

**United States Bankruptcy Court  
Western District of Texas**

**Voluntary Petition**

Name of Debtor (if individual, enter Last, First, Middle): <b>Russell Drive, LLC</b>	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): <b>None</b>	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) No./Complete EIN (if more than one, state all): <b>EIN: 20-1794681</b>	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State) <b>4303 Russell Drive Austin, TX</b>	Street Address of Joint Debtor (No. and Street, City, and State)
ZIPCODE <b>78704</b>	ZIPCODE
County of Residence or of the Principal Place of Business: <b>Travis</b>	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
ZIPCODE	ZIPCODE
Location of Principal Assets of Business Debtor (if different from street address above):	ZIPCODE

<p><b>Type of Debtor</b> (Form of Organization) (Check <b>one</b> box)</p> <p><input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i></p> <p><input checked="" type="checkbox"/> Corporation (includes LLC and LLP)</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)</p> <p>_____</p>	<p><b>Nature of Business</b> (Check <b>one</b> box)</p> <p><input type="checkbox"/> Health Care Business</p> <p><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)</p> <p><input type="checkbox"/> Railroad</p> <p><input type="checkbox"/> Stockbroker</p> <p><input type="checkbox"/> Commodity Broker</p> <p><input type="checkbox"/> Clearing Bank</p> <p><input checked="" type="checkbox"/> Other</p> <p>_____</p> <p><b>Tax-Exempt Entity</b> (Check box, if applicable)</p> <p><input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code)</p>	<p><b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box)</p> <p><input type="checkbox"/> Chapter 7</p> <p><input type="checkbox"/> Chapter 9</p> <p><input checked="" type="checkbox"/> Chapter 11</p> <p><input type="checkbox"/> Chapter 12</p> <p><input type="checkbox"/> Chapter 13</p> <p><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding</p> <p><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding</p> <p><b>Nature of Debts</b> (Check one box)</p> <p><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."</p> <p><input checked="" type="checkbox"/> Debts are primarily business debts</p>
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<p><b>Filing Fee</b> (Check one box)</p> <p><input checked="" type="checkbox"/> Full Filing Fee attached</p> <p><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 No. 3A.</p> <p><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.</p>	<p><b>Check one box: Chapter 11 Debtors</b></p> <p><input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101(51D)</p> <p><input checked="" type="checkbox"/> Debtor is not a small business as defined in 11 U.S.C. § 101(51D)</p> <p><b>Check if:</b></p> <p><input checked="" type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (<i>amount subject to adjustment on 4/01/13 and every three years thereafter</i>).</p> <p><b>Check all applicable boxes</b></p> <p><input type="checkbox"/> A plan is being filed with this petition.</p> <p><input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes, in accordance with 11 U.S.C. § 1126(b).</p>
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<p><b>Statistical/Administrative Information</b></p> <p><input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.</p> <p><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.</p> <p><b>Estimated Number of Creditors</b></p> <p><input checked="" type="checkbox"/> 1-49    <input type="checkbox"/> 50-99    <input type="checkbox"/> 100-199    <input type="checkbox"/> 200-999    <input type="checkbox"/> 1000-5000    <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</p> <p><b>Estimated Assets</b></p> <p><input type="checkbox"/> \$0 to \$50,000    <input type="checkbox"/> \$50,001 to \$100,000    <input type="checkbox"/> \$100,001 to \$500,000    <input checked="" type="checkbox"/> \$500,001 to \$1 million    <input 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</p> <p><b>Estimated Liabilities</b></p> <p><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</p>	<p><b>THIS SPACE IS FOR COURT USE ONLY</b></p>
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<b>Voluntary Petition</b> (This page must be completed and filed in every case)	Name of Debtor(s): <b>Russell Drive, LLC</b>
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**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location Where Filed: <b>NONE</b>	Case Number:	Date Filed:
Location Where Filed: <b>N.A.</b>	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: <b>NONE</b>	Case Number:	Date Filed:
District:	Relationship:	Judge:

<p align="center"><b>Exhibit A</b></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 type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p align="center"><b>Exhibit B</b></p> <p align="center">(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 delivered to the debtor the notice required by 11 U.S.C. § 342(b).</p> <p><b>X</b> _____ Signature of Attorney for Debtor(s) <span style="float:right">Date</span></p>
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**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

**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 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 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 non bankruptcy 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(1)).

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**Voluntary Petition**  
*(This page must be completed and filed in every case)*

Name of Debtor(s):  
Russell Drive, LLC

**Signatures**

**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.

**X** \_\_\_\_\_  
Signature of Debtor

**X** \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (If not represented by attorney)

\_\_\_\_\_  
Date

**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 § 1515 of title 11 are attached.

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** \_\_\_\_\_  
(Signature of Foreign Representative)

\_\_\_\_\_  
(Printed Name of Foreign Representative)

\_\_\_\_\_  
(Date)

**Signature of Attorney\***

**X** /s/ John W. Alvis  
Signature of Attorney for Debtor(s)

JOHN W. ALVIS 01130000  
Printed Name of Attorney for Debtor(s)

\_\_\_\_\_  
Firm Name

PO Box 1068  
Address

San Marcos, TX 78667-1068

512 350 8144 alvislaw@aol.com  
Telephone Number e-mail

August 1, 2011  
Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**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.

**X** /s/ Charles E. Howard  
Signature of Authorized Individual

CHARLES E. HOWARD  
Printed Name of Authorized Individual

President and Manager  
Title of Authorized Individual

August 1, 2011  
Date

**Signature of Non-Attorney Petition Preparer**

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 setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

\_\_\_\_\_  
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.)

\_\_\_\_\_  
Address

**X** \_\_\_\_\_

\_\_\_\_\_  
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

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.*

**UNITED STATES BANKRUPTCY COURT  
Western District of Texas**

In re Russell Drive, LLC,

Debtor

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 and Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim [if secured also state value of security]</i>
Brothers Landscape Company 8220 W. Hwy 71 Unit 202 Austin, TX 78735	Everto Vences Brothers Landscape Company 8220 W. Hwy 71 Unit 202 Austin, TX 78735 512.983.4999	Landscape services		200.00
Hays & Owens LLP ATTN: John C. Fleming 807 Brazos St. Ste 500 Austin, TX 78701	John C. Fleming 807 Brazos St. Ste 500 Austin, TX 78701 512.472.3993	Legal fees	Unliquidated	1,000.00
First National Bank PO Box 810 Edinburg, TX 78540-0810	Michelle Lerma, Branch Mgr. First National Bank 121 Morgan Blvd. Harlingen, TX 78550 956.364.6104	Bank loan		1,161,067.50 Collateral FMV 519,070.03

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, [the president or other officer or an authorized agent of the corporation] named as debtor in this case, declare under penalty of perjury that I have read the foregoing LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS and that it is true and correct to the best of my information and belief.

Date August 1, 2011

Signature /s/ Charles E. Howard  
CHARLES E. HOWARD,  
President and Manager

**UNITED STATES BANKRUPTCY COURT**  
**Western District of Texas**

In re Russell Drive, LLC \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter 11 \_\_\_\_\_

**List of Equity Security Holders**

<b>Holder of Security</b>	<b>Number Registered</b>	<b>Type of Interest</b>
Charles E. Howard, Trustee 6601 Midwood Pkwy Austin, TX 78736		Member
Martha J. Howard, Trustee 6601 Midwood Pkwy Austin, TX 78736		Member

**Declaration Under Penalty Of Perjury On Behalf Of Corporation Or Partnership**

I, the President and Manager of Russell Drive, LLC, hereby certify under penalty of perjury that I have read the foregoing *List Of Equity Security Holders* and that it is true, correct and complete to the best of my knowledge.

Date: August 1, 2011

Signature    RUSSELL DRIVE, LLC  
Of Debtor

By: /s/ Charles E. Howard  
Charles E. Howard,  
President and Manager

John W. Alvis  
100 Congress Ave., 20<sup>th</sup> Fl., Austin, Texas  
MAILING ADDRESS:  
PO Box 1068  
San Marcos, TX 78667-1068  
(512) 350-8144  
1+(512) 393-3356 - Fax

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

In re

RUSSELL DRIVE, LLC,

Debtor.

CASE NO. 11-  
CHAPTER 11

**Verification Of List Of Creditors**

I hereby certify under penalty of perjury that the attached List Of Creditors is true,  
correct and complete to the best of my knowledge.

Date: August 1, 2011

Signature

Of Debtor

/s/ Charles E. Howard

Charles E. Howard,  
President and Manager,  
Russell Drive, LLC

John W. Alvis  
PO Box 1068  
San Marcos, TX 78667-1068  
(512) 350-8144  
1+(512) 393-3356 - Fax



creditor.scn

Alan D. Monroe  
Lewis, Monroe & Pena  
3111 West Freddy Gonzalez Dr  
Edinburg, TX 78539

Brothers Landscape Company  
8220 W. Hwy 71 Unit 202  
Austin, TX 78735

Charles E. Howard  
6601 Midwood Parkway  
Austin, TX 78736

Charles E. Howard  
Martha J. Howard  
6601 Midwood Parkway  
Austin, TX 78736

Charles E. Howard, Trustee  
6601 Midwood Pkwy  
Austin, TX 78736

CRB Partners, LLC  
PO Box 489  
Harlingen, TX 78551

Donald P. Speers  
3763 Westerman  
Houston, TX 77005

First National Bank  
ATTN: Michelle Lerma  
1221 Morgan Blvd  
Harlingen, TX 78550

First National Bank  
PO Box 810  
Edinburg, TX 78540-0810

Hays & Owens LLP  
ATTN: John C. Fleming  
807 Brazos St. Ste 500  
Austin, TX 78701

Herman Vigil  
Vigil & Associates  
4303 Russell Drive #8  
Austin, TX 78704

Howard Engineers, Inc.  
4303 Russell Drive  
Austin, TX 78704

creditor.scn

Lenz & Associates, Inc.  
Professional Surveyors  
4303 Russell Drive  
Austin, TX 78704

Mark C. Taylor  
Hohmann, Taube & Summers, LLP  
100 Congress Ave #1800  
Austin, TX 78701

Martha J. Howard, Trustee  
6601 Midwood Pkwy  
Austin, TX 78736

Nelda Wells-Spears  
Tax Assessor-Collector  
P. O. Box 149328  
Austin, Texas 78714-9328

Roger L. Youngblood  
1222 Maple Ave.  
Harlingen, TX 78552

Texas Comptroller Public Accts  
Rev. Acct. Div. - Bky Sec.  
PO Box 13528  
Austin, TX 78711

**WAIVER OF NOTICE AND UNANIMOUS CONSENT OF  
THE MEMBERS OF RUSSELL DRIVE, LLC**

On August 1, 2011, Charles E. Howard and Martha J. Howard as Trustees of the *Charles E. And Martha J. Howard Living Trust* dated April 28, 2000, being the only members of Russell Drive, LLC (the "Company"), resolved the following:

RESOLVED that the Company is authorized to file for protection under Chapter 11 of the U. S. Bankruptcy Code;

RESOLVED that Charles E. Howard, as President and Manager of the Company, is authorized to sign any petition or related papers that may be necessary and advisable in the opinion of counsel to effect such Chapter 11 filing, and to otherwise act and appear on behalf of the Company in the prosecution of the case, as well as any conversion or dismissal thereof; and,

RESOLVED that the Company engage John W. Alvis, Law Offices of John W. Alvis, PO Box 1068, San Marcos, TX 78667-1068, as legal counsel for the Company with respect to such bankruptcy court protection, and that John W. Alvis is authorized to work independently and, subject to court approval, in concert with any counsel that may be engaged by the Company's affiliate, CRB Partners, LLC, for similar relief under the U.S. Bankruptcy Code.

Dated: August 1, 2011.

/s/ Charles E. Howard, Trustee  
Charles E. Howard, Trustee,

MEMBER

/s/ Martha J. Howard, Trustee  
Martha J. Howard, Trustee,

MEMBER