#### 09-12181 Doc#1 Filed 08/04/09 Entered 08/04/09 05:05:53 Main Document Pg 1 of 12

B1 (Official Form 1) (1/08)

UNITED STATES BANKRUPTCY CO WESTERN DISTRICT OF TEXAS AUSTIN DIVISION			JRT			Vol	untary Petition	
				of Joint Debtor (Sp <b>1, Junghee</b>	oouse) (Last, Fir	st, Middle):		
All Other Names used by the Debtor in the last (include married, maiden, and trade names): aka Sam Shim	8 years			(includ	ner Names used by de married, maiden <b>Ann Shim</b>			5
Last four digits of Soc. Sec. or Individual-Taxpa than one, state all): xxx-xx-0263		omplete EIN (if	more	than o	ne, state all):	xxx-xx-2400		N) No./Complete EIN (if more
Street Address of Debtor (No. and Street, City, 2815 Water Bank Cove Austin, TX	and State):			2815	Address of Joint D Water Bank in, TX	,	treet, City, and St	tate):
		ZIP CODE 78746						ZIP CODE 78746
County of Residence or of the Principal Place of <b>Travis</b>	of Business:			Count <b>Trav</b>	y of Residence or o <b>is</b>	of the Principal P	ace of Business:	
Mailing Address of Debtor (if different from stre 2815 Water Bank Cove Austin, TX	et address):			2815	g Address of Joint l Water Bank l in, TX		t from street addr	ess):
		ZIP CODE <b>78746</b>						ZIP CODE <b>78746</b>
Location of Principal Assets of Business Debto	r (if different from str	eet address ab	ove):					
								ZIP CODE
Type of Debtor (Form of Organization)		of Business k one box.)	3				Code Under V (Check one	
(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	Health Care B Single Asset F in 11 U.S.C. § Railroad Stockbroker Commodity B	Real Estate as 6 101(51B) roker	defined		Chapter 7 Chapter 9 Chapter 11 Chapter 12 Chapter 13	Notur	of a For	15 Petition for Recognition eign Main Proceeding 15 Petition for Recognition eign Nonmain Proceeding
entities, check this box and state type of entity below.)	(Check both Debtor is a tax under Title 26 Code (the Inter	empt Entity ox, if applicable c-exempt organ of the United Sernal Revenue 6	.) nization States	i i	Debts are primarily debts, defined in 11 § 101(8) as "incurre ndividual primarily f personal, family, or nold purpose."	(Check consumer U.S.C. ed by an or a	c one box.)  Debts a busines	
Filing Fee (Che	eck one box.)			l —	ck one box:	-	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</li> </ul>		□ Debtor is a small business debtor as defined by 11 U.S.C. § 101(51D).      □ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).      □ Check if:      □ Debtor's aggregate noncontigent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.      □ Check all applicable boxes:						
attach signed application for the court's consideration. See Official Form 3B.			•	╎┤	A plan is being filed Acceptances of the of creditors, in acco	plan were solicit	ed prepetition from	m one or more classes
Statistical/Administrative Information  ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.  ☐ Debtor estimates that, after any exempt property is excluded and administrative expen there will be no funds available for distribution to unsecured creditors.					,	Will 11	3 1120(0).	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  So to \$50,001 to \$100,001 to \$500,001 \$50,000 \$500,000 to \$1 milli		\$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		\$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	

B1 (Official Form 1) (1/08) Page 2 Songmoo Shim **Voluntary Petition** Name of Debtor(s): Junghee Shim (This page must be completed and filed in every case.) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.) Location Where Filed: 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: District: Relationship: Judae: **Exhibit B Exhibit A** (To be completed if debtor is an individual (To be completed if debtor is required to file periodic reports (e.g., forms 10K and whose debts are primarily consumer debts.) 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) I, the attorney for the petitioner named in the foregoing petition, declare that I have of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) 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 Exhibit A is attached and made a part of this petition. required by 11 U.S.C. § 342(b). **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.  $\sqrt{\phantom{a}}$ 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.) 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. Information Regarding the Debtor - Venue (Check any applicable box.) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of 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. (11 U.S.C. § 362(I)).

onicial Form 1) (1700)	i age s			
Voluntary Petition	Name of Debtor(s): Songmoo Shim			
(This page must be completed and filed in every case)	Junghee Shim			
Sig	gnatures			
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative			
I declare under penalty of perjury that the information provided in this petition is true and correct.  [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7,	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.			
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.	(Check only one box.)			
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).	I request relief in accordance with chapter 15 of title 11, United States Code.  Certified copies of the documents required by 11 U.S.C. § 1515 are attached.			
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.			
X /s/ Songmoo Shim Songmoo Shim				
Songmoo Shim	X			
X /s/ Junghee Shim Junghee Shim	(Signature of Foreign Representative)			
Telephone Number (If not represented by attorney)	(Printed Name of Foreign Representative)			
08/03/2009 Date	Date			
Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer			
X /s/ B. Weldon Ponder, Jr.	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as			
B. Weldon Ponder, Jr. Bar No. 16110400  B. Weldon Ponder, Jr., Attorney at Law Building 3, Suite 200 4601 Spicewood Springs Road Austin, TX 78759-7841	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.			
Phone No.(512) 342-8222 Fax No.(512) 342-8444				
08/03/2009	Printed Name and title, if any, of Bankruptcy Petition Preparer			
Date				
*In a case in which $\S$ 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.	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.)			
Signature of Debtor (Corporation/Partnership)  I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.				
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Address X			
	^			
	Date			
X	Signature of bankruptcy petiton preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.			
Signature of Authorized Individual				
Printed Name of Authorized Individual	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	If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.			
Date	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. 8 110: 18 U.S.C. 8 156			

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B 1D (Official Form 1, Exhibit D) (12/08) UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

In re:	Songmoo Shim	Case No.	
	Junghee Shim		(if known)

Debtor(s)

### EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days before the filling of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.

2. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit couseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

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# B 1D (Official Form 1, Exhibit D) (12/08) UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

In re:	Songmoo Shim	Case No.	
	Junghee Shim		(if known)

Debtor(s)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT  Continuation Sheet No. 1
4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilites.);
Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
Active military duty in a military combat zone.
5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: _/s/ Songmoo Shim Songmoo Shim
Date: 08/03/2009

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B 1D (Official Form 1, Exhibit D) (12/08) UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

In re:	Songmoo Shim	Case No.		
	Junghee Shim	_	(if known)	
	Debtor(s)			

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH** 

CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may

have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days before the filling of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.

2. Within the 180 days before the filling of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit couseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

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# B 1D (Official Form 1, Exhibit D) (12/08) UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

In re:	Songmoo Shim	Case No.	
	Junghee Shim		(if known)

Debtor(s)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT
Continuation Sheet No. 1
☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilites.);
Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
Active military duty in a military combat zone.
5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: // Is/ Junghee Shim Junghee Shim
Date: <b>08/03/2009</b>

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B4 (Official Form 4) (12/07)

## UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

IN RE: Songmoo Shim Case No.

Junghee Shim

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).

Name of creditor and complete mailing address, including zip code	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, goverment contract, etc.)	(4) Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	(5)  Amount of claim [if secured also state value of security]
IBC Bank 1200 San Bernardo Avenue Laredo, TX 78042		Personal guaranty of note	Contingen	nt \$1,615,239.91
National Bank PO Box 779 Gatesville, TX 76528		Guaranty liability	Continger	nt \$642,287.91
Moojun Song 9612 Big View Drive Austin, TX 78730		Personal loan		\$300,000.00
Wells Fargo PO Box 348750 Sacramento, CA 95834		Business line of credit/credit card		\$44,329.07
Wells Fargo PO BOx 851001 Dallas, TX 75285		Line of credit/credit card		\$24,875.12
Wells Fargo PO Box 30086 Los Angeles, CA 90030-0086		Business line of credit/credit card		\$23,938.94

B4 (Official Form 4) (12/07)

## UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

IN RE: Songmoo Shim

Junghee Shim

Case No.

Chapter 11

#### LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Continuation Sheet No. 1

Name of creditor and complete mailing address, including zip code	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, goverment contract, etc.)	(4) Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	Amount of claim [if secured also state value of security]
Wells Fargo PO Box 30086 Los Angeles, CA 90030-0086		Line of credit/credit card		\$18,504.10
Sams Card PO Box 981535 El Paso, TX 79998		Line of credit/credit card		\$11,670.61
Costco American Express PO Box 70252 Philadelphia, PA 19176		Line of credit/credit card		\$9,877.42
American Express (Business) PO Box 530970 Atlanta, GA 30353-0970		Business line of credit/credit card		\$9,800.00
Amplify Card PO Box 981535 El Paso, TX 79998		Line of credit/credit card		\$500.00
I declare under penalty of perjur belief.	y that I have read the foregoing	list and that it is true and correct to th	ne best of my in	formation and
Date: 08/03/2009	Signature	e: /s/ Songmoo Shim Songmoo Shim /s/ Junghee Shim		
		Junghee Shim		

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### UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

IN RE: Songmoo Shim CASE NO

Junghee Shim

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

know	rledge.		
Date	08/03/2009	Signature _	/s/ Songmoo Shim Gongmoo Shim
Date	08/03/2009	Signature _	/s/ Junghee Shim

Junghee Shim

American Express (Business) PO Box 530970 Atlanta, GA 30353-0970

Amplify Card PO Box 981535 El Paso, TX 79998

Amplify Credit Union PO Box 85300 Austin, TX 78708

Costco American Express PO Box 70252 Philadelphia, PA 19176

Donghun Shim 2815 Water Bank Cove Austin, TX 78746

Homecomings Financial Attention: Customer Care P.O. Box 1330 Waterloo, IA 50704

Honda Finance Corporation P. O. Box 16008 Irving, TX 75016-8008

IBC Bank 1200 San Bernardo Avenue Laredo, TX 78042

Internal Revenue Service P.O. Box 21126 Philadelphia, PA 19114 Moojun Song 9612 Big View Drive Austin, TX 78730

National Bank PO Box 779 Gatesville, TX 76528

OneWest Bank FSB c/o Carolyn A. Taylor Hughes, Watters & Askanase, LLP 333 Clay, Suite 2900 Houston, TX 77002

OneWest Bank FSB P.O. Box 78826 Phoenix, AZ 85062-8826

Sams Card PO Box 981535 El Paso, TX 79998

Wells Fargo PO BOx 851001 Dallas, TX 75285

Wells Fargo PO Box 30086 Los Angeles, CA 90030-0086

Wells Fargo PO Box 348750 Sacramento, CA 95834

Woori Bank PO Box 20229 Greeley Square Station New York, NY 10001-0006