B1 (Official	Form 1)(1/9	08)										
	United States Bankruptcy C Eastern District of Virginia							Voluntary Petition				
	Name of Debtor (if individual, enter Last, First, Middle):  Morgan Enterprises, Inc.					Name	of Joint De	ebtor (Spouse	e) (Last, First	, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):  DBA Schlotzsky's Deli								Joint Debtor trade names	in the last 8 years ):			
	one, state all)		ividual-Taxpa	ayer I.D. (	ITIN) No./0	Complete E		our digits o		r Individual-7	Taxpayer I.D. (ITIN) No	o./Complete EIN
116 Cap	ess of Debto otain Grav sburg, V <i>A</i>	/es	Street, City, a	and State)	:			Address of	Joint Debtor	r (No. and Str	reet, City, and State):	
					Г	ZIP Code <b>23185</b>						ZIP Code
County of R James (		of the Prin	cipal Place of	f Business	3:	20100	Count	y of Reside	ence or of the	Principal Pla	ace of Business:	•
Mailing Ado	dress of Deb	otor (if diffe	erent from str	eet addres	s):		Mailir	ng Address	of Joint Debt	tor (if differe	nt from street address):	
					Г	ZIP Code	:					ZIP Code
Location of (if different			siness Debtor ove):			ferson Av Iews, VA						
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.)			☐ Sing in I ☐ Raili ☐ Stoc ☐ Com ☐ Clea ☐ Othe ☐ Debt	(Check Ith Care Bu gle Asset Re I U.S.C. § road ckbroker mmodity Bre ring Bank er  Tax-Exe (Check box tor is a tax-	eal Estate as 101 (51B)	s defined	defined	the later 7 er 9 er 11 er 12 er 13 are primarily cold in 11 U.S.C.	Petition is Fi	busine	ecognition ding ecognition	
■ EII EII	F#	_	ee (Check or		e (the Inter	nal Revenu	Check	one box:		Chapter 11		101(51D)
<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>				Check	Debtor is a if: Debtor's a to insiders all applica A plan is Acceptance	aggregate not a sor affiliates; ble boxes: being filed wces of the pla	ncontingent I are less than with this petition were solici	or as defined in 11 U.S. iquidated debts (exclud a \$2,190,000.	C. § 101(51D).  ing debts owed  e or more			
Statistical/Administrative Information  ■ Debtor estimates that funds will be available for distribution to unsecured credit  □ Debtor estimates that, after any exempt property is excluded and administrative there will be no funds available for distribution to unsecured creditors.					es paid,		THIS	S SPACE IS FOR COURT	USE ONLY			
Estimated N	Number of C  50- 99	reditors  100- 199	200-	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	\$50,001 to \$100,000	\$100,001 to \$500,000	to \$1	\$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				
Estimated L  \$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	to \$1	\$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			

B1 (Official Form 1)(1/08) Page 2 Name of Debtor(s): Voluntary Petition Morgan Enterprises, Inc. (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 required by 11 U.S.C. §342(b). and is requesting relief under chapter 11.) ☐ 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)).

B1 (Official Form 1)(1/08)

## **Voluntary Petition**

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

#### 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 Attorney\*

#### X /s/ Karen M. Crowley VSB

Signature of Attorney for Debtor(s)

#### Karen M. Crowley VSB #35881

Printed Name of Attorney for Debtor(s)

### Crowley, Liberatore & Ryan, PC

Firm Name

1435 Crossways Blvd Suite 300

Chesapeake, VA 23320-2896

Address

#### (757) 333-4500 Fax: (757) 333-4501

Telephone Number

### **September 28, 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/ Gary H. Sartor

Signature of Authorized Individual

#### Gary H. Sartor

Printed Name of Authorized Individual

#### President

Title of Authorized Individual

#### **September 28, 2009**

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.)

Name of Debtor(s):

Morgan Enterprises, Inc.

- ☐ 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.

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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.

## **United States Bankruptcy Court Eastern District of Virginia**

In re	Morgan Enterprises, Inc.			
		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]
Action First Aid 2021 Halmark Way Chesapeake, VA 23323	Action First Aid 2021 Halmark Way Chesapeake, VA 23323	Vendor		466.20
American Express PO Box 640448 Dallas, TX 75265-0448	American Express PO Box 640448 Dallas, TX 75265-0448	Credit card purchases		2,921.42
American Express PO Box 650448 Dallas, TX 75265-0448	American Express PO Box 650448 Dallas, TX 75265-0448	Credit card purchases		2,468.43
Bay Disposal 465 E. Indian River Road Norfolk, VA 23523	Bay Disposal 465 E. Indian River Road Norfolk, VA 23523	Trade debt		672.00
Capital One - VISA PO Box 6492 Carol Stream, IL 60197-6492	Capital One - VISA PO Box 6492 Carol Stream, IL 60197-6492	Credit card purchases		1,327.22
Coliseum Crossing Associates c/o John D. McIntyre One Commercial Place Ste 1800 Norfolk, VA 23510	Coliseum Crossing Associates c/o John D. McIntyre One Commercial Place Norfolk, VA 23510	Deficiency on lease		41,000.00
Cynthia Turner 6734 W. Grovers Glendale, AZ 85308	Cynthia Turner 6734 W. Grovers Glendale, AZ 85308	Insider		79,789.00
Dominion Virginia Power PO Box 26543 Richmond, VA 23290-0001	Dominion Virginia Power PO Box 26543 Richmond, VA 23290-0001	Utility Bill		1,398.00
Endurance Network Serv 4876 Princess Anne Road Ste 118, PMB 266 Virginia Beach, VA 23462	Endurance Network Serv 4876 Princess Anne Road Ste 118, PMB 266 Virginia Beach, VA 23462	Professional services		460.00
Hobart ITW Food Equipment Group 911 Live Oak Drive, Ste 108 Bldg 4 Chesapeake, VA 23320	Hobart ITW Food Equipment Group 911 Live Oak Drive, Ste 108 Bldg 4 Chesapeake, VA 23320	Vendor		1,035.45

B4 (Offi	icial Form 4) (12/07) - Cont.	
In re	Morgan Enterprises, Inc.	

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]
HRSD PO Box 1651 Norfolk, VA 23501-1651	HRSD PO Box 1651 Norfolk, VA 23501-1651	Utility Bill		10,500.00
Let Us Produce 3587 Argonne Avenue Norfolk, VA 23509	Let Us Produce 3587 Argonne Avenue Norfolk, VA 23509	Vendor		1,542.30
Lorilar Enterprises, Inc. 246 E. Main Street Norfolk, VA 23510	Lorilar Enterprises, Inc. 246 E. Main Street Norfolk, VA 23510	Vendor		650.00
Monica & Kulwant Sahi 13811 63rd Place W Edmonds, WA 98026	Monica & Kulwant Sahi 13811 63rd Place W Edmonds, WA 98026	Insider		200,000.00
Newport News Treasurer Marty G. Eubank, Trasurer PO Box 975 Newport News, VA 23607- 0975	Newport News Treasurer Marty G. Eubank, Trasurer PO Box 975 Newport News, VA 23607-0975	Taxes		1,418.00
REPS 207 Pennsylvania Avenue Virginia Beach, VA 23462	REPS 207 Pennsylvania Avenue Virginia Beach, VA 23462	Vendor		541.33
Sams Club PO Box 981064 El Paso, TX 79998-1064	Sams Club PO Box 981064 El Paso, TX 79998-1064	Vendor		510.25
Supreme Foods, Inc. 1201 Progress Road Suffolk, VA 23434	Supreme Foods, Inc. 1201 Progress Road Suffolk, VA 23434	Vendor		9,047.92
Virginia Natural Gas PO Box 70840 Charlotte, NC 28272-0480	Virginia Natural Gas PO Box 70840 Charlotte, NC 28272-0480	Utility Bill		323.71
Wilcox Produce 9516 Jefferson Avenue Newport News, VA 23605	Wilcox Produce 9516 Jefferson Avenue Newport News, VA 23605	Vendor		473.00

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

I, the President 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	September 28, 2009	Signature	/s/ Gary H. Sartor
			Gary H. Sartor
			President

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.

# **United States Bankruptcy Court Eastern District of Virginia**

In re	Morgan Enterprises, Inc.		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:
<b>Counties:</b>	☐ 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	
☐ 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: September 28, 2	2000
	☐ Nottoway-135	Date: September 28, 2	
	☐ Powhatan-145		
	☐ Prince Edward-147		
	☐ Prince George-149	/s/ Karen M. Crowley VS	· D
	☐ Richmond (county)-159		
	☐ Spotsylvania-177	Signature of Attorney Karen M. Crowley VSB #	425001
	☐ Surry-181	Ratell W. Crowley VSB #	+3300 I
	☐ Sussex-183		
	☐ Westmoreland-193		
☐ There is a bankruptcy case of	concerning debtor's affiliate,		

general partner, or partnership pending in this Division.

Action First Aid 2021 Halmark Way Chesapeake, VA 23323

Airgas National Carboniation PO Box 601985 Charlotte, NC 28260-1985

American Express PO Box 650448 Dallas, TX 75265-0448

American Express PO Box 640448 Dallas, TX 75265-0448

Anthem Healthkeepers Peninsula Health Care, Inc. PO Box 17499 Baltimore, MD 21297-1499

Bay Disposal 465 E. Indian River Road Norfolk, VA 23523

Capital One - VISA PO Box 6492 Carol Stream, IL 60197-6492

Cavalier Telephone PO Box 9001111 Louisville, KY 40290-1111

Coliseum Crossing Associates c/o John D. McIntyre One Commercial Place Ste 1800 Norfolk, VA 23510

Commissioner of the Revenue Charles D. Crowson, Jr. 2400 Washington Avenue Newport News, VA 23607-4389 Cox Communication PO Box 183124 Columbus, OH 43218-3124

Cox Communications PO Box 183124 Columbus, OH 43218-3124

Cynthia Turner 6734 W. Grovers Glendale, AZ 85308

D. Craig Brown, Property Manager Robert Brown & Associates 5800 Lake Wright Drive, Ste 104 Norfolk, VA 23502-1804

Delta Dental Plan of VA PO Box 758722 Baltimore, MD 21275-8722

Dominion Virginia Power PO Box 26543 Richmond, VA 23290-0001

Dynamic Sound & Video 13300 Pole Run Road Disputanta, VA 23842

Endurance Network Serv 4876 Princess Anne Road Ste 118, PMB 266 Virginia Beach, VA 23462

Erie Insurance 13185 Warwick Blvd Newport News, VA 23602

Gary and Kae Sartor 116 Captaine Graves Williamsburg, VA 23185

Gordon Food Service P.O. Box 1787□□ Grand Rapids, MI 49501 Hobart ITW Food Equipment Group 911 Live Oak Drive, Ste 108 Bldg 4 Chesapeake, VA 23320

HRSD PO Box 1651 Norfolk, VA 23501-1651

Internal Revenue Service Philadelphia, PA 19154-0030

Let Us Produce 3587 Argonne Avenue Norfolk, VA 23509

Lorilar Enterprises, Inc. 246 E. Main Street Norfolk, VA 23510

Monica & Kulwant Sahi 13811 63rd Place W Edmonds, WA 98026

Nationwide Mutual Insurance PO Box 90640 Charlotte, NC 28296

Newport News Treasurer Marty G. Eubank, Trasurer PO Box 975 Newport News, VA 23607-0975

Newport News Waterworks PO Box 979 Newport News, VA 23607-0979

Payday Payroll 6465 College Park Drive Virginia Beach, VA 23464

Portwarwick Conservancy Inc. c/o UPA PO Box 2776 Norfolk, VA 23501-2776 R&M Supply Company PO Box 175 Norfolk, VA 23501

REPS 207 Pennsylvania Avenue Virginia Beach, VA 23462

S&D Coffee, Inc. PO Box 1828 Concord, NC 28026-1628

Sams Club PO Box 981064 El Paso, TX 79998-1064

Schlotzsky's Franchise, LLC Chanda Hall, Esq. 200 Glenridge Point Parkway Ste 200 Atlanta, GA 30342

Simmons Lawn & Landscaping 322 Freedom Blvd., Ste B Yorktown, VA 23692

Supreme Foods, Inc. 1201 Progress Road Suffolk, VA 23434

Tidewater Financial Corp. 500 East Main Street Norfolk, VA 23510

Towne Bank PO Box 7188 Portsmouth, VA 23707-0188

Verizon PO Box 4003 Acworth, GA 30101

Virginia Beach Beverage PO Box 9035 Charlottesville, VA 22296-9035 Virginia Department of Taxation PO Box 26626 Richmond, VA 23261-6626

Virginia Natural Gas PO Box 70840 Charlotte, NC 28272-0480

West Coast Life Insurance 2801 Hwy 280 South Birmingham, AL 35223

Wilcox Produce 9516 Jefferson Avenue Newport News, VA 23605