

FILED

MAR 21 2014

TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

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

IN RE MERVIN DUANE HICKS

Case No. _____

**PETITION FOR RECOGNITION OF FOREIGN MAIN PROCEEDING PURSUANT TO
CHAPTER 15, UNITED STATES BANKRUPTCY CODE**

TO THE HONORABLE COURT:

COMES NOW, Norma Yau ["Petitioner"] and files this Petition for Recognition of Foreign Main Proceeding pursuant to Chapter 15 of the United States Bankruptcy Code. In support thereof, Petitioner respectfully shows the Court:

I.

Mervin Duane Hicks ["Debtor"], resident of Ontario, Canada, filed a foreign main bankruptcy proceeding on April 6, 2011. Petitioner is the duly appointed Trustee in the Matter of the Bankruptcy of Mervin Duane Hicks, Estate No. 35-1483348, filed in the Ontario Superior Court of Justice in Bankruptcy, District of Ontario, Canada, Division No. 05 London, Court No. 35-1483348.

II.

At all relevant times, Mervin Duane Hicks has lived in Canada and has had his center of main interests located there. Petitioner is a natural person within the meaning of 11 USC § 1517. Supporting documents satisfying the requirements of 11 USC §§ 1515 and 1516 are attached hereto.

III.

**STATEMENT OF ALL FOREIGN PROCEEDINGS KNOWN
TO FOREIGN REPRESENTATIVE**

The foreign proceedings with respect to the Debtor that are known to Petitioner are –

1. In the Matter of the Bankruptcy of Mervin Duane Hicks, Estate No. 35-1483348, filed in the Ontario Superior Court of Justice in Bankruptcy, District of Ontario, Canada, Division No. 05 London, Court No. 35-1483348.

IV.

**LIST OF ALL KNOWN LITIGATION INVOLVING DEBTOR
WITHIN THE UNITED STATES**

All of the known litigation involving Debtor within the United States is as follows –

1. Cause No. CV-11-1220, styled Schols v. Kimball, filed in the 59th District Court of Grayson County, Texas.

V.

**LIST OF ALL PERSONS AUTHORIZED TO ADMINISTER FOREIGN
PROCEEDINGS OF THE DEBTOR**

1. Norma Yau, Trustee, 339 Wellington Rd. S., Unit 130, London, Ontario. Phone: (519) 435-1500

VI.

**LIST OF ALL PARTIES TO LITIGATION WITHIN THE UNITED STATES
IN WHICH DEBTOR IS A PARTY**

1. Michelle Kimball, 38191 Corte Jurado, Murietta CA 92562; and
2. Michele Schols, 10208 Mohon Ln, Pilot Point, Texas 76258.

FOR THESE REASONS, Petitioner respectfully requests the Court enter an order recognizing the foreign main proceeding identified above at the earliest possible time in accordance with 11 U.S.C. § 1517.

Respectfully submitted,

THE GIRARDS LAW FIRM

/s/ James E. Girards

James E. Girards,
Texas Bar No. 07980500
10,000 N. Central Expressway, Suite 400
Dallas, Texas 75231
214/346-9529 telephone
214/346-9532 facsimile
jim@girardslaw.com

ATTORNEYS FOR PETITIONER

Court No. 35-1483348
Estate No. 35-1483348

ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY

IN THE MATTER OF THE BANKRUPTCY OF
Mervin Duane Hicks (AKA Duane Hicks)

SUMMARY ADMINISTRATION

AFFIDAVIT

I, Norma Yau, of the City of London, in the County of Middlesex, MAKE OATH AND SAY AS FOLLOWS:

1. That I am a trustee employed by Hoyes, Michalos & Associates Inc., Trustee of the Estate of Mervin Duane Hicks (AKA Duane Hicks),
2. That the bankrupt filed an assignment on April 6, 2011,
3. That the documents attached to this affidavit represent true copies of the original documents filed in the bankruptcy or received from the Office of the Official Receiver.
4. That a listing of the documents is as follows:
 - 1) Form 79 – Statement of Affairs (Non-Business Bankruptcy)
 - 2) Form 65 – Monthly Income and Expense Statement of the Bankrupt and the Family Unit
 - 3) Form 21 – Assignment for the General Benefit of Creditors
 - 4) Certificate of Appointment dated April 6, 2011 – issued by the Office of the Official Receiver

SWORN BEFORE ME at the City
 of London, in the County of
 Middlesex, this 5th day
 of March, 2014

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Norma Yau

Joel Matthew Sandwith
 A Commissioner, etc.

Joel Matthew Sandwith, a Commissioner, etc.,
 Province of Ontario, for Hoyes, Michalos
 & Associates Inc., Trustee in Bankruptcy.
 Expires August 4, 2018.

John Matthew Sandwith a Commissioner, etc.
Province of Ontario, for His Majesty,
& Associates Inc., Trustees in Bankruptcy.
Expires August 4, 2018.

District of Ontario
 Division No. 08 - London
 Court No.
 Estate No.

- FORM 79 -
 Statement of Affairs (Non-Business Bankruptcy)
 (Subsection 49(2) and 158(d) of the Act / Subsections 50(2) and 62(1) and Paragraph 66.13(2)(d) of the Act)

Original Amended

In the matter of the bankruptcy of
 Mervin Duane Hicks (AKA Duane Hicks)
 SUMMARY ADMINISTRATION

ASSETS						
Type of assets	Description (Provide details)	Estimated Dollar Value	Exempt Property		Secured Amount/ Liens	Estimated net realizable dollar value
			Yes	No		
1. Cash on Hand						
2. Furniture		10,000.00	x		0.00	0.00
3. Personal Effects		1,500.00	x		0.00	0.00
4. Policies & RRSPs	Mutual Fund Account - CIBC Investors Edge	874.00		x	0.00	874.00
	4 policies on children - London Life	1.00		x	0.00	1.00
	2 policies on own life - London Life	1.00		x	0.00	1.00
5. Securities						
6. Real Property or Immovable	House					
	Cottage					
	Land					
7. Motor Vehicles	Automobile	2008 - BMW - 650i - Duane - surrendering		x	49,700.00	0.00
		2009 - GMC - 1500 1/2 ton - Duane - surrendering		x	22,100.00	0.00
		2008 - BMW - BX5 - Duane - surrendering	x		0.00	13,850.00
	Motorcycle					
	Snowmobile					
	Other					
8. Recreational Equipment						
9. Taxes						
10. Other	Other	Monies owed from The Hicks OK Ranch - unlikely to be realizable		x	0.00	0.00
TOTAL		1,503,676.00			71,800.00	14,726.00

08-Apr-2011

Date


 Mervin Duane Hicks
 Bankrupt

District of Ontario
 Division No. 08 - London
 Court No.
 Estate No.

FORM 79 - Continued

LIABILITIES						
Liabilities type code (LTC): 1 Real Property or Immovable Mortgage or Hypothec 2 Bank Loans (except real property mortgage) 3 Finance Company Loans 4 Credit Cards Bank/Trust Companies Issuers 5 Credit Cards Other Issuers 6 Taxes Federal/Provincial/Municipal 7 Student Loans 8 Loans from Individuals 9 Other						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
CIBC	880 WATERLOO STREET c/o Siskinds P. O. Box 2542 London ON N8A 4G9	03072-15-04231	28,150.00	0.00	0.00	2
CRA (TAXES) - LONDON TAX SERVICE OFFICE	Rev Collections - Intake Centre Insolvency 451 Talbot Street, 3rd Floor London ON N8A 4R3	personal taxes to 2009	813,000.00	0.00	0.00	6
First Bank & Trust	300 Main Street Ardmore OK 78402 USA		300.00	49,700.00	0.00	3
MBNA CDA BANK c/o DRN COMMERCE INC.	P.O. Box 2514 London ON N8A 4G9	5491 9800 8906	1.00	0.00	0.00	4
MTC Federal Credit Union	P O BOX 5049, Attn Heather Dill Spartanburg SC 29304 USA	Truck Loan	4,165.00	22,100.00	0.00	3
ROYAL BANK OF CANADA Attn: BANKRUPTCYHIGHWAY	P. O. BOX 57100 Toronto ON M8Y 3Y2	Visa - Judgement	30,000.00	0.00	0.00	4
ROYAL BANK OF CANADA Attn: BANKRUPTCYHIGHWAY	P. O. BOX 57100 Toronto ON M8Y 3Y2	LOC - judgement	6,700.00	0.00	0.00	2
	TOTAL	Unsecured	882,316.00			
	TOTAL	Secured		71,800.00		
	TOTAL	Preferred			0.00	
		TOTAL			954,116.00	

Pledged Assets		
Creditor	Rank	Asset
First Bank & Trust	1	Motor Vehicles - Automobile - 2008 - BMW - 650i - Duane - surrendering
MTC Federal Credit Union	1	Motor Vehicles - Automobile - 2009 - GMC - 1500 1/2 ton - Duane - surrendering

06-Apr-2011

Date



Mervin Duane Hicks
 Bankrupt

District of Ontario
 Division No. 08 - London
 Court No.
 Estate No.

FORM 79 - Continued

INFORMATION RELATING TO THE AFFAIRS OF THE BANKRUPT			
A. PERSONAL DATA			
1. Family name: Hicks	Given names: Mervin Duane Gender: Male	Date of birth: YYYY / MM / DD 1968/01/26	
2. Also known as:	Duane Hicks		
3. Complete address, including postal code: 16 Elk Street Aylmer ON N5H 1S6			
4. Marital status: (Specify month and year of event if it occurred in the last five years)		Married	
5. Full name of spouse or common-law partner:		Deldre Hicks	
6. Name of present employer:		Occupation: aviation consultant (Self Employed)	
7A. Number of persons in household family unit, including bankrupt:		3	
7B. Number of persons 17 years of age or less:		1	
8. Have you operated a business within the last five years?		Yes	
Business Name	Business Type	From	To
The Hicks OK Ranch	horse ranch	01-Jan-2005	
5017 NWT Ltd	holding company	01-Jan-2005	06-Apr-2011
2104342 Ontario Inc.	holding company	01-Jan-2004	06-Apr-2011
B. WITHIN THE 12 MONTHS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN CANADA OR ELSEWHERE:			
9A. Sold or disposed of any of your property?		Yes	
9B. Made payments in excess of the regular payments to creditors?		No	
9C. Had any property seized by a creditor?		No	
C. WITHIN FIVE YEARS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, WHILE YOU KNEW YOURSELF TO BE INSOLVENT, HAVE YOU, EITHER IN CANADA OR ELSEWHERE:			
10A. Sold or disposed of any property?		No	
10B. Made any gifts to relatives or others in excess of \$500?		No	
D. BUDGET INFORMATION: Attach Form 65 to this Form.			
11A. Have you ever made a proposal under the Bankruptcy and Insolvency Act?		No	
11B. Have you been bankrupt before, either in Canada or elsewhere?		No	
12. Do you expect to receive any sums of money which are not related to your normal income, or any other property within the next 12 months? No			
13. If you answered Yes to any of questions 9, 10 and 12, provide details: 9A: Sold \$4,500,000 of shares with Discovery Air Inc. from 2008 to 2010 and used the proceeds for living expenses and to purchase The Hicks OK Ranch in Oklahoma. Sold 2006 Corvette in November 2010 for \$30,000 to pay bills in Oklahoma.			

06-Apr-2011

Date



Mervin Duane Hicks
Bankrupt

District of Ontario
Division No. 08 - London
Court No.
Estate No.

FORM 79 - Concluded

14. Give reasons for your financial difficulties:

Tax liability on sale of shares of owned company.

I, Mervin Duane Hicks of the Town of Aylmer in the Province of Ontario, do swear (or solemnly declare) that this statement is, to the best of my knowledge, a full, true and complete statement of my affairs on the 6th day of April 2011, and fully discloses all property and transactions of every description that is or was in my possession or that may devolve on me in accordance with the Bankruptcy and Insolvency Act.

SWORN (or SOLEMNLY DECLARED)
before me at the City of London in the Province of Ontario, on
this 6th day of April 2011.



 Norma Irene Yau, Commissioner of Oaths
 For the Province of Ontario
 Expires Jul. 26, 2013

06-Apr-2011

Date


 Mervin Duane Hicks
 Bankrupt

District of Ontario
 Division No. 08 - London
 Court No.
 Estate No.

- FORM 65 -
 Monthly Income and Expense Statement of the Bankrupt and the Family Unit
 and Information (or Amended Information) Concerning
 the Financial Situation of the Individual Bankrupt
 (Section 68 and Subsection 102(3) of the Act; Rule 105(4))

Original Amended

In the matter of the bankruptcy of
 Mervin Duane Hicks (AKA Duane Hicks)
 SUMMARY ADMINISTRATION

Information concerning the monthly income and expense statement of the bankrupt and the family unit, the financial situation of the bankrupt and the bankrupt's obligation to make payments required under section 68 of the Act to the estate of the bankrupt are as follows:

MONTHLY INCOME	Bankrupt	Other Members of the family unit	Total
Net employment income	0.00		
Net pension/Annuities	0.00		
Net child support	0.00		
Net spousal support	0.00		
Net employment insurance benefits	0.00		
Net social assistance	0.00		
Self-employment income			
Gross 0.00 Net	3,000.00		
Child tax benefit	0.00		
Other net income	0.00		
TOTAL MONTHLY INCOME	3,000.00 (1)	0.00 (2)*	
TOTAL MONTHLY INCOME OF THE FAMILY UNIT ((1) + (2))			3,000.00 (3)
MONTHLY NON-DISCRETIONARY EXPENSES			
Child support payments	0.00		
Spousal support payments	0.00		
Child care	0.00		
Medical condition expenses	0.00		
Fines/penalties imposed by the Court	0.00		
Expenses as a condition of employment	0.00		
Debts where stay has been lifted	0.00		
Other expenses	0.00		
TOTAL MONTHLY NON-DISCRETIONARY EXPENSES	0.00 (4)	0.00 (5)	
TOTAL MONTHLY NON-DISCRETIONARY EXPENSES OF THE FAMILY UNIT ((4) + (5))			0.00 (6)
AVAILABLE MONTHLY INCOME OF THE BANKRUPT ((1) - (4))	3,000.00 (7)		
AVAILABLE MONTHLY INCOME OF THE FAMILY UNIT ((3) - (6))			3,000.00 (8)
BANKRUPT'S PORTION OF THE AVAILABLE MONTHLY INCOME OF THE FAMILY UNIT			100.00 % (9)



- FORM 65 -- Concluded -

MONTHLY DISCRETIONARY EXPENSES: (Family unit)

Housing expenses

Rent/mortgage/hypothec.	400.00
Property taxes/condo fees.	0.00
Heating/gas/oil.	160.00
Telephone.	500.00
Cable.	140.00
Hydro.	130.00
Water.	0.00
Furniture.	0.00
Other.	0.00

Personal expenses

Smoking.	0.00
Alcohol.	0.00
Dining/lunches/restaurants.	0.00
Entertainment/sports.	100.00
Gifts/charitable donations.	0.00
Allowances.	0.00
Other.	0.00

Non-recoverable medical expenses

Prescriptions.	0.00
Dental.	0.00
Other.	0.00

Living expenses

Food/grocery.	400.00
Laundry/dry cleaning.	0.00
Grooming/toiletries.	100.00
Clothing.	200.00
Other.	0.00

Transportation expenses

Car lease/payments.	0.00
Repair/maintenance/gas.	300.00
Public transportation.	0.00
Other.	0.00

Insurance expenses

Vehicle.	425.00
House.	0.00
Furniture/contents.	0.00
Life insurance.	320.00
Other.	0.00

Payments

Payments to the estate.	180.00
To secured creditor.	0.00
(Other than mortgage and vehicle).	0.00
Other.	0.00

TOTAL MONTHLY DISCRETIONARY EXPENSES (FAMILY UNIT) 3,355.00 (10)

MONTHLY SURPLUS OR (DEFICIT) FAMILY UNIT ((8) - (10)) -355.00 (11)

Information (or Amended Information) Concerning the Financial Situation of the Individual Bankrupt

Payments to the estate as per agreement:

Number of persons in household family unit, including bankrupt: _____	3
Total amount bankrupt has agreed to pay monthly.	180.00 (12)
Amount bankrupt has agreed to pay monthly to repurchase assets.	0.00 (13)
Residual amount paid into the estate ((12) - (13)).	180.00 (14)

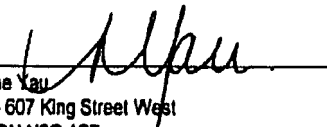
Payments required by Directive No. 11R2 (Surplus Income)

Monthly amount required by Directive No. 11R2 (Surplus Income) based on percentage established on line (9) ...	0.00 (15)
Difference between amounts at lines (14) and (15).	180.00 (16)

Dated at the City of London in the Province of Ontario, this 6th day of April 2011.

Hoyes, Michalos & Associates Inc. - Trustee

Per:


 Norma Ilene Yau
 Suite 204 - 607 King Street West
 Kitchener ON N2G 1C7
 Phone: (519) 747-0660 Fax: (877) 347-0660


 Mervin Duane Hicks

District of: Ontario
Division No. 08 - London
Court No.
Estate No.

-- FORM 21--
Assignment for the General Benefit of Creditors
(Section 49 of the Act)

In the matter of the bankruptcy of
Mervin Duane Hicks (AKA Duane Hicks)
SUMMARY ADMINISTRATION

This indenture made this 6th day of April 2011
between
Mervin Duane Hicks
16 Elk Street
Aylmer ON N5H 1S6
hereinafter called "the debtor"
and
Hoyes, Michalos & Associates Inc.
hereinafter called "the trustee."


Natural person

Corporate or other legal entity

Whereas the debtor is insolvent and desires to assign and to abandon all his/her property for distribution among his/her creditors, in pursuance of the Act,

This indenture witnesses that the debtor does hereby assign to the trustee all the debtor's property for the uses, intents and purposes provided by the Act.

Signed at the City of London in the Province of Ontario, in the presence of Norma Yau.


Norma Yau
Witness

6-Apr-2011
Date


Mervin Duane Hicks
Debtor



**Office of the Superintendent
of Bankruptcy Canada**

An Agency of
Industry Canada

**Bureau du surintendant
des faillites Canada**

Un organisme
d'Industrie Canada

District of: Ontario
Division No.: 05 London
Court No.: 35-1483348
Estate No.: 35-1483348

In the Matter of the Bankruptcy of:
Mervin Duane Hicks
Debtor
HOYES, MICHALOS & ASSOCIATES INC.
Trustee
Summary Administration

Date and time of bankruptcy:	April 06, 2011, 15:27	Security:	\$0.00
Date of trustee appointment:	April 06, 2011		
Meeting of creditors:			
Chair:			

CERTIFICATE OF APPOINTMENT - Section 49 of the Act: Rule 85

I, the undersigned, official receiver in and for this bankruptcy district, do hereby certify that:

- the aforementioned debtor filed an assignment under section 49 of the *Bankruptcy and Insolvency Act*;
- the aforementioned trustee was duly appointed trustee of the estate of the debtor.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the official receiver.

Date: April 06, 2011, 15:27

E-File/Dépôt Electronique

Official Receiver

Federal Bldg., 451 Talbot St., Rm 303, London, Ontario, Canada, N6A5C9, (877) 376-9902

Canada