B1 (Official F@ase:142505 Doc 1 Filed 09/13/12 Entered 09/13/12 13:39:30 Desc Main
United States BankruptcyrContr Page 1 of 4 **Voluntary Petition** Eastern District of Texas Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): **United Commercial Cast Stone, Inc.** All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than than one, state all): 77-0660880 one, state all): Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): 4400 W. US Hwy 82 Gainesville, Texas ZIP CODE ZIP CODE 76240 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Cooke Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): Location of Principal Assets of Business Debtor (if different from street address above): 4400 W. US Hwy 82, Gainesville, Texas ZIP CODE 76240 Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box.) ☐ Health Care Business ☐ Chapter 15 Petition for Chapter 7 Single Asset Real Estate as defined in 11 Recognition of a Foreign Individual (includes Joint Debtors) Chapter 9 U.S.C. § 101(51B) See Exhibit D on page 2 of this form. Main Proceeding **J** Chapter 11 □ Railroad Corporation (includes LLC and LLP) Chapter 15 Petition for Stockbroker Chapter 12 Partnership Recognition of a Foreign Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding Chapter 13 Clearing Bank check this box and state type of entity below.) **✓** Other Nature of Debts Tax-Exempt Entity **Chapter 15 Debtors** (Check box, if applicable) (Check one box) Country of debtor's center of main interests: Debts are primarily consumer Debts are primarily Debtor is a tax-exempt organization debts, defined in 11 U.S.C. business debts. under Title 26 of the United States § 101(8) as "incurred by an Each country in which a foreign proceeding by, regarding, Code (the Internal Revenue Code.) individual primarily for a or against debtor is pending: personal, family, or household purpose." Chapter 11 Debtors Filing Fee (Check one box) Check one box: ✓ Full Filing Fee attached ☑ 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). 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. Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must 4/01/13 and every three years thereafter). Check all applicable boxes attach signed application for the court's consideration. See Official Form 3B. ■ 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 THIS SPACE IS FOR COURT USE ONLY 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 V 200-50-100-1,000-5,001-10,001-25,001-50,001-Over 49 199 999 100,000 5 000 10 000 25,000 50,000 100 000 Estimated Assets Ŋ \Box \$100,001 to \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$0 to \$50,001 to \$500,000,001 More than \$1 \$50,000 \$100,000 to \$100 to \$500 \$500,000 to \$10 to \$50 to \$1 billion billion \$1 million million million million million Estimated Liabilities V \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$100,001 to \$500,000,001 More than \$1 to \$10 \$1 to \$50 to \$100 to \$500 \$50,000 \$100,000 \$500,000 to \$1 billion billion million million million million million

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Voluntary Petition Document (This page must be completed and filed in every case)	Namage 2005):4 United Commercial Cast Stone, Inc.			
All Prior Bankruptcy Cases Filed Within La	ast 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 of	r Affiliate of this Debtor (If more than one, attach ad	ditional sheet)		
Name of Debtor: NONE	Case Number:	Date Filed:		
District:	Relationship:	Judge:		
Exhibit A 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.) 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).				
Exhibit A is attached and made a part of this petition.	X Not Applicable Signature of Attorney for Debtor(s)	Date		
Ext	hibit 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				
Exh	nibit D			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must	t 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	<u> </u>			
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 an filing of the petition.				
Debtor certifies that he/she has served the Landlord with this certif	Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).			

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	Name ge 3. Qf. 4			
(This page must be completed and filed in every case)	United Commercial Cast Stone, Inc.			
Signatures				
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative			
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	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.			
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	(Check only one box.)			
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 chapter 15 of Title 11, United States Code. Certified Copies of the documents required by 11 U.S.C. § 1515 are attached.			
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	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 Debtor	X Not Applicable (Signature of Foreign Representative)			
X Not Applicable				
Signature of Joint Debtor	(Printed Name of Foreign Representative)			
Telephone Number (If not represented by attorney)	Date			
Date				
Signature of Attorney χ Bill F. Payne	Signature of Non-Attorney Petition Preparer			
Signature of Attorney for Debtor(s)	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			
Bill F. Payne Bar No. 15649500	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			
Printed Name of Attorney for Debtor(s) / Bar No.	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			
The Moore Law Firm, L.L.P. Firm Name	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.			
100 North Main Street Paris, Texas 75460				
Address	Not Applicable Printed Name and title, if any, of Bankruptcy Petition Preparer			
002 705 0212				
903-784-4393 903-785-0312 Telephone Number	Social-Security number (If the bankruptcy petition preparer is not an individual, state			
9/13/2012	the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)			
Date *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.	Address			
Signature of Debtor (Corporation/Partnership)	X Not Applicable			
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.	Date			
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	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.			
X /s/ Gene Niblett				
Signature of Authorized Individual	If more than one person prepared this document, attach to the appropriate official form for each person.			
Gene Niblett Printed Name of Authorized Individual				
President	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.			
Title of Authorized Individual				
9/13/2012				
Date				

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United States Bankruptcy Court

Eastern District of Texas Sherman

In re:	Case No.	
	Chapter	11
United Commercial Cast Stone, Inc.		
STATEMENT REGARDING AUTHORITY TO SIGN AN	D FILE P	ETITION
I, Gene Niblett, declare under penalty of perjury that I am the President of United Commerce and that on09/13/2012 the following resolution was duly adopted by the Officers of this Corpor		e, Inc., a Texas Corporation
"Whereas, it is in the best interest of this Corporation to file a voluntary petition in the Uni Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;	ted States	
Be It Therefore Resolved, that Gene Niblett , President of this Corporation, is authorized ar documents necessary to perfect the filing of a Chapter 11 voluntary bankruptcy case on behal		
Be It Further Resolved, that Gene Niblett , President of this Corporation, is authorized and proceedings on behalf of the Corporation, and to otherwise do and perform all acts and deeds necessary documents on behalf of the Corporation in connection with such bankruptcy case; a	and to execu	
Be It Further Resolved, that Gene Niblett , President of this Corporation, is authorized and attorney and the law firm of The Moore Law Firm , L.L.P. to represent the Corporation in such bases		

Signed:

/s/ Gene Niblett Gene Niblett

Executed on: 9/13/2012