Case 09-31938-KRH Doc 1 Filed 03/27/09 Entered 03/27/09 13:11:54 Desc Main Document Page 1 of 9

BI (Official	United States Bankruptcy Court Eastern District of Virginia						Voluntary	Petition				
Name of Do Virginia	ebtor (if ind Retireme			. ,			Name	of Joint De	ebtor (Spouse	e) (Last, First	, Middle):	
(include mai	All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): DBA Magnolias of Chesterfield					All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):						
Last four dig (if more than 20-2753	one, state all)	Sec. or Indi	ividual-Tax _I	payer I.D.	(ITIN) No./	Complete E		our digits o		r Individual-	Taxpayer I.D. (ITIN) N	o./Complete EIN
Street Addre	ess of Debto ourt Yard	*	Street, City,	, and State		ZIP Code		Address of	f Joint Debtor	r (No. and St	reet, City, and State):	ZIP Code
County of R		of the Prin	cipal Place	of Busines		23831	Count	y of Reside	ence or of the	Principal Pl	ace of Business:	
	dress of Det d Leaf Te nville, GA Principal A	errace ssets of Bus	siness Debto		, 	ZIP Code 30534		ng Address	of Joint Debi	tor (if differe	nt from street address):	ZIP Code
☐ Corporat ☐ Partnersl ☐ Other (If	(Form of C (Check al (includes ibit D on pa tion (include	ge 2 of this es LLC and t one of the a	form. LLP) bove entities,	Sing in 1 Rail Stool	(Checl ulth Care Bu gle Asset Ro 1 U.S.C. § Iroad ckbroker nmodity Br aring Bank er	eal Estate a: 101 (51B) oker	s defined	☐ Chapt☐	the 1 ter 7 ter 9 ter 11 ter 12	Petition is F	ptcy Code Under Whi iled (Check one box) hapter 15 Petition for R a Foreign Main Procee hapter 15 Petition for R a Foreign Nonmain Pr e of Debts k one box)	decognition eding decognition
				und	(Check box otor is a tax- ler Title 26 de (the Inter	of the Unite	e) ganization ed States	defined "incurr	are primarily cod in 11 U.S.C. ared by an indivioual, family, or	onsumer debts § 101(8) as idual primarily	Debts busin	s are primarily ess debts.
is unable	ee to be paid gned applic e to pay fee	ched d in installmation for the except in inception in the except	e court's constallments.	cable to industrial cases to include the cases of the cas	certifying to the certifying to the certifying to the certifying the certification of the certifying the certifying to the certifying the certifying to the certifying the certifying the certifying the certifying the certifying the certifying the certification of the certification o	that the debicial Form 3A only). Must	tor Check	Debtor is x if: Debtor's ato insiders x all applica A plan is Acceptance	a small busing not a small busing aggregate not a affiliates able boxes: being filed words of the pla	ncontingent land are less that with this petition were solic	s defined in 11 U.S.C. § or as defined in 11 U.S iquidated debts (excludin \$2,190,000.	C. § 101(51D). ling debts owed e or more
Debtor e	estimates tha	at funds will at, after any	l be available exempt pro	le for distri perty is ex	cluded and	nsecured cr administrat	editors.	64 ***	<u> </u>		S SPACE IS FOR COURT	<u> </u>
Estimated N 1- 49	Tumber of C 50- 99	reditors 100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated A So to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion			
Estimated L	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				

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B1 (Official Form 1)(1/08) Page 2 Name of Debtor(s): Voluntary Petition Virginia Retirement Services of Chesterfield, L.L.C. (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) Case Number: Location Date Filed: Where Filed: - None -Location Case Number: Date Filed: Where 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 B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission 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 pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) (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. 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(1)).

Page 3 of 9 Document B1 (Official Form 1)(1/08)

Voluntary Petition

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

Name of Debtor(s):

Virginia Retirement Services of Chesterfield, L.L.C.

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.

Signature of Debtor

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney*

X /s/ Roy M. Terry, Jr.

Signature of Attorney for Debtor(s)

Roy M. Terry, Jr. VSB No. 17764

Printed Name of Attorney for Debtor(s)

DurretteBradshaw PLC

Firm Name

600 E. Main Street, 20th Floor Richmond, VA 23219

Address

804.775.6900 Fax: 804.775.6911

Telephone Number

March 26, 2009

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/ Ben S. Read, Jr.

Signature of Authorized Individual

Ben S. Read, Jr.

Printed Name of Authorized Individual

Manager

Title of Authorized Individual

March 26, 2009

Date

Signature of a Foreign Representative

Page 3

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.
- ☐ 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.

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy 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(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.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy 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.)

		_	

Date

Address

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.

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B4 (Official Form 4) (12/07)

United States Bankruptcy Court Eastern District of Virginia

In re	Virginia Retirement Services of Chesterfield, L.L.C.	Case No.	
	Debtor(s)	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]
Branch Bank & Trust c/o Cawthorn, Picard, Rowe 1409 Eastridge Road Richmond, VA 23229	Branch Bank & Trust c/o Cawthorn, Picard, Rowe 1409 Eastridge Road Richmond, VA 23229	6701 Court Yard Road Chester, VA 23831 2008 Tax Assessment:\$ 2,225,100		2,650,000.00 (2,225,100.00 secured)
Branch Banking & Trust Company 823 East Main Street, 9th Flr Richmond, VA 23219	Branch Banking & Trust Company 823 East Main Street, 9th Flr Richmond, VA 23219	Funding for operations January '06 to June '08		175,000.00 (0.00 secured)
Internal Revenue Service P.O. Box 30309 Memphis, TN 38130-0309	Internal Revenue Service P.O. Box 30309 Memphis, TN 38130-0309	Employee tax deposits 4th quarter 2008 and January/February 2009		62,391.78
Employment Law Group 888 17th Street, NW, Suite 900 Washington, DC 20006-3307	Employment Law Group 888 17th Street, NW, Suite 900 Washington, DC 20006-3307	Wrongful discharge		36,250.00
Chesterfield County Box 124 Chesterfield, VA 23832-0124	Chesterfield County Box 124 Chesterfield, VA 23832-0124	Personal Property taxes		13,085.19
Virginia Linen Service P.O. Box 869 Petersburg, VA 23804	Virginia Linen Service P.O. Box 869 Petersburg, VA 23804	Contract for linen service		4,500.00
Independence Communications 2500 Waco Street Richmond, VA 23294	Independence Communications 2500 Waco Street Richmond, VA 23294	Muzak		4,205.00
Home Paramount Box 727 Forest Hill, MD 21050-0727	Home Paramount Box 727 Forest Hill, MD 21050-0727	Service to correct termite issues		4,143.00
Simplex Grinnell 50 Technology Drive Westminster, MA 01441	Simplex Grinnell 50 Technology Drive Westminster, MA 01441	Monitor fire and nurse call system		2,562.00

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B4 (Offic	cial Form 4) (12/07) - Cont.		
In re	Virginia Retirement Services of Chesterfield, L.L.C.	Case No.	
	Debtor(s)		

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(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]
Nurse Advantage 1014 Midlothian Tnpk Richmond, VA 23235-4815	Nurse Advantage 1014 Midlothian Tnpk Richmond, VA 23235-4815	Staffing for nurses		2,411.13
Daubers, Inc. 2407 Ownby Lane Richmond, VA 23220	Daubers, Inc. 2407 Ownby Lane Richmond, VA 23220	Stove and freezer repairs		1,632.86
Rutherford Janitorial 2522 Hermitage Road Richmond, VA 23220	Rutherford Janitorial 2522 Hermitage Road Richmond, VA 23220	Janitorial supplies		1,500.00
Ecolab c/o GCS Credit Dept. Saint Paul, MN 55102-2303	Ecolab c/o GCS Credit Dept. Saint Paul, MN 55102-2303	Repairs to dishwasher		1,109.66
First Choice Nurses 5310 Market Street, Suite 105A Richmond, VA 23230	First Choice Nurses 5310 Market Street, Suite 105A Richmond, VA 23230	Staffing for nurses		1,040.25
Grass Roots Lawn Care 10400 Chester Road Chester, VA 23831	Grass Roots Lawn Care 10400 Chester Road Chester, VA 23831	Lawn care service		1,000.00
Family Care Pharmacy 2576 Gayton Centre Drive Richmond, VA 23238	Family Care Pharmacy 2576 Gayton Centre Drive Richmond, VA 23238	Nursing supplies		882.53
Restaurant Equipment Repair 2011 West Broad Street Richmond, VA 23220	Restaurant Equipment Repair 2011 West Broad Street Richmond, VA 23220	Kitchen repairs		103.95
ThompsonMcMullan 100 Shockoe Slip Richmond, VA 23219	ThompsonMcMullan 100 Shockoe Slip Richmond, VA 23219			1.00

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

I, the Manager 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	March 26, 2009	Signature	/s/ Ben S. Read, Jr.
			Ben S. Read, Jr.
			Manager

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

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United States Bankruptcy Court Eastern District of Virginia

	Eastern District of Virgin	ia	
In re Virginia Retirement Services of Che	esterfield, L.L.C.	Case No.	
	Debtor	, Chapter	11
LIST C Following is the list of the Debtor's equity security	OF EQUITY SECURITY y holders which is prepared in acco)(3) for filing in this chapter 11 cas
Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Pauline H. Read 203 Gold Leaf Terace Dawsonville, GA 30534			75% ownership
Young Kwon			25% ownership
DECLARATION UNDER PENALTY I, the Manager of the corporation of foregoing List of Equity Security Holds Date March 26, 2009	named as the debtor in this case, ers and that it is true and correct Signature_	declare under penalty of the best of my information of the best of my information.	of perjury that I have read the
		en S. Read, Jr. Ianager	
Penalty for making a false statement or con	ncealing property: Fine of up to \$ 18 U.S.C §§ 152 and 3:		ent for up to 5 years or both.

United States Bankruptcy Court Eastern District of Virginia

In re	Virginia Retirement Services of Chesterfield, L.L.C.	Case No.		
-	Debtor			
		Chapter	11	

DECLARATION OF DIVISIONAL VENUE

The debtor's domicile, residence, principal place of business or principal assets were located for the greater part of the 180 days preceding the filing of the bankruptcy petition in the indicated city or county [check one box only]:

Alexandria Division	Richmond Division	Norfolk Division	Newport News Division
Cities:	Cities:	Cities:	Cities:
☐ Alexandria-510	☐ Richmond (city)-760	□ Norfolk-710	☐ Newport News-700
☐ Fairfax-600	☐ Colonial Heights-570	☐ Cape Charles-535	☐ Hampton-650
☐ Falls Church-610	☐ Emporia-595	☐ Chesapeake-550	☐ Poquoson-735
☐ Manassas-683	☐ Fredericksburg-630	☐ Franklin-620	☐ Williamsburg-830
☐ Manassas Park-685	☐ Hopewell-670	☐ Portsmouth-740	Counties:
Counties:	Petersburg-730	☐ Suffolk-800	☐ Gloucester-073
☐ Arlington-013	Counties:	☐ Virginia Beach-810	☐ James City-095
☐ Fairfax-059	☐ Amelia-007	Counties:	☐ Mathews-115
☐ Fauquier-061	☐ Brunswick-025	Accomack-001	☐ York-199
Loudoun-107	☐ Caroline-033	☐ Isle of Wight-093	_ 10111 199
☐ Prince William-153	☐ Charles City-036	□ Northampton-131	
☐ Stafford-179	Chesterfield-041	☐ Southampton-175	
	☐ Dinwiddie-053		
	☐ Essex-057		
	☐ Goochland-075		
	☐ Greensville-081		
	☐ Hanover-085		
	☐ Henrico-087		
	☐ King and Queen-097		
	☐ King George-099		
	☐ King William-101		
	☐ Lancaster-103		
	☐ Lunenburg-111		
	☐ Mecklenburg-117		
	☐ Middlesex-119		
	☐ New Kent-127		
	☐ Northumberland-133	Date: March 26, 2009	
	□ Nottoway-135	Date:March 26, 2009	
	☐ Powhatan-145		
	☐ Prince Edward-147		
	☐ Prince George-149	/s/ Roy M. Terry, Jr.	
	☐ Richmond (county)-159		
	☐ Spotsylvania-177	Signature of Attorney Roy M. Terry, Jr. VSB No	17764
	☐ Surry-181	NOy W. Terry, Jr. V3B NC	. 177 04
	☐ Sussex-183		
	☐ Westmoreland-193		
☐ There is a bankruptcy case of			
general partner, or partnersh	ip pending in this Division.		

Alsco 5616 Shell Road Virginia Beach, VA 23455

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Virginia Retirement Services of Chest 50 Technology Drive Westminster, MA 01441

Branch Bank & Trust c/o Cawthorn, Picard, Rowe 1409 Eastridge Road Richmond, VA 23229

Grass Roots Lawn Care 10400 Chester Road Chester, VA 23831

ThompsonMcMullan 100 Shockoe Slip Richmond, VA 23219

Branch Banking & Trust Company 823 East Main Street, 9th Flr Richmond, VA 23219

Home Paramount Box 727 Forest Hill, MD 21050-0727 Virginia Linen Service P.O. Box 869 Petersburg, VA 23804

Caldwell & Gregory 129 Broad Street Road Manakin Sabot, VA 23103

Independence Communications 2500 Waco Street Richmond, VA 23294

Chesterfield County Box 124 Chesterfield, VA 23832-0124 Independence Communications c/o Stephen C. Lewis, PC 9017 Forest Hill Ave, Ste 4B Richmond, VA 23235

Data Technologies 3941 Deep Rock Road Richmond, VA 23233

Internal Revenue Service P.O. Box 30309 Memphis, TN 38130-0309

Daubers, Inc. 2407 Ownby Lane Richmond, VA 23220 Nurse Advantage 1014 Midlothian Tnpk Richmond, VA 23235-4815

Ecolab c/o GCS Credit Dept. Saint Paul, MN 55102-2303 Paladin Funding Corp Box 62303 Virginia Beach, VA 23466-2303

Employment Law Group 888 17th Street, NW, Suite 900 Washington, DC 20006-3307

Restaurant Equipment Repair 2011 West Broad Street Richmond, VA 23220

Family Care Pharmacy 2576 Gayton Centre Drive Richmond, VA 23238

Rutherford Janitorial 2522 Hermitage Road Richmond, VA 23220

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United States Bankruptcy Court Eastern District of Virginia

In re Virginia Retirement Services of Chesto	erfield, L.L.C.	Case No.	
	Debtor(s)	Chapter	11
CORPORATE	OWNERSHIP STATEMENT (R	EULE 7007.1)	
Pursuant to Federal Rule of Bankruptcy Procor recusal, the undersigned counsel for <u>Virg</u> action, certifies that the following is a (are) c indirectly own(s) 10% or more of any class o report under FRBP 7007.1:	inia Retirement Services of Chesterf corporation(s), other than the debtor	field, L.L.C. ir r or a governme	the above captioned ental unit, that directly or
■ None [<i>Check if applicable</i>]			
- None [eneck if applicable]			
Marrals 20, 2000	/o/ Dow M. Towns. In		
March 26, 2009 Date	/s/ Roy M. Terry, Jr. Roy M. Terry, Jr.		
Date	Signature of Attorney or Litigan	t	
	Counsel for Virginia Retirement	t Services of Cl	nesterfield, L.L.C.
	DurretteBradshaw PLC		,
	600 E. Main Street, 20th Floor		
	Richmond, VA 23219		
	804.775.6900 Fax:804.775.6911		