

B1 (Official Form 1) (04/13)

| United States Bankruptcy Court NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION | | Voluntary Petition |
|--|---|---|
| Name of Debtor (if individual, enter Last, First, Middle): Messer Enterprises, Inc. | | 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)/Complete EIN (if more than one, state all): 75-2232404 | | Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): |
| Street Address of Debtor (No. and Street, City, and State): 8950 Soncy St, #400 Amarillo, TX | | Street Address of Joint Debtor (No. and Street, City, and State): |
| ZIP CODE 79119 | | ZIP CODE |
| County of Residence or of the Principal Place of Business: Randall | | County of Residence or of the Principal Place of Business: |
| Mailing Address of Debtor (if different from street address): PO Box 20328 Amarillo, TX | | Mailing Address of Joint Debtor (if different from street address): |
| ZIP CODE 79114 | | ZIP CODE |
| Location of Principal Assets of Business Debtor (if different from street address above): | | ZIP CODE |
| 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 | 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 |
| Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending: | 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). | 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. |
| 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. | | Check one box: Chapter 11 Debtors <input checked="" type="checkbox"/> Debtor is a small business debtor as defined by 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 checked="" type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter). 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). |
| 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. | | THIS SPACE IS FOR COURT USE ONLY |
| 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 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 | | |
| 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 \$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 | | |

| | | | |
|---|--|--|--|
| Voluntary Petition <i>(This page must be completed and filed in every case.)</i> | | Name of Debtor(s): Messer Enterprises, Inc. | |
| 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 checked="" 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 have delivered to the debtor the notice required by 11 U.S.C. § 342(b).</p> <p style="text-align:center; font-size: 2em; margin-top: 10px;">X _____</p> <p style="text-align:right; margin-top: 5px;">Date</p> | | |
| 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? | | | |
| <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> 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.) | | | |
| <input type="checkbox"/> Exhibit D, completed and signed by the debtor, is attached and made a part of this petition. | | | |
| If this is a joint petition: | | | |
| <input type="checkbox"/> 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.) | | | |
| <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. | | | |
| <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. | | | |
| <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. | | | |
| Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) | | | |
| <input type="checkbox"/> 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) | | | |
| <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 | | | |
| <input type="checkbox"/> Debtor has included with 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. | | | |
| <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)). | | | |

| | |
|--|--|
| <p>Voluntary Petition <i>(This page must be completed and filed in every case)</i></p> | <p>Name of Debtor(s): Messer Enterprises, Inc.</p> |
| Signatures | |
| <p>Signature(s) of Debtor(s) (Individual/Joint)</p> <p>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).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ _____ _____ Telephone Number (If not represented by attorney) _____ _____ Date _____</p> | <p>Signature of a Foreign Representative</p> <p>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.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p>X _____ (Signature of Foreign Representative)</p> <p>_____ (Printed Name of Foreign Representative)</p> <p>_____ Date</p> |
| <p>Signature of Attorney*</p> <p>X <u>/s/ Patrick A. Swindell</u> Patrick A. Swindell Bar No. 19587450</p> <p>Swindell & Associates, P.C. 1105 S. Taylor Amarillo, TX 79101</p> <p>Phone No. (806) 374-7979 Fax No. (806) 374-1991</p> <p><u>10/8/2013</u> Date</p> <p><small>*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.</small></p> | <p>Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>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.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ 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.)</p> <p>_____ Address</p> <p>X _____ _____ Date</p> <p>Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.</p> <p>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.</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><small>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.</small></p> |
| <p>Signature of Debtor (Corporation/Partnership)</p> <p>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.</p> <p>The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>Messer Enterprises, Inc.</p> <p>X <u>/s/ Roy Dale Messer</u> Signature of Authorized Individual</p> <p><u>Roy Dale Messer</u> Printed Name of Authorized Individual</p> <p><u>President</u> Title of Authorized Individual</p> <p><u>10/8/2013</u> Date</p> | <p>_____ Address</p> <p>X _____ _____ Date</p> <p>Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.</p> <p>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.</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><small>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.</small></p> |

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: **Messer Enterprises, Inc.**

CASE NO

CHAPTER 11

EXHIBIT "A" TO VOLUNTARY PETITION

| | | |
|---|----------------|--------------------------------------|
| 1. Debtor's employer identification number is <u>75-2232404</u> . | | |
| 2. If any of debtor's securities are registered under section 12 of the Securities and Exchange Act of 1934, the SEC file number is <u>None</u> . | | |
| 3. The following financial data is the latest available information and refers to the debtor's condition on _____. | | |
| a. Total Assets | | |
| b. Total Liabilities | | |
| Secured debt | Amounts | Approximate number of holders |
| Fixed, liquidated secured debt | | |
| Contingent secured debt | | |
| Disputed secured debt | | |
| Unliquidated secured debt | | |
| Unsecured debt | Amounts | Approximate number of holders |
| Fixed, liquidated unsecured debt | | |
| Contingent unsecured debt | | |
| Disputed unsecured debt | | |
| Unliquidated unsecured debt | | |
| Stock | Amounts | Approximate number of holders |
| Number of shares of preferred stock | | |
| Number of shares of common stock | | |
| Comments, if any | | |
| 4. Brief description of debtor's business: | | |

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: **Messer Enterprises, Inc.**

CASE NO

CHAPTER **11**

EXHIBIT "A" TO VOLUNTARY PETITION

Continuation Sheet No. 1

5. List the name of any person who directly or indirectly owns, controls, or holds, with power to vote, 20% or more of the voting securities of the debtor:

6. List the name of all corporations 20% or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held, with power to vote, by debtor:

I, **Roy Dale Messer**, the **President** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing Exhibit "A" to Voluntary Petition, and that it is true and correct to the best of my information and belief.

Date: **10/8/2013**

Signature: **/s/ Roy Dale Messer**
Roy Dale Messer
President

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

In re **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE A - REAL PROPERTY

| Description and Location of Property | Nature of Debtor's Interest in Property | | Current Value of Debtor's Interest in Property, Without Deducting Any Secured Claim or Exemption | Amount Of Secured Claim |
|--------------------------------------|---|--|--|-------------------------|
| None | | | | |

Total: \$0.00

(Report also on Summary of Schedules)

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

In re **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE B - PERSONAL PROPERTY

| Type of Property | None | Description and Location of Property | Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption |
|---|------|--|--|
| 1. Cash on hand. | | Cash | \$0.00 |
| 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. | | Citizen's Bank Checking Account (Amarillo Operating Account) | (\$20,000.00) |
| | | Citizen's Bank Payroll | (\$20,750.33) |
| | | Hereford TX Federal Credit Union | (\$1,141.99) |
| 3. Security deposits with public utilities, telephone companies, landlords, and others. | X | | |
| 4. Household goods and furnishings, including audio, video and computer equipment. | X | | |
| 5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles. | X | | |
| 6. Wearing apparel. | X | | |
| 7. Furs and jewelry. | X | | |
| 8. Firearms and sports, photographic, and other hobby equipment. | X | | |
| 9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each. | X | | |

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

In re **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE B - PERSONAL PROPERTY

Continuation Sheet No. 1

| Type of Property | None | Description and Location of Property | Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption |
|---|----------|--------------------------------------|--|
| 10. Annuities. Itemize and name each issuer. | X | | |
| 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).) | X | | |
| 12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars. | X | | |
| 13. Stock and interests in incorporated and unincorporated businesses. Itemize. | X | | |
| 14. Interests in partnerships or joint ventures. Itemize. | X | | |
| 15. Government and corporate bonds and other negotiable and non-negotiable instruments. | X | | |
| 16. Accounts receivable. | | Accounts Receivable (9/30/13) | \$57,683.09 |
| 17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars. | X | | |
| 18. Other liquidated debts owed to debtor including tax refunds. Give particulars. | X | | |

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

In re **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE B - PERSONAL PROPERTY

Continuation Sheet No. 2

| Type of Property | None | Description and Location of Property | Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption |
|---|------|--|--|
| 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. | X | | |
| 20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust. | X | | |
| 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. | | Claims for defective vehicles against Bruckner Truck Sales Inc and Volvo | Unknown |
| 22. Patents, copyrights, and other intellectual property. Give particulars. | X | | |
| 23. Licenses, franchises, and other general intangibles. Give particulars. | X | | |
| 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. | X | | |
| 25. Automobiles, trucks, trailers, and other vehicles and accessories. | | 2011 Dodge Ram 1500 | \$35,800.00 |
| | | (#24) 2012 Volvo Tractor | \$120,000.00 |

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

In re **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE B - PERSONAL PROPERTY

Continuation Sheet No. 3

| Type of Property | None | Description and Location of Property | Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption |
|--|------|--|--|
| | | (#25) 2012 Volvo Tractor | \$120,000.00 |
| | | (#26) 2012 Volvo Tractor | \$120,000.00 |
| | | (#29) 2012 Volvo Tractor | \$120,000.00 |
| | | (#30) 2012 Volvo Tractor | \$120,000.00 |
| 26. Boats, motors, and accessories. | X | | |
| 27. Aircraft and accessories. | X | | |
| 28. Office equipment, furnishings, and supplies. | X | | |
| 29. Machinery, fixtures, equipment, and supplies used in business. | | Company Trailers (13) | \$572,000.00 |
| | | (#1146) 1999 Trinity Farmbed | |
| | | (#1152) 2005 Trinity Farmbed | |
| | | (#1153) 2005 Trinity Farmbed | |
| | | (#1156) 2007 Trinity Farmbed | |
| | | (#1157) 2007 Trinity Farmbed | |
| | | (#1158) 2007 Trinity Farmbed | |
| | | (#1159) 2008 Trinity Farmbed | |
| | | (#1160) 2008 Trinity Farmbed | |
| | | (#1161) 2008 Trinity Farmbed | |
| | | (#1162) 2008 Trinity Farmbed | |
| | | (#1163) 2008 Trinity Farmbed | |
| | | (#1167) 2010 Trinity Farmbed | |
| | | (#1168) 2010 Trinity Farmbed | |
| | | Company Trailers "Hoppers" (2) | \$53,764.00 |
| | | (#3101) 2004 Wilson Hopper | |
| | | (#3102) 2005 Wilson Hopper | |
| | | 2006 Lufkin Dry Van 53ft | \$10,000.00 |
| | | Company Trailers "Ledwell Paddlewagons" (11) | \$560,000.00 |

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

In re **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE B - PERSONAL PROPERTY

Continuation Sheet No. 4

| Type of Property | None | Description and Location of Property | Current Value of Debtor's Interest in Property, Without Deducting any Secured Claim or Exemption |
|--|------|---|--|
| | | (#2401) 1997 Ledwell Paddlewagon (#2402) 1997 Ledwell Paddlewagon (#2403) 1997 Ledwell Paddlewagon (#2404) 2009 Ledwell Paddlewagon (#2405) 2007 Ledwell Paddlewagon (#2406) 2009 Ledwell Paddlewagon (#2408) 2009 Ledwell Paddlewagon (#2409) 1998 Ledwell Paddlewagon (#2410) 1995 Ledwell Paddlewagon (#2411) 1989 Ledwell Paddlewagon (#2412) 1997 Ledwell Paddlewagon (#2604) 2002 IMCO Walking Floor | \$30,000.00 |
| 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. | X | | |

Total > **\$1,877,354.77**

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

B6C (Official Form 6C) (4/13)

In re **Messer Enterprises, Inc.**

Case No. _____
(If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:
(Check one box)

- 11 U.S.C. § 522(b)(2)
- 11 U.S.C. § 522(b)(3)

Check if debtor claims a homestead exemption that exceeds \$155,675.*

| Description of Property | Specify Law Providing Each Exemption | Value of Claimed Exemption | Current Value of Property Without Deducting Exemption |
|--|--------------------------------------|----------------------------|---|
| Not Applicable | | | |
| <p><small>* Amount subject to adjustment on 4/01/16 and every three years thereafter with respect to cases commenced on or after the date of adjustment.</small></p> | | \$0.00 | \$0.00 |

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

In re **Messer Enterprises, Inc.**

Case No. _____
(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 | 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 |
|--|----------|---|------------|--------------|----------|---|---------------------------|
| ACCT #: x7328 Citizen's Bank Amarillo 4117 S. Georgia St Amarillo, TX 79110 | | DATE INCURRED: 11/26/2012 NATURE OF LIEN: Purchase Money COLLATERAL: See Remarks REMARKS: -26 People Net Units -13 Trinity Trailers (1146,1152, 1153, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1167, 1168) -7 Ledwell Trailers (2401-2406, 2408) | | | | \$483,135.50 | |
| | | -1 Imco Walking Floor (2604) -1 1939 Roadster (Owned by Roy Henry Messer) | | | | | |
| | | VALUE: \$898,000.00 | | | | | |
| ACCT #: xxx3785 GE Captial PO Box 822108 Philadelphia, PA 19182 | | DATE INCURRED: 12/8/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#26) 2012 Volvo Tractor REMARKS: Operable | | | | \$111,160.59 | |
| | | VALUE: \$120,000.00 | | | | | |
| ACCT #: xxxxxx0001 GE Captial PO Box 822108 Philadelphia, PA 19182 | | DATE INCURRED: 1/4/2012 NATURE OF LIEN: Purchase Money COLLATERAL: (#32) 2012 Volvo Tractor REMARKS: Operable | | | | \$113,819.20 | |
| | | VALUE: \$120,000.00 | | | | | |
| Subtotal (Total of this Page) > | | | | | | \$708,115.29 | \$0.00 |
| Total (Use only on last page) > | | | | | | | |

3 continuation sheets attached

(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 **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions Above.) | CODEBTOR | 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 |
|---|----------|--|------------|--------------|----------|---|---------------------------|
| ACCT #: xxxxxxxxxxxxxx3781 GE Captial PO Box 822108 Philadelphia, PA 19182 | X | DATE INCURRED: 10/19/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#20) 2012 Kenworth T660 REMARKS: Operable VALUE: \$130,000.00 | | | | \$101,921.70 | |
| ACCT #: xxx3795 GE Captial PO Box 822108 Philadelphia, PA 19182 | | DATE INCURRED: 12/22/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#24) 2012 Volvo Tractor REMARKS: Operable VALUE: \$120,000.00 | | | | \$111,160.59 | |
| ACCT #: xxx3787 GE Captial PO Box 822108 Philadelphia, PA 19182 | | DATE INCURRED: 12/22/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#25) 2012 Volvo Tractor REMARKS: Operable VALUE: \$120,000.00 | | | | \$111,160.59 | |
| ACCT #: GE Captial PO Box 822108 Philadelphia, PA 19182 | | DATE INCURRED: 11/3/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#23) 2012 Big Volvo #630 Tractor REMARKS: Operable- E. Messer VALUE: \$120,000.00 | | | | \$105,481.74 | |
| Sheet no. <u>1</u> of <u>3</u> continuation sheets attached to Schedule of Creditors Holding Secured Claims | | | | | | \$429,724.62 | \$0.00 |
| | | | | | | | |
| Subtotal (Total of this Page) > Total (Use only on last page) > | | | | | | | |

(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 **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions Above.) | CODEBTOR | 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 |
|---|----------|--|------------|--------------|----------|---|---------------------------|
| ACCT #: xxxxxxxxx0001 Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | | DATE INCURRED: 2011 NATURE OF LIEN: Purchase Money COLLATERAL: 2011 Dodge Ram 1500 REMARKS: VALUE: \$35,000.00 | | | | \$38,508.00 | \$3,508.00 |
| ACCT #: xxxxxxxxx0018 Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | | DATE INCURRED: 8/1/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#2409, 2410) 2 Ledwell Semi-Trailers REMARKS: VALUE: \$25,000.00 | | | | \$25,267.00 | \$267.00 |
| ACCT #: xxxxxxxxxxx00CS Mercedes-Benz Financial Services PO Box 5260 Carol Stream, IL 60197 | | DATE INCURRED: 8/8/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#3101, 3102) 2 Wilson Grain Hoppers REMARKS: VALUE: \$54,764.00 | | | | \$22,442.76 | |
| ACCT #: Volvo Financial Services PO Box 72470236 Philadelphia, PA 19170 | | DATE INCURRED: 1/4/2012 NATURE OF LIEN: Purchase Money COLLATERAL: (#33) 2012 Volvo Tractor REMARKS: Returned to Bruckners VALUE: \$120,000.00 | | | | \$110,889.19 | |
| Sheet no. <u>2</u> of <u>3</u> continuation sheets attached to Schedule of Creditors Holding Secured Claims | | | | | | \$197,106.95 | \$3,775.00 |
| | | | | | | | |
| Subtotal (Total of this Page) > Total (Use only on last page) > | | | | | | | |

(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 **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions Above.) | CODEBTOR | 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 |
|---|----------|---|------------|--------------|----------|---|---------------------------|
| ACCT #: Volvo Financial Services PO Box 72470236 Philadelphia, PA 19170 | | DATE INCURRED: 12/22/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#30) 2012 Volvo Tractor REMARKS: Returned to Bruckner's VALUE: \$120,000.00 | | | | \$110,889.19 | |
| ACCT #: Volvo Financial Services PO Box 72470236 Philadelphia, PA 19170 | | DATE INCURRED: 12/22/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#31) 2012 Volvo Tractor REMARKS: Returned to Bruckner's VALUE: \$120,000.00 | | | | \$110,889.19 | |
| ACCT #: Volvo Financial Services PO Box 26131 Greensboro, NC 27402 | | DATE INCURRED: 12/22/2011 NATURE OF LIEN: Purchase Money COLLATERAL: (#29) 2012 Volvo Tractor REMARKS: Returned to Bruckner's VALUE: \$120,000.00 | | | | \$130,021.00 | \$10,021.00 |
| | | | | | | | |

Sheet no. **3** of **3** continuation sheets attached to Schedule of Creditors Holding Secured Claims

Subtotal (Total of this Page) >
Total (Use only on last page) >

| | |
|-----------------------|--------------------|
| \$351,799.38 | \$10,021.00 |
| \$1,686,746.24 | \$13,796.00 |

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

B6E (Official Form 6E) (04/13)

In re **Messer Enterprises, Inc.**

Case No. _____

(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 \$12,475* 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 \$6,150* 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 \$2,775* 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).

 Administrative allowances under 11 U.S.C. Sec. 330

Claims based on services rendered by the trustee, examiner, professional person, or attorney and by any paraprofessional person employed by such person as approved by the court and/or in accordance with 11 U.S.C. §§ 326, 328, 329 and 330.

* Amounts are subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

B6E (Official Form 6E) (04/13) - Cont.

In re **Messer Enterprises, Inc.**

Case No. _____
(If Known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

TYPE OF PRIORITY Contributions to employee benefit plans

| CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.) | CODEBTOR | 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 |
|---|----------|---|------------|--------------|----------|-----------------------|-----------------------------------|---|
| | | | | | | | | |
| ACCT #: xx9658 Blue Cross Blue Shield PO Box 660049 Dallas, TX 75266 | | DATE INCURRED: CONSIDERATION: Health Insurance REMARKS: | | | | \$16,228.23 | \$16,228.23 | \$0.00 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Sheet no. <u>1</u> of <u>3</u> continuation sheets attached to Schedule of Creditors Holding Priority Claims | | | | | | \$16,228.23 | \$16,228.23 | \$0.00 |
| Subtotals (Totals of this page) > | | | | | | | | |
| Total > (Use only on last page of the completed Schedule E. Report also on the Summary of Schedules.) | | | | | | | | |
| Totals > (Use only on last page of the completed Schedule E. If applicable, report also on the Statistical Summary of Certain Liabilities and Related Data.) | | | | | | | | |

B6E (Official Form 6E) (04/13) - Cont.

In re **Messer Enterprises, Inc.**

Case No. _____
(If Known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

TYPE OF PRIORITY Taxes and Certain Other Debts Owed to Governmental Units

| CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.) | CODEBTOR | 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 |
|---|----------|--|------------|--------------|----------|-----------------------|-----------------------------------|---|
| ACCT #: Internal Revenue Service* Centralized Insolvency Operation PO Box 7346 Philadelphia, PA 19101-7346 | | DATE INCURRED: 3rd QTR 2013 CONSIDERATION: 941 Taxes REMARKS: | | | | \$22,705.38 | \$22,705.38 | \$0.00 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Sheet no. <u>2</u> of <u>3</u> continuation sheets attached to Schedule of Creditors Holding Priority Claims | | | | | | \$22,705.38 | \$22,705.38 | \$0.00 |
| Total > (Use only on last page of the completed Schedule E. Report also on the Summary of Schedules.) | | | | | | | | |
| Totals > (Use only on last page of the completed Schedule E. If applicable, report also on the Statistical Summary of Certain Liabilities and Related Data.) | | | | | | | | |

B6E (Official Form 6E) (04/13) - Cont.

In re **Messer Enterprises, Inc.**

Case No. _____
(If Known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

| | |
|------------------|---------------------------|
| TYPE OF PRIORITY | Administrative allowances |
|------------------|---------------------------|

| CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.) | CODEBTOR | 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 |
|---|----------|--|------------|--------------|----------|-----------------------|-----------------------------------|---|
| ACCT #: Swindell & Associates, P.C. 1105 S. Taylor Amarillo, TX 79101 | | DATE INCURRED: 10/02/2013 CONSIDERATION: Attorney Fees REMARKS: | | | | Unknown | Unknown | Unknown |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Sheet no. <u>3</u> of <u>3</u> continuation sheets attached to Schedule of Creditors Holding Priority Claims | | | | | | \$0.00 | \$0.00 | \$0.00 |
| Total > (Use only on last page of the completed Schedule E. Report also on the Summary of Schedules.) | | | | | | \$38,933.61 | | |
| Totals > (Use only on last page of the completed Schedule E. If applicable, report also on the Statistical Summary of Certain Liabilities and Related Data.) | | | | | | | \$38,933.61 | \$0.00 |

B6F (Official Form 6F) (12/07)
 In re **Messer Enterprises, Inc.**

Case No. _____
 (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 | DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE. | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM |
|---|----------|--|------------|--------------|----------|--------------------|
| ACCT #: Bank of America Po Box 851001 Dallas, TX 75285 | | DATE INCURRED: CONSIDERATION: Credit Card REMARKS: | | | | \$7,474.28 |
| ACCT #: Big Tex Truck Wash 3605 Avenue A Lubbock, TX 79404 | | DATE INCURRED: CONSIDERATION: Repairs/Washes REMARKS: | | | | \$1,315.00 |
| ACCT #: Blue Beacon Truck Wash PO Box 856 Salina, KS 67402 | | DATE INCURRED: CONSIDERATION: Repairs/Washes REMARKS: | | | | \$996.71 |
| ACCT #: Bruckner's Truck Sales PO Box 31958 Amarillo, TX 79120 | | DATE INCURRED: CONSIDERATION: Repairs REMARKS: | | | | \$3,063.20 |
| ACCT #: Deaf Smith Co Appraisal District PO Box 2298 Hereford, TX 79045 | | DATE INCURRED: CONSIDERATION: Taxes REMARKS: | | | | \$5,452.66 |
| ACCT #: GE Capital PO Box 822108 Philadelphia, PA 19182 | | DATE INCURRED: CONSIDERATION: Late Fees REMARKS: | | | | \$1,883.55 |
| Subtotal > | | | | | | \$20,185.40 |
| Total > | | | | | | |

2 continuation sheets attached

(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 **Messer Enterprises, Inc.**

Case No. _____
 (if known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

| CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.) | CODEBTOR | DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE. | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM |
|---|----------|---|------------|--------------|----------|---------------------|
| | | | | | | |
| ACCT #: 5579 GE Capital PO Box 822108 Philadelphia, PA 19182 | X | DATE INCURRED: CONSIDERATION: Corporate Guaranty REMARKS: (#28) 2012 Volvo, Hank Messer | | | | \$115,150.00 |
| ACCT #: GE Capital PO Box 822108 Philadelphia, PA 19182 | X | DATE INCURRED: CONSIDERATION: Corporate Guaranty REMARKS: (#22) 2012 Kenworth T660, Hank Messer | | | | \$138,479.00 |
| ACCT #: Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | X | DATE INCURRED: CONSIDERATION: Corporation Guaranty REMARKS: (#36) 2013 Kenworth T800, Victoria Messer (#1164) Trailer | | | | \$126,822.78 |
| ACCT #: Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | X | DATE INCURRED: CONSIDERATION: Corporation Guaranty REMARKS: (#35) 2013 Kenworth T800 Tractor, MaryBeth Messer | | | | \$117,859.87 |
| ACCT #: Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | X | DATE INCURRED: CONSIDERATION: Corporate Guaranty REMARKS: (#37) 2013 Kenworth T800, Hank Messer (#1165) Trailer | | | | \$126,466.04 |
| ACCT #: Hub International Group c/o Hayden and Cunningham, PLLC 7750 Broadway San Antonio, TX 78209 | | DATE INCURRED: 12/31/2010 CONSIDERATION: Judgment REMARKS: | | | | \$19,628.62 |

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

Subtotal > **\$644,406.31**

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.)

| |
|--------------------------------|
| Total > \$644,406.31 |
|--------------------------------|

B6F (Official Form 6F) (12/07) - Cont.
 In re **Messer Enterprises, Inc.**

Case No. _____
 (if known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

| CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.) | CODEBTOR | DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE. | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM |
|---|----------|--|------------|--------------|----------|--------------------|
| | | | | | | |
| ACCT #: Lakeside Trailer Repair PO Box 30864 Amarillo, TX 79120 | | DATE INCURRED: CONSIDERATION: Repairs REMARKS: | | | | \$18,892.05 |
| ACCT #: Ledwell and Sons PO Box 1106 Texarkana, TX 75504 | | DATE INCURRED: CONSIDERATION: Parts REMARKS: | | | | \$6,073.02 |
| ACCT #: McGinty and Associates, CPA 205 W. 4th St, Ste 201 Hereford, TX 79045 | | DATE INCURRED: CONSIDERATION: Accounting REMARKS: | | | | \$850.00 |
| ACCT #: Trinity Trailer 8200 Eisenman Rd Boise, ID 83716 | | DATE INCURRED: CONSIDERATION: Parts REMARKS: | | | | \$2,375.08 |
| ACCT #: Truck King Lube PO Box 1600, Dept 959 Memphis, TN 38148 | | DATE INCURRED: CONSIDERATION: Truck Service REMARKS: | | | | \$4,990.04 |
| | | | | | | |

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

Subtotal > **\$33,180.19**

Total > **\$697,771.90**

(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 **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases of contracts, 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).

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. |
|--|--|
| <p>Corporate Billing, LLC PO Box 1726 Decatur, AL 35602</p> | <p>Factoring Agreement Contract to be ASSUMED</p> |
| <p>Ernest W. Messer Trucking 8601 Binder St Amarillo, TX 79118</p> | <p>Lease/Purchase Agreement & Hauling Agreement Truck 10 Year Contract Contract to be ASSUMED</p> |
| <p>Hank Messer Trucking PO Box 20328 Amarillo, TX 79114</p> | <p>Lease/Purchase Agreement & Hauling Agreement Trucks and Trailers 10 Year Contract Contract to be ASSUMED</p> |
| <p>Mary Beth Messer PO Box 20328 Amarillo, TX 79114</p> | <p>Lease/Purchase Agreement & Hauling Agreement Trucks 10 Year Contract Contract to be ASSUMED</p> |
| <p>Mike Abeyta Trucking 501 Brevard St Hereford, TX 79045</p> | <p>Hauling Agreement Trucks 10 Year Contract Contract to be ASSUMED</p> |

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

In re **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Continuation Sheet No. 1

| <p>NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.</p> | <p>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.</p> |
|---|---|
| <p>Miller Trucking Inc PO Box 20958 Amarillo, TX 79114</p> | <p>Hauling Agreement Truck & Trailers 10 year Contract Contract to be ASSUMED</p> |
| <p>Toby Tucker 318 W. Avenue K Muleshoe, TX 79347</p> | <p>Lease/Purchase Agreement & Hauling Agreement Trucking w/Driver 10 Year Contract Contract to be ASSUMED</p> |
| <p>Victoria Rose Messer PO Box 20328 Amarillo, TX 79114</p> | <p>Lease/Purchase Agreement & Hauling Agreement Trucks & Trailers 10 Year Contract Contract to be ASSUMED</p> |
| <p>Xtra Lease PO Box 99262 Chicago, IL 60693</p> | <p>Lease Agreement Contract to be ASSUMED</p> |

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

In re **Messer Enterprises, Inc.**

Case No. _____
(if known)

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by the debtor in the schedules of creditors. Include all guarantors and co-signers. 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 the eight-year period 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, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, 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).

Check this box if debtor has no codebtors.

| NAME AND ADDRESS OF CODEBTOR | NAME AND ADDRESS OF CREDITOR |
|--|--|
| <p>Hank Messer PO Box 20328 Amarillo, TX 79114</p> | <p>GE Capital PO Box 822108 Philadelphia, PA 19182</p> |
| <p>Hank Messer PO Box 20328 Amarillo, TX 79114</p> | <p>GE Capital PO Box 822108 Philadelphia, PA 19182</p> |
| <p>Hank Messer PO Box 20328 Amarillo, TX 79114</p> | <p>Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045</p> |
| <p>Marybeth Messer PO Box 20328 Amarillo, TX 79114</p> | <p>Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045</p> |
| <p>Roy D Messer PO Box 20328 Amarillo, TX 79114</p> | <p>GE Captial PO Box 822108 Philadelphia, PA 19182</p> |
| <p>Toby Tucker 318 W. Avenue K Muleshoe, TX 79347</p> | <p>GE Captial PO Box 822108 Philadelphia, PA 19182</p> |
| <p>Victoria Rose Messer PO Box 20328 Amarillo, TX 79114</p> | <p>Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045</p> |

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

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

In re **Messer Enterprises, Inc.**

Case No.

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 | \$0.00 | | | |
| B - Personal Property | Yes | 5 | \$1,877,354.77 | | | |
| C - Property Claimed as Exempt | No | | | | | |
| D - Creditors Holding Secured Claims | Yes | 4 | | | \$1,686,746.24 | |
| E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E) | Yes | 4 | | | \$38,933.61 | |
| F - Creditors Holding Unsecured Nonpriority Claims | Yes | 3 | | | \$697,771.90 | |
| G - Executory Contracts and Unexpired Leases | Yes | 2 | | | | |
| H - Codebtors | Yes | 1 | | | | |
| I - Current Income of Individual Debtor(s) | No | | | | | N/A |
| J - Current Expenditures of Individual Debtor(s) | No | | | | | N/A |
| | TOTAL | 20 | \$1,877,354.77 | \$2,423,451.75 | | |

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

In re **Messer Enterprises, Inc.**

Case No. _____

(if known)

DECLARATION CONCERNING DEBTOR'S SCHEDULES

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

I, 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
_____ **22** _____ sheets, and that they are true and correct to the best of my knowledge, information, and belief.

(Total shown on summary page plus 1.)

Date **10/8/2013** _____

Signature /s/ Roy Dale Messer _____
Roy Dale Messer
President

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

B7 (Official Form 7) (04/13)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

In re: **Messer Enterprises, Inc.**

Case No. _____
(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 |
|-----------------------|---------------|
| | Income |
| \$1,036,486.25 | 2013 |
| \$1,522,467.00 | 2012 |
| \$1,368,201.00 | 2011 |

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, or 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.)

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.)

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 \$6,225*. 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.)

* Amount subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

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.)

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.)

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.)

B7 (Official Form 7) (04/13)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

In re: **Messer Enterprises, Inc.**

Case No. _____
(if known)

STATEMENT OF FINANCIAL AFFAIRS
Continuation Sheet No. 1

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 |
|---|--|--|
| Volvo Financial Services PO Box 72470236 Philadelphia, PA 19170 | September 2013 | (#29) 2012 Volvo Tractor (MEI) \$130,021.00 |
| Volvo Financial Services PO Box 72470236 Philadelphia, PA 19170 | September 2013 | (#30) 2012 Volvo Tractor (MEI) \$110,889.19 |
| Volvo Financial Services PO Box 72470236 Philadelphia, PA 19170 | September 2013 | (#31) 2012 Volvo Tractor (MB in MEI Title) \$110,889.19 |
| Volvo Financial Services PO Box 72470236 Philadelphia, PA 19170 | September 2013 | (#33) 2012 Volvo Tractor (MB in MEI Title) \$110,889.19 |

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.)

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.)

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.)

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.)

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.

B7 (Official Form 7) (04/13)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

In re: **Messer Enterprises, Inc.**

Case No. _____
(if known)

STATEMENT OF FINANCIAL AFFAIRS
Continuation Sheet No. 2

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.)

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.

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.)

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.)

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.)

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 |
|--|--|----------------------|
| Ernest W. Messer Trucking | (#23) 2012 Big Volvo 630 Tractor \$120,000.00 | |
| Toby Tucker 318 W. Avenue K Muleshoe, TX 79347 | (#20) 2012 T660 Kenworth Tractor \$130,000.00 | |
| Marybeth Messer PO Box 20328 Amarillo, TX 79114 | (#31) 2012 Volvo Tractor \$120,000.00 | |
| | (#32) 2012 Volvo Tractor \$120,000.00 | |
| | (#33) 2012 Volvo Tractor \$120,000.00 | |

B7 (Official Form 7) (04/13)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

In re: **Messer Enterprises, Inc.**

Case No. _____
(if known)

STATEMENT OF FINANCIAL AFFAIRS
Continuation Sheet No. 3

15. Prior address of debtor

None If the 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.

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.

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:

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.

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.

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 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 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 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 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 SIX YEARS immediately preceding the commencement of this case.

B7 (Official Form 7) (04/13)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

In re: **Messer Enterprises, Inc.**

Case No. _____
(if known)

STATEMENT OF FINANCIAL AFFAIRS
Continuation Sheet No. 4

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.

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within SIX YEARS immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor, or self-employed in a trade, profession, or other activity, either full- or part-time.

(An individual or joint debtor should complete this portion of the statement ONLY if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)

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.

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.

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.

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.

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.

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

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.

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.

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.

B7 (Official Form 7) (04/13)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

In re: **Messer Enterprises, Inc.**

Case No. _____
(if known)

STATEMENT OF FINANCIAL AFFAIRS
Continuation Sheet No. 5

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.

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 AND ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR | DATE AND PURPOSE OF WITHDRAWAL | AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY |
|--|-----------------------------------|--|
| . | | |

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.

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.

[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 10/8/2013

Signature /s/ Roy Dale Messer
Roy Dale Messer
President

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

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

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

IN RE: Messer Enterprises, Inc.

CASE NO

CHAPTER 11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept:

_____*

Prior to the filing of this statement I have received:

_____** (See Attachment)

Balance Due:

2. The source of the compensation paid to me was:

- Debtor Other (specify)

3. The source of compensation to be paid to me is:

- Debtor 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 another person or persons who are not members or associates of my law firm. A copy of the agreement, 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 render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

SUBJECT TO MISCELLANEOUS PLAN PROVISION IN SECTION IV.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

/s/ Roy Dale Messer
Roy Dale Messer
President

- * \$300 per hour for attorneys and \$150 per hour for legal assistants plus out of pocket expenses.
- ** The total sum of \$10,000.00 has been paid to debtor's counsel for work completed pre-petition.

SWINDELL & ASSOCIATES, P.C.

1105 S. Taylor
Amarillo, TX 79101

TELEPHONE
(806) 374-7979
FACSIMILE
(806) 374-1991

October 8, 2013

Messer Enterprises, Inc.
PO Box 20328
Amarillo, TX 79114

Re: Legal representation of Messer Enterprises, Inc.

Dear Roy D. Messer,

This letter represents the fee agreement of Patrick Swindell, and Swindell & Associates, P.C. for providing legal services to Messer Enterprises, Inc.

Legal services to be provided hereunder include reviewing client's position regarding operations, asset, and liabilities and in dealing with creditors of clients in order to manage and reorganize its debts, including collateral for said debts, if any. Representation will include filing a Chapter 11 bankruptcy as necessary to preserve assets and to reorganize debts.

You have deposited a \$10,000.00 retainer to pay the initial fees and expenses of these representations. Additional fees and expenses of this representation will be incurred. The retainer is to be placed in my trust account, subject to withdrawal as set forth hereafter. Pre-petition fees and expenses will be paid before filing. Post-petition fees and expenses will be paid upon approval of the court after due application to the court for payment.

Substantial services have been provided by Swindell to date of this agreement. Clients agree that Swindell will be entitled to immediately draw \$10,000.00 from said retainer to apply to bills incurred to date of filing.

Swindell agrees to charge for these professional services at the rate of \$300.00 per hour for work performed by attorneys. Clients shall be charged \$150.00 per hour for services rendered by legal assistants and clerical staff.

Very truly yours,

/s/ Patrick A. Swindell

Patrick A. Swindell

APPROVED:

/s/ Roy Dale Messer

Roy Dale Messer, President
Messer Enterprises, Inc.

B4 (Official Form 4) (12/07)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: **Messer Enterprises, Inc.**

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) |
|---|---|--|---|---|
| Name of creditor and complete mailing address, including zip code | Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted | Nature of claim (trade debt, bank loan, government contract, etc.) | Indicate if claim is contingent, unliquidated, disputed, or subject to setoff | Amount of claim [if secured also state value of security] |
| GE Capital PO Box 822108 Philadelphia, PA 19182 | | Corporate Guaranty | | \$138,479.00 |
| Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | | Corporation Guaranty | | \$126,822.78 |
| Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | | Corporate Guaranty | | \$126,466.04 |
| Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | | Corporation Guaranty | | \$117,859.87 |
| GE Capital PO Box 822108 Philadelphia, PA 19182 | | Corporate Guaranty | | \$115,150.00 |
| Internal Revenue Service* Centralized Insolvency Operation PO Box 7346 Philadelphia, PA 19101-7346 | | 941 Taxes | | \$22,705.38 |

B4 (Official Form 4) (12/07)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: **Messer Enterprises, Inc.**

Case No.

Chapter **11**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Continuation Sheet No. 1

| (1) | (2) | (3) | (4) | (5) |
|---|---|--|---|---|
| Name of creditor and complete mailing address, including zip code | Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted | Nature of claim (trade debt, bank loan, government contract, etc.) | Indicate if claim is contingent, unliquidated, disputed, or subject to setoff | Amount of claim [if secured also state value of security] |
| Hub International Group c/o Hayden and Cunningham, PLLC 7750 Broadway San Antonio, TX 78209 | | Judgment | | \$19,628.62 |
| Lakeside Trailer Repair PO Box 30864 Amarillo, TX 79120 | | Repairs | | \$18,892.05 |
| Blue Cross Blue Shield PO Box 660049 Dallas, TX 75266 | | Health Insurance | | \$16,228.23 |
| Volvo Financial Services PO Box 26131 Greensboro, NC 27402 | | Purchase Money | | \$130,021.00 Value: \$120,000.00 |
| Bank of America Po Box 851001 Dallas, TX 75285 | | Credit Card | | \$7,474.28 |
| Ledwell and Sons PO Box 1106 Texarkana, TX 75504 | | Parts | | \$6,073.02 |
| Deaf Smith Co Appraisal District PO Box 2298 Hereford, TX 79045 | | Taxes | | \$5,452.66 |

B4 (Official Form 4) (12/07)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: **Messer Enterprises, Inc.**

Case No.

Chapter **11**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Continuation Sheet No. 2

| (1) | (2) | (3) | (4) | (5) |
|--|---|--|---|---|
| Name of creditor and complete mailing address, including zip code | Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted | Nature of claim (trade debt, bank loan, government contract, etc.) | Indicate if claim is contingent, unliquidated, disputed, or subject to setoff | Amount of claim [if secured also state value of security] |
| Truck King Lube PO Box 1600, Dept 959 Memphis, TN 38148 | | Truck Service | | \$4,990.04 |
| Hereford Texas Federal Credit Union 330 Schley St Hereford, TX 79045 | | Purchase Money | | \$38,508.00 Value: \$35,000.00 |
| Bruckner's Truck Sales PO Box 31958 Amarillo, TX 79120 | | Repairs | | \$3,063.20 |
| Trinity Trailer 8200 Eisenman Rd Boise, ID 83716 | | Parts | | \$2,375.08 |
| GE Capital PO Box 822108 Philadelphia, PA 19182 | | Late Fees | | \$1,883.55 |
| Big Tex Truck Wash 3605 Avenue A Lubbock, TX 79404 | | Repairs/Washes | | \$1,315.00 |
| Blue Beacon Truck Wash PO Box 856 Salina, KS 67402 | | Repairs/Washes | | \$996.71 |

B4 (Official Form 4) (12/07)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: **Messer Enterprises, Inc.**

Case No.

Chapter **11**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Continuation Sheet No. 3

**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: **10/8/2013**

Signature:
/s/ Roy Dale Messer
Roy Dale Messer
President

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: **Messer Enterprises, Inc.**

CASE NO

CHAPTER 11

VERIFICATION OF CREDITOR MATRIX

The above named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date 10/8/2013

Signature */s/ Roy Dale Messer*
Roy Dale Messer
President

Date _____

Signature _____

Bank of America
Po Box 851001
Dallas, TX 75285

Big Tex Truck Wash
3605 Avenue A
Lubbock, TX 79404

Blue Beacon Truck Wash
PO Box 856
Salina, KS 67402

Blue Cross Blue Shield
PO Box 660049
Dallas, TX 75266

Bruckner's Truck Sales
PO Box 31958
Amarillo, TX 79120

Citizen's Bank Amarillo
4117 S. Georgia St
Amarillo, TX 79110

Corporate Billing, LLC
PO Box 1726
Decatur, AL 35602

Deaf Smith Co Appraisal District
PO Box 2298
Hereford, TX 79045

Ernest W. Messer Trucking
8601 Binder St
Amarillo, TX 79118

GE Capital
PO Box 822108
Philadelphia, PA 19182

GE Captial
PO Box 822108
Philadelphia, PA 19182

Hank Messer
PO Box 20328
Amarillo, TX 79114

Hank Messer Trucking
PO Box 20328
Amarillo, TX 79114

Hereford Texas Federal Credit Union
330 Schley St
Hereford, TX 79045

Hub International Group
c/o Hayden and Cunningham, PLLC
7750 Broadway
San Antonio, TX 78209

Internal Revenue Service*
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

Lakeside Trailer Repair
PO Box 30864
Amarillo, TX 79120

Ledwell and Sons
PO Box 1106
Texarkana, TX 75504

Mary Beth Messer
PO Box 20328
Amarillo, TX 79114

Marybeth Messer
PO Box 20328
Amarillo, TX 79114

McGinty and Associates, CPA
205 W. 4th St, Ste 201
Hereford, TX 79045

Mercedes-Benz Financial Services
PO Box 5260
Carol Stream, IL 60197

Messer Enterprises, Inc.
PO Box 20328
Amarillo, TX 79114

Mike Abeyta Trucking
501 Brevard St
Hereford, TX 79045

Miller Trucking Inc
PO Box 20958
Amarillo, TX 79114

Roy D Messer
PO Box 20328
Amarillo, TX 79114

Swindell & Associates, P.C.
1105 S. Taylor
Amarillo, TX 79101

Toby Tucker
318 W. Avenue K
Muleshoe, TX 79347

Trinity Trailer
8200 Eisenman Rd
Boise, ID 83716

Truck King Lube
PO Box 1600, Dept 959
Memphis, TN 38148

Victoria Rose Messer
PO Box 20328
Amarillo, TX 79114

Volvo Financial Services
PO Box 72470236
Philadelphia, PA 19170

Volvo Financial Services
PO Box 26131
Greensboro, NC 27402

Xtra Lease
PO Box 99262
Chicago, IL 60693

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:
Messer Enterprises, Inc.

CHAPTER 11

DEBTOR(S)

CASE NO

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 |
|--|--------------------------|--------------------------|--|
| Clinton Wright Messer PO Box 20328 Amarillo, TX 79114 | Common Shares | | 33.33% |
| Roy Henry Messer PO Box 20328 Amarillo, TX 79114 | Common Shares | | 33.34% |
| Victoria Messer PO Box 20328 Amarillo, TX 79114 | Common Shares | | 33.33% |

**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: 10/8/2013

Signature: */s/ Roy Dale Messer*
Roy Dale Messer
President