B1 (Official Form 1) (1/08)			Document		Page 1	of 1	1				
Unite Western Dist		es Ba	ankruptcy	Co	ourt				Vo]	lunt	ary Petition
Name of Debtor (if individual, enter Last, Fir Hermitage Apartments Midtown, I	st, Middle				ı		or (Spo	use) (Last, First,	, Middle):		
All Other Names used by the Debtor in the la (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-Tar EIN (if more than one, state all): <b>26-13332</b>		O. (ITIN)	) No./Complete		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, State & 1103 South Cooper, Apt. 1 Memphis, TN			Zip Code):		Street Address of Joint Debtor (No. & Street, City, State & Zip Code):						
		ZIPCOD	E 38104						ZIPC	CODE	
County of Residence or of the Principal Place of Business: Shelby					County of	Residence	e or of	the Principal Pla	ice of Busi	iness:	
Mailing Address of Debtor (if different from	street add	ress)			Mailing Ad	ddress of	Joint D	ebtor (if differer	nt from str	reet ad	dress):
	7	ZIPCOD	DE		1					ZIPC	CODE
Location of Principal Assets of Business Deb	tor (if dif	ferent fr	om street addres	s abo	ove):				•		
							•			ZIPC	CODE
Type of Debtor (Form of Organization) (Check one box.)		ПНе	Nature (Check alth Care Busine	one			ПС		n is Filed	(Che	e Under Which ck one box.) 15 Petition for
Health Care Busines			✓ Single Asset Real Estate as defined U.S.C. § 101(51B)     ☐ Railroad     ☐ Stockbroker     ☐ Commodity Broker     ☐ Clearing Bank		e as defined i	n 11	☐ Chapter 9 ☐ Chapter 11 ☐ Chapter 12 ☐ Chapter 13		Recognition of a Foreign Main Proceeding Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding  Nature of Debts (Check one box.)		ion of a Foreign sceeding 15 Petition for ion of a Foreign Proceeding
			, if a mpt ed S	pplicable.) organization tates Code (the		de § inc	ebts are primaril bts, defined in 1 101(8) as "incur dividual primaril rsonal, family, cold purpose."	1 U.S.C. red by an ly for a	ier	Debts are primari business debts.	
Filing Fee (Check	one box)				Chask and	h ove	•	Chapter 11	Debtors		
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.				tor	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 owed to non-insiders or affiliates are less than \$2,190,000.						
Filing Fee waiver requested (Applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.					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 availa  Debtor estimates that, after any exempt p distribution to unsecured creditors.						id, there v	will be 1	no funds availab	le for		THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors  1-49 50-99 100-199 200-999	1,000 5,000	-	5,001- 10,000		001- 000	25,001- 50,000		50,001- 100,000	Over 100,000		
Estimated Assets			\$10,000,001 to \$50 million		0,000,001 to 00 million	\$100,00 to \$500		\$500,000,001 to \$1 billion	More that		
Estimated Liabilities			\$10,000,001 to \$50 million		0,000,001 to 00 million	\$100,00 to \$500		\$500,000,001 to \$1 billion	More that		

8 Years (If more than two,	attach additional sheet)	
Case Number:	Date Filed:	
Case Number:	Date Filed:	
Affiliate of this Debtor	(If more than one, attach additional sheet)	
Case Number:	Date Filed:	
Relationship:	Judge:	
Exhibit B  (To be completed if debtor is an individual whose debts are primarily consumer debts.)  I, the attorney for the petitioner named in the foregoing petition, of that I have informed the petitioner that [he or she] may proceed chapter 7, 11, 12, or 13 of title 11, United States Code, and explained the relief available under each such chapter. I further that I delivered to the debtor the notice required by § 342(b) Bankruptcy Code.		
Signature of Attorney for De	btor(s) Date	
nde a part of this petition.	nd attach a separate Exhibit D.) tion.	
4 5 14 77		
pplicable box.)	ts in this District for 180 days immediately rict.	
partner, or partnership pend	ing in this District.	
	assets in the United States in this District, n or proceeding [in a federal or state court] is District.	
es as a Tenant of Reside olicable boxes.) otor's residence. (If box chec	ntial Property eked, complete the following.)	
or that obtained judgment)		
ndlord or lessor)		
	Case Number:  Case Number:  Case Number:  Case Number:  Relationship:  (To be community whose debts of the petitive that I have informed the peritive that I have informed the peritive that I delivered to the destandant of Attorney for Destandant of Attorney for Destandant of this petition.  Case Number:  (To be community whose debts of the petitive that I have informed the petitive that I have informed the peritive that I delivered to the destandant of Attorney for Destandant of Attorney for Destandant of Attorney for Destandant of this petition.  Case Number:  (To be community whose debts of the petitive that I have informed the petitive that I have informed the petitive that I delivered to the destandant of this petition.  Case Number:  (To be community of the petitive that I have informed the petitive that I	

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

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

Desc Main

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Hermitage Apartments Midtown, LLC

Page 2 of 11

Name of Debtor(s):

Case 09-31170 B1 (Official Form 1) (1/08)

filing of the petition.

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

**Voluntary Petition** 

Doc 1

Filed 10/08/09

Document\_

Page 3 of 11 Name of Debtor(s):

# **Voluntary Petition**

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

Hermitage Apartments Midtown, LLC

# Signatures

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

Doc 1

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 State 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. §

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

ignature of Debtor			
ignature of Joint De	btor		
<u> </u>			

## 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, U	<b>Jnite</b> c
States Code. Certified copies of the documents required by 11 U	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.

signature of r	oreign Represent	ative	
Printed Name	of Foreign Repre	sentative	

# Signature of Attorney\*

# X /s/ Russell W. Savory

Signature of Attorney for Debtor(s)

Russell W. Savorv 12786 Gotten, Wilson, Savory & Beard, PLLC 88 Union Avenue 14th Floor Memphis, TN 38103 (901) 523-1110 Fax: (901) 523-1139 russell.savory@gwsblaw.com

# October 6, 2009

Date

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

## Signature of Debtor (Corporation/Partnership)

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

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

Χ	/s/ William A. Sparano					
	Signature of Authorized Individual					
	William A. Sparano					
	Printed Name of Authorized Individual					
	Member					

# Title of Authorized Individual October 6, 2009

Date

# **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); 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

Date

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			

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.

### $_{B4}$ (Official Formers) (12/07)-31170 Doc 1 Filed 10/08/09 Entered 10/08/09 11:41:45 Desc Main

# Document Page 4 of 11 United States Bankruptcy Court

# Western District of Tennessee, Western Division

IN RE:	Case No
Hermitage Apartments Midtown, LLC	Chapter 11
Debtor(s)	<u> </u>

# 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 and Fed. R. Bankr. P. 1007(m).

(1) Name of creditor and complete mailing address including zip code	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent or department of creditor familiar with claim who may be contacted	(3) Nature of claim (trade debt, bank loan, government contract, etc.)	(4) Indicate if claim is contingent, unliquidated, disputed or subject to setoff	(5) Amount of claim (if secured also state value of security)
Hermitage-Memphis, LLC P.O. Box 711 Liberty Lake, WA 99019				1,600,000.00 Collateral 750,000.00 Unsecured 985,834.00
Zoltan Fedak 7290 University Avenue La Mesa, CA 91941				100,000.00 Collateral 750,000.00 Unsecured 100,000.00
CB Richard Ellis Memphis Multifamily LLC 5855 Ridge Bend Road Memphis, TN 38120				42,500.00 Collateral 750,000.00 Unsecured 42,500.00
Zoltan Fedak 7290 University Avenue La Mesa, CA  91941				12,000.00
Carpet Tech P.O. Box 667 Cordova, TN 38088				11,362.83
Southland Landscaping 4300 Airline Road Eads, TN 38028				8,162.00
CSG 65 Garden Springs Drive Oakland, TN 38060				7,547.98
Willmar P.O. Box 404284 Atlanta, GA 30384				6,378.56
United Advertising 1283 College Park Drive Dover, DE 19904				3,766.96
Carpet Restore P.O. Box 548 Southaven, MS 38671				2,558.50
Moore Painting & Remodeling P.O. Box 30954 Memphis, TN 38130				2,380.00
Hd Supplies P.O. Box 509058 San Diego, CA 92150				1,025.10

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A & B Auto Glass, Inc. 4181 Elvis Presley Blvd Memphis, TN 38116		Document	rage 5 or 11		828.23
Protection One P.O. Box 5714 Carol Stream, IL 60197					796.98
Mid America Appliances 5065 American Way Memphis, TN 38115					687.19
Carpet Savers P.O. Box 728 Dallas, GA 30132					630.00
Curb Appeal 6300 Maple Dallas, TX 75235					592.74
Blind Ambition 2602 Faxon Avenue Memphis, TN 38112					453.17
Hico Distributing 946 Raymer Memphis, TN 38114					275.65
First Advantage P.O. Box 31462 Tampa, FL 33631					242.78
DECLARATION UN	NDER PENAI	LTY OF PERJURY OF	N BEHALF OF A CORPORATION OR I	PARTNERSHIP	

I, [the president or other officer or an authorized agent of the corporation] [or a member or an authorized agent of the partnership] 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: October 6, 2009 Signature: /s/ William A. Sparano

William A. Sparano, Member

(Print Name and Title)

### Case 09-31170 Doc 1 Desc Main

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IN	RE:		Case No				
He	ermitage Apartments Midtown, LLC		Chapter 11				
	Debtor(s)		•				
	DISCLOSURE OF C	COMPENSATION OF ATTORNEY	FOR DEBTOR				
1.	Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 201 one year before the filing of the petition in bankruptcy, of or in connection with the bankruptcy case is as follows	agreed to be paid to me, for services rendered or to b					
	For legal services, I have agreed to accept		\$\$ <b>250.00/hr</b>				
	Prior to the filing of this statement I have received		\$ 14,000.00				
	Balance Due		\$				
2.	The source of the compensation paid to me was:	btor Other (specify): Wilma Sparano					
3.	The source of compensation to be paid to me is:	btor Other (specify):					
4.	I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.						
	I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreemen together with a list of the names of the people sharing in the compensation, is attached.						
5.	In return for the above-disclosed fee, I have agreed to ren	der legal service for all aspects of the bankruptcy case,	including:				
	b. Preparation and filing of any petition, schedules, stat	ors and confirmation hearing, and any adjourned hearing					
6.	By agreement with the debtor(s), the above disclosed fee	does not include the following services:					
	certify that the foregoing is a complete statement of any ag proceeding.	CERTIFICATION reement or arrangement for payment to me for represent	ntation of the debtor(s) in this bankruptcy				
	October 6, 2009	/s/ Russell W. Savory					
	Date	Russell W. Savory 12786 Gotten, Wilson, Savory & Beard, PLLC 88 Union Avenue 14th Floor Memphis, TN 38103 (901) 523-1110 Fax: (901) 523-1139 russell.savory@gwsblaw.com					

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IN RE:		Case No
Hermitage Apartments Midtown, LLC	:	Chapter 11
· ·	Debtor(s)	
	VERIFICATION OF CRE	DITOR MATRIX
The above named debtor(s) hereby vo	erify(ies) that the attached matri	ix listing creditors is true to the best of my(our) knowledge.
Date: October 6, 2009	Signature: /s/ William A. Spar	rano
	William A. Sparano	o, Member Debtor
Date:	Signature:	
		Joint Debtor, if any

A & B Auto Glass, Inc. 4181 Elvis Presley Blvd Memphis, TN 38116

Anserfone, Inc 2755 Colony Park Drive Memphis, TN 38118

Apartment Association 5384 Poplar Avenue, #104 Memphis, TN 38119

Better Buildings And Management, LLC 2095 Exeter Road, Suite 80-251 Germantown, TN 38138

Better Buildings And Management, Llc 2095 Exeter Road, Suite 80-251 Germantown, TN 38138

Blind Ambition 2602 Faxon Avenue Memphis, TN 38112

Carpet Restore P.O. Box 548 Southaven, MS 38671

Carpet Savers
P.O. Box 728
Dallas, GA 30132

Carpet Tech
P.O. Box 667
Cordova, TN 38088

CB Richard Ellis Memphis Multifamily LLC 5855 Ridge Bend Road Memphis, TN 38120

City Of Memphis P.O.Box 185 Memphis, TN 38101

CSG 65 Garden Springs Drive Oakland, TN 38060

Culpepper Plumbing P.O. Box 22695 Memphis, TN 38122

Curb Appeal 6300 Maple Dallas, TX 75235

First Advantage P.O. Box 31462 Tampa, FL 33631

Hd Supplies P.O. Box 509058 San Diego, CA 92150

Hermitage-Memphis, LLC P.O. Box 711 Liberty Lake, WA 99019

Hico Distributing 946 Raymer Memphis, TN 38114 Lsi P.O. Box 3249 Memphis, TN 38173

Mid America Appliances 5065 American Way Memphis, TN 38115

Moore Painting & Remodeling P.O. Box 30954 Memphis, TN 38130

Nash Service 3845 Viscount Avenue, Ste 3-5 Memphis, TN 38118

Nu Era Pest Control P.O. Box 181200 Memphis, TN 38181

Pietrangelo Cook, PLC Attorneys For Security One 6410 Poplar Avenue, Suite 190 Memphis, TN 38119

Protection One P.O. Box 5714 Carol Stream, IL 60197

Security One 3715 S. Perkins Road, Ste 14 Memphis, TN 38118

Shelby County Trustee P.O. Box 2751 Memphis, TN 38101

Southland Landscaping 4300 Airline Road Eads, TN 38028

United Advertising 1283 College Park Drive Dover, DE 19904

Willmar P.O. Box 404284 Atlanta, GA 30384

Yuletide Office Supply 2006 Swede Rd, Ste 100 E Norrition, PA 19401

Zoltan Fedak 7290 University Avenue La Mesa, CA 91941