# Case 10-31661 Document 1 Filed in TXSB on 03/01/10 Page 1 of 10

B1 (Official Form 1) (1/08)

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION					untary Petition			
Name of Debtor (if individual, enter Last, First, M C. Thomas Enterprise, LLC			-	Name	of Joint Debtor (Sp	oouse) (Last, Fi	rst, Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): aka Wing Stop Restaurant				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-Taxpay than one, state all): 142-1673265-2	ver I.D. (ITIN) No./C	omplete EIN (if	more		our digits of Soc. Sone, state all):	ec. or Individual-	Taxpayer I.D. (ITIN	) No./Complete EIN (if more
Street Address of Debtor (No. and Street, City, and State): 1906 Jara Court Houston, TX				Street	Address of Joint D	Pebtor (No. and S	Street, City, and Sta	ate):
		ZIP CODE 77388						ZIP CODE
County of Residence or of the Principal Place of Harris	Business:			County of Residence or of the Principal Place of Business:				
Mailing Address of Debtor (if different from street address): 1906 Jara Court Houston, TX				Mailing	g Address of Joint	Debtor (if differer	nt from street addre	ess):
		ZIP CODE 77388						ZIP CODE
Location of Principal Assets of Business Debtor 10749 North Freeway, Houston, TX	(if different from stre	eet address ab	ove):					ZIP CODE 77037
Type of Debtor         (Form of Organization)         (Check one box.)         Individual (includes Joint Debtors)         See Exhibit D on page 2 of this form.         ✓         Corporation (includes LLC and LLP)         Partnership         Other (If debtor is not one of the above entities, check this box and state type of entity below.)	(Chec Health Care B Single Asset F in 11 U.S.C. § Railroad Stockbroker Commodity Br Clearing Bank Other Tax-Ex (Check bo Debtor is a tax under Title 26	Real Estate as o 101(51B) roker	) ization States			Natur (Chec consumer I U.S.C. ed by an ior a	of a Fore Chapter of a Fore re of Debts k one box.)	box.) 15 Petition for Recognition eign Main Proceeding 15 Petition for Recognition eign Nonmain Proceeding
Filing Fee (Chec	ck one box.)		,		ck one box:	Chapte	r 11 Debtors	
<ul> <li>Full Filing Fee attached.</li> <li>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.</li> <li>Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.</li> </ul>					Debtor is not a sma <b>ck if:</b> Debtor's aggregate nsiders or affiliates; <b>ck all applicabl</b> A plan is being filed Acceptances of the	all business debter noncontigent lic ) are less than \$2 e <b>boxes:</b> I with this petition e plan were solici	quidated debts (exc 2,190,000. 1. ted prepetition fron	S.C. § 101(51D). U.S.C. § 101(51D). Iuding debts owed to
Image: Debtor estimates that funds will be available for distribution to unsecured creditors.       COURT USI         Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.       COURT USI				THIS SPACE IS FOR COURT USE ONLY				
Estimated Number of Creditors	1,000- 5,000	5,001- 10,000	□ 10,001- 25,000		□ 25,001- 50,000	50,001- 100,000	Over 100,000	-
Estimated Assets           String         String	\$1,000,001 n to \$10 million	10,000,001 to \$50 million	□ \$50,000 to \$100		100,000,001 to \$500 million	☐ \$500,000,001 to \$1 billion	More than \$1 billion	- -
Estimated Liabilities \$0 to \$50,001 to \$100,001 to \$500,001 \$50,000 \$100,000 \$500,000 to \$1 millio	\$1,000,001 n to \$10 million	10,000,001 to \$50 million	□ \$50,000 to \$100		<b>1</b> \$100,000,001 to \$500 million	500,000,001 to \$1 billion	More than \$1 billion	

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# Case 10-31661 Document 1 Filed in TXSB on 03/01/10 Page 2 of 10

B1 (Official Form 1) (1/08)		Page 2					
Voluntary Petition Name of Debtor(s): C. Thomas Enterprise, LLC							
(This page must be completed and filed in every case.)							
All Prior Bankruptcy Cases Filed Within Last	8 Years (If more than two, attach add	ditional 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:	Case Number:	Date Filed:					
None District:	Relationship:	Judge:					
Exhibit A       Exhibit B         (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.)       (To be completed if debtor is an individual whose debts are primarily consumer debts.)         I       Exhibit A is attached and made a part of this petition.       Individual to 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).							
X							
		Date					
Exhibit C         Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?            Yes, and Exhibit C is attached and made a part of this petition.         No.							
Ex	hibit D						
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition:							
Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.							
5	ding the Debtor - Venue						
(Check any applicable box.) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.							
There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.							
Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.							
Certification by a Debtor Who Resides as a Tenant of Residential Property							
	(Check all applicable boxes.)  Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)						
	(Name of landlord that obtained judgme	ent)					
	(Address of landlord)						
Debtor claims that under applicable nonbankruptcy law, there are circ monetary default that gave rise to the judgment for possession, after							
Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.							
Debtor certifies that he/she has served the Landlord with this certification	ation. (11 U.S.C. § 362(I)).						

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B1 (Official Form 1) (1/08)	Page 3
Voluntary Petition	Name of Debtor(s): C. Thomas Enterprise, LLC
(This page must be completed and filed in every case)	
Sig	natures
Signature(s) of Debtor(s) (Individual/Joint) I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b). I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Signature of a Foreign Representative         I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.         (Check only one box.)         I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.         I Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of
X	title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.      X (Signature of Foreign Representative) (Printed Name of Foreign Representative)
Telephone Number (If not represented by attorney)	
Date	Date
Signature of Attorney* X /s/ Alexander B. Wathen Alexander B. Wathen Bar No. 24005122 Wathen & Associates 10333 Northwest Freeway Suite 503 Houston, TX 77092 Phone No. (281) 999-9025 Fax No.	<b>Signature of Non-Attorney Bankruptcy Petition Preparer</b> 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.
03/01/2010 Date *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the	Printed Name and title, if any, of Bankruptcy Petition Preparer Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
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.	Address
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.	
C. Thomas Enterprise, LLC	X
X /s/ Charles T. Gutierrez Signature of Authorized Individual Charles T. Gutierrez Printed Name of Authorized Individual Member & Sole Director	Date Signature of bankruptcy petiton preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above. Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.
Title of Authorized Individual 03/01/2010 Date	If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

B4 (Official Form 4) (12/07)

#### UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

#### IN RE: C. Thomas Enterprise, LLC

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, telephone number and		Indicate if	
	complete mailing address,		claim is	
	including zip code, of employee, agent, or		contingent, unliquidated,	
Name of creditor and complete	department of creditor familiar		disputed, or	Amount of claim [if
mailing address, including zip	with claim who may be	Nature of claim (trade debt, bank loan,	subject to	secured also state
code	contacted	goverment contract, etc.)	setoff	value of security]
CIT Small Business Lending		SBA loan		\$179,750.00
Corporation 640 Plaza Drive				Value: \$10,000.00
Highlands Ranch, CO 80129				
Texas State Comptroller		Sales Taxes		\$100,000.00
PO Box 13528				
Austin, TX 78711-3528				
Internal Revenue Service		Taxes		\$100,000.00
Special Procedures STOP 5022 HOU				
1919 Smith Street				
Houston, Texas 77002				
Rich Development Company		Lunch Box Deli lease		\$67,200.00
1000 North Western Avenue, Suite 200				
San Pedro, CA 90732				
Rich Development Company		Wingstop lease		\$23,324.35
1000 North Western Avenue,				
Suite 200 San Pedro, CA 90732				
Bmw Financial Services		Lease		\$17,449.00
PO Box 3608				Value: \$0.00
Dublin, OH 43016				

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### UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS **HOUSTON DIVISION**

#### IN RE: C. Thomas Enterprise, LLC

Case No.

Chapter 11

# LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Continuation Sheet No. 1

(1)	(2) Name, telephone number and complete mailing address,	(3)	(4) Indicate if claim is	(5)
Name of creditor and complete mailing address, including zip code	including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, goverment contract, etc.)	contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured also state value of security]
Chase Po Box 15298 Wilmington, DE 19850		Credit Card		\$6,165.0
Citifinancial 300 Saint Paul Place Baltimore, MD 21202		Unsecured		\$4,210.3
Hilco Rec 5 Revere Dr Ste 510 Northbrook, IL 60062		Factoring Company Account		\$1,544.00
Gemb/tweeter Tx Po Box 981439 El Paso, TX 79998		Charge Account		\$1,543.00
Harris County et al Linebarger Goggan Blair & Sampson, LLP 1301 Travis Street, Third Floor Houston, TX 77002		Collection Agency		\$1,445.7 Value: \$0.00
Creditors Interchange 80 Holtz Drive Cheektowaga, NY 14225		Credit Card		\$1,403.00
Chase Po Box 15298 Wilmington, DE 19850		Credit Card		\$1,402.00

Wilmington, DE 19850

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### UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

#### IN RE: C. Thomas Enterprise, LLC

Case No.

Chapter 11

# LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Continuation Sheet No. 2

(4)		(2)	(4)	(F)
(1)	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or	(3)	(4) Indicate if claim is contingent, unliquidated,	(5)
Name of creditor and complete mailing address, including zip code	department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, goverment contract, etc.)	disputed, or subject to setoff	Amount of claim [if secured also state value of security]
Chase Bank - Overdrafts P O Box 36520 Louisville, KY 40233-6520		Bank account overdraft		\$1,325.00
Sprint PCS UMB PO Box 219554 Kansas City, MO 64121-9554		Cell phone service		\$1,114.00
Diversified Adjustment 600 Coon Rapids Blvd Nw Coon Rapids, MN 55433		Collection Attorney		\$1,113.00
Capital 1 Bank Attn: C/O TSYS Debt Management PO Box 5155 Norcross, GA 30091		Credit Card		\$873.00
CenterPoint Energy, Inc. P.O. Box 4981 Houston, TX 77210-4981		Wingstop		\$863.00
Capital One Po Box 30285 Salt Lake City, UT 84130		Credit Card		\$853.00
Pinnacle Financial Group 7825 Washington Avenue S Suite 310 Minneapolis, MN 55439		Collection Agency		\$734.22

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#### UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

IN RE: C. Thomas Enterprise, LLC

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 <u>Member & Sole Director</u> of the <u>Corporation</u> 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: 03/01/2010

Signature: /s/ Charles T. Gutierrez Charles T. Gutierrez Member & Sole Director Case 10-31661 Document 1 Filed in TXSB on 03/01/10 Page 8 of 10

#### UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

IN RE: C. Thomas Enterprise, LLC

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 03/01/2010

Signature /s/ Charles T. Gutierrez

Charles T. Gutierrez Member & Sole Director

Date \_\_\_\_\_

Signature \_\_\_\_\_

Case 10-31661 Document 1 Filed in TXSB on 03/01/10 Page 9 of 10 Southern District of Texas

10777 North Freeway, LP ATTN: James W. Wallace 952 Echo Lane, Suite 125 Houston, TX 77024

Alejandro Vela 247 Whitehall Drive Houston, TX 77060

Alliant Law Group P.O Box 468569 Atlanta, GA 31146

Amoco Federal Cred Un 2300 Texas Ave Texas City, TX 77590

AT&T Wireless One ATT Way Bedminster, NJ 07921

Bmw Financial Services PO Box 3608 Dublin, OH 43016

Capital 1 Bank Attn: C/O TSYS Debt Management 1 CIT Drive PO Box 5155 Norcross, GA 30091

Capital One Po Box 30285 Salt Lake City, UT 84130

Cassandra Acosta 503 West Road #111 Houston, TX 77038

CenterPoint Energy, Inc. P.O. Box 4981 Houston, TX 77210-4981

Chapter: 11

Chase Po Box 15298 Wilmington, DE 19850

Chase Bank - Overdrafts P O Box 36520 Louisville, KY 40233-6520

CIT Small Business Lending Corp Diversified Adjustment 640 Plaza Drive 600 Coon Rapids Blvd Nw Highlands Ranch, CO 80129 Coon Rapids, MN 55433

Citibank Usa/Home Depot Credit · Francisco Aviles Attn.: Centralized Bankruptcy 625 Seminar Drive PO Box 20507 Kansas City, MO 64195

Citifinancial 300 Saint Paul Place Baltimore, MD 21202

CitiSmall Business Lending 1 Cit Drive Livingston, NJ 07039

CITSmall Business Lending Livingston, NJ 07039

Collection Po Box 9134 Needham, MA 02494

Credit Management 4200 International Pwy Carrolton, TX 75007

Creditors Interchange 80 Holtz Drive Cheektowaga, NY 14225

Creditors Interchange Bankruptcy & Probate Office 1137 Old York Road Abington, PA 19001

District Counsel Internal Revenue Service 8701 Gessner, Suite 710 Houston, TX 77074

600 Coon Rapids Blvd Nw

Houston, TX 77060

Fst Premier PO Box 5524 Sioux Falls, SD 57117

Gemb/tweeter Tx Po Box 981439 El Paso, TX 79998

Harris County et al Linebarger Goggan Blair & Samps 1301 Travis Street, Third Floor Houston, TX 77002

Hilco Rec 5 Revere Dr Ste 510 Northbrook, IL 60062

Hon. Eric Holder, Atty. Gen. ATTN: SBA Accounts U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001

Hon. Eric Holder, Atty. Gen. ATTN: IRS Accounts U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001

Imelva Vera Galvan 535 Seminar Drive #223

Houston, TX 77060

Internal Revenue Service Special Procedures STOP 5022 HOU 1919 Smith Street Houston, Texas 77002

INTERNAL REVENUE SERVICE Centralized Insolvency Operatio: 1000 North Western Avenue, Suit 7171 Mercy Road PO Box 21126 Philadelphia, PA 19114-1294

Javier Vicencio 12406 Sterlingstone Drive Houston, TX 77066

Jermaine M. Thomas 351 Hollyvale Drive Houston, TX 77060

Johnson Space Ctr Fcu Pob 58346 Houston, TX 77258

Medical Recovery Syste 1113 Garredd Blvd Augusta, GA 30909

Michael Phung 10445 Greens Crossing #211 Houston, TX 77038

Patricia Garcia 311 Highland Cross Drive Houston, TX 77073

Paul Hinojosa 1206 Valmoreha Ave. Houston, TX 77039

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Chapter: 11

Pinnacle Financial Group 7825 Washington Avenue S Suite 310 Minneapolis, MN 55439

Resource One Cu Po Box 660077 Dallas, TX 75266

Rich Development Company San Pedro, CA 90732

> Sayra Molina 15514 Donette Lane Houston, TX 77032

Sprint PCS UMB PO Box 219554 Kansas City, MO 64121-9554

Sprint PCS P.O. Box 860092 Dallas, TX 75266-0092

Sprint PCS 6391 Sprint Pkwy Overland, KS 66251

Tara Energy 1900 St. James Place, Suite 300 Houston, TX 77056

Texas State Comptroller PO Box 13528 Austin, TX 78711-3528

U.S. Attorney Southern District of Texas 910 Travis, Suite 1500 P.O. Box 61129 Houston, TX 77208

# HOUSTON DIVISION

U.S. Small Business Administrat Houston District Office 8701 South Gessner, Suite 1200 Houston, TX 77074

West Asset Management P.O. Box 105698 Atlanta, GA 30348

West Asset Management Omaha, NE 68106

West Asset Management P.O. Box 956842 St. Louis, MO 63195

Wffnb/gallery Furnitur Po Box 94498 Las Vegas, NV 89193