,000.00 (0.00 secured)
General Shale Brick 7833 Lee Highway Chattanooga, TN 37421	General Shale Brick 7833 Lee Highway Chattanooga, TN 37421			14,242.84
Hamilton County Delinquent Tax Office 107 Courthouse Chattanooga, TN 37402	Hamilton County Delinquent Tax Office 107 Courthouse Chattanooga, TN 37402			3,715.56
Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19104-7346	Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19104-7346			17,550.44
James Sheets 6309 Hamilton Island Road Harrison, TN 37341	James Sheets 6309 Hamilton Island Road Harrison, TN 37341			15,000.00 (0.00 secured)
Johnson's Quality Systems 194 Robert Lane Ringgold, GA 30736	Johnson's Quality Systems 194 Robert Lane Ringgold, GA 30736			4,600.00

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

In re **Schmitt Construction, LLC**

Case No. _____

Debtor(s) _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
(Continuation Sheet)

(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>
Junior's Building Materials 7574 Battlefield Parkway Ringgold, GA 30736	Junior's Building Materials 7574 Battlefield Parkway Ringgold, GA 30736			2,066.82
Lambert Concrete P.O. Box 140 Ooltewah, TN 37363	Lambert Concrete P.O. Box 140 Ooltewah, TN 37363			9,599.85
Northwest Georgia Bank 7731 Nashville St # A Ringgold, GA 30736	Northwest Georgia Bank 7731 Nashville St # A Ringgold, GA 30736			360,000.00 (0.00 secured)
Northwest Georgia Bank 7731 Nashville St # A Ringgold, GA 30736	Northwest Georgia Bank 7731 Nashville St # A Ringgold, GA 30736			280,000.00 (0.00 secured)
Ooltewah Electric 11610 McGhee Road Apison, TN 37302	Ooltewah Electric 11610 McGhee Road Apison, TN 37302			5,000.00
Sears Commercial One PO Box 630859 Irving, TX 75063-0859	Sears Commercial One PO Box 630859 Irving, TX 75063-0859			3,942.78
SIANO Appliance Distributors 7106 Crossroads Blvd # 201 Brentwood, TN 37027	SIANO Appliance Distributors 7106 Crossroads Blvd # 201 Brentwood, TN 37027			1,969.42
SM Building Supply 2140 Amnicola Hwy Chattanooga, TN 37406	SM Building Supply 2140 Amnicola Hwy Chattanooga, TN 37406			2,000.00
Southern Cabinet and Lighting 1814 Gunbarre, Suite 104 Chattanooga, TN 37421	Southern Cabinet and Lighting 1814 Gunbarre, Suite 104 Chattanooga, TN 37421			665.01
The Roofing & Supply 1409 Fort Street Chattanooga, TN 37402	The Roofing & Supply 1409 Fort Street Chattanooga, TN 37402			4,967.44

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

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date April 20, 2011

Signature /s/ Larry Schmitt
Larry Schmitt
President

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.