

B1 (Official Form 1)(04/13)

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

**Voluntary Petition**

Name of Debtor (if individual, enter Last, First, Middle): <b>Heritage Foods Jacksonville, Inc.</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):	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)/Complete EIN (if more than one, state all) <b>20-4356764</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>215 Western Blvd. Suite 400 Jacksonville, NC</b>	Street Address of Joint Debtor (No. and Street, City, and State):
ZIP Code <b>28546</b>	ZIP Code
County of Residence or of the Principal Place of Business: <b>City of Norfolk</b>	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): <b>9403 Morwin Street Norfolk, VA</b>	Mailing Address of Joint Debtor (if different from street address):
ZIP Code <b>23503</b>	ZIP Code

Location of Principal Assets of Business Debtor (if different from street address above):

<b>Type of Debtor</b> (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	<b>Nature of Business</b> (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
<b>Chapter 15 Debtors</b> Country of debtor's center of main interests:  Each country in which a foreign proceeding by, regarding, or against debtor is pending:	<b>Tax-Exempt Entity</b> (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	<b>Nature of Debts</b> (Check one box) <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." <input checked="" type="checkbox"/> Debts are primarily business debts.

<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <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 3A. <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.	<b>Chapter 11 Debtors</b> Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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<b>Statistical/Administrative Information</b> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" 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.	THIS SPACE IS FOR COURT USE ONLY
<b>Estimated Number of Creditors</b> <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <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	
<b>Estimated Assets</b> <input checked="" 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 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	
<b>Estimated Liabilities</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input 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><b>Voluntary Petition</b></p> <p><i>(This page must be completed and filed in every case)</i></p>	<p>Name of Debtor(s): <b>Heritage Foods Jacksonville, Inc.</b></p>
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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:
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Location Where Filed:	Case Number:	Date Filed:
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**Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor** (If more than one, attach additional sheet)

Name of Debtor: <b>Todd Carey Waldemar</b>	Case Number: <b>13-71815-FJS</b>	Date Filed: <b>5/13/13</b>
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District: <b>Eastern District of Virginia (Norfolk)</b>	Relationship: <b>Officer of Cororation</b>	Judge: <b>Frank J. Santoro</b>
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<p style="text-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 style="text-align: center;"><b>Exhibit B</b></p> <p>(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) (Date)</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 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 with 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(l)).

**Voluntary Petition**

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

Name of Debtor(s):

**Heritage Foods Jacksonville, Inc.**

**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 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.

**X** \_\_\_\_\_  
Signature of Foreign Representative

\_\_\_\_\_  
Printed Name of Foreign Representative

\_\_\_\_\_  
Date

**Signature of Attorney\***

**X** /s/ Joseph T. Liberatore VSB  
Signature of Attorney for Debtor(s)

Joseph T. Liberatore VSB #32302  
Printed Name of Attorney for Debtor(s)

Crowley, Liberatore, Ryan & Brogan, PC  
Firm Name

Town Point Center, Suite 300  
150 Boush Street  
Norfolk, VA 23510

\_\_\_\_\_  
Address

(757) 333-4500 Fax: (757) 333-4501  
Telephone Number

February 3, 2014  
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 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 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.*

**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/ Todd Waldemar  
Signature of Authorized Individual

Todd Waldemar  
Printed Name of Authorized Individual

President  
Title of Authorized Individual

February 3, 2014  
Date

B4 (Official Form 4) (12/07)

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

In re Heritage Foods Jacksonville, Inc.

Debtor(s)

Case No.

Chapter 11

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

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
<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>
<b>A I Insurance Group PO Box 80568 Athens, GA 30608</b>	<b>A I Insurance Group PO Box 80568 Athens, GA 30608</b>	<b>Business Debt - Heritage Foods of VA Beach</b>		<b>1,778.00</b>
<b>Aetna Inc. Citibank Lockbox Operation 1615 Brett Rd New Castle, DE 19720-2425</b>	<b>Aetna Inc. Citibank Lockbox Operation 1615 Brett Rd New Castle, DE 19720-2425</b>	<b>Health Insurance</b>	<b>Subject to Setoff</b>	<b>6,579.00</b>
<b>Cintas Corp PO Box 630803 Cincinnati, OH 45263-0803</b>	<b>Cintas Corp PO Box 630803 Cincinnati, OH 45263-0803</b>	<b>Business Debt</b>		<b>550.00</b>
<b>CIT Small Business Lending PO Box 1529 Livingston, NJ 07039-1529</b>	<b>CIT Small Business Lending PO Box 1529 Livingston, NJ 07039-1529</b>	<b>Business Debt - Securing inventory, equipment, fixtures, chattel paper and general intangibles</b>		<b>121,000.00</b>
<b>CIT Small Business Lending PO Box 1529 Livingston, NJ 07039-1529</b>	<b>CIT Small Business Lending PO Box 1529 Livingston, NJ 07039-1529</b>	<b>Business Equipment, furniture and furnishings used to operate Wing Zone store.</b>		<b>90,000.00  (10,000.00 secured)</b>
<b>Coca Cola USA 1 Coca Cola Plaza USA 10B4 C Atlanta, GA 30313</b>	<b>Coca Cola USA 1 Coca Cola Plaza USA 10B4 C Atlanta, GA 30313</b>	<b>Business Debt</b>		<b>400.00</b>
<b>Gordon Food Service 1300 Gezon Parkwy SW Wyoming, MI 49509-9300</b>	<b>Gordon Food Service 1300 Gezon Parkwy SW Wyoming, MI 49509-9300</b>	<b>Business Debt - Norfolk Food Bill</b>		<b>18,000.00</b>
<b>Mobivity 4960 S Gilbert Rd Suite 1-221 Chandler, AZ 85249</b>	<b>Mobivity 4960 S Gilbert Rd Suite 1-221 Chandler, AZ 85249</b>	<b>BUSINESS DEBT - Texting company</b>		<b>200.00</b>

B4 (Official Form 4) (12/07) - Cont.

In re **Heritage Foods Jacksonville, Inc.**

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

Debtor(s)

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

(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <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>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
<b>Philip R. Farthing, P.C. Attorney and Counselor at Law Suite 1800, Wells Fargo Norfolk, VA 23510-6664</b>	<b>Philip R. Farthing, P.C. Attorney and Counselor at Law Suite 1800, Wells Fargo Norfolk, VA 23510-6664</b>	<b>BUSINESS DEBT - Attorney fees</b>		<b>2,546.45</b>
<b>Southeastern Building Corp. Suite 250 900 Ridgefield Drive Raleigh, NC 27609</b>	<b>Southeastern Building Corp. Suite 250 900 Ridgefield Drive Raleigh, NC 27609</b>	<b>Business Debt</b>		<b>3,500.00</b>
<b>Travelers Travelers Service Center PO Box 1564 Elmira, NY 14902-1564</b>	<b>Travelers Travelers Service Center PO Box 1564 Elmira, NY 14902-1564</b>	<b>Business Debt</b>	<b>Disputed</b>	<b>3,000.00</b>
<b>US Dept of Labor - Wage and Hour Div Charlotte NC Area Office 3800 Arco Corporate Dr, Ste 460 Charlotte, VA 28723</b>	<b>US Dept of Labor - Wage and Hour Div Charlotte NC Area Office 3800 Arco Corporate Dr, Ste 460 Charlotte, VA 28723</b>	<b>BUSINESS DEBT - Government Agency Fed Labor Board found some employees owed back wages from previous yrs. Payment plan of apx \$500/mo.</b>	<b>Contingent</b>	<b>13,940.41</b>

B4 (Official Form 4) (12/07) - Cont.

In re Heritage Foods Jacksonville, Inc.

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

Debtor(s)

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

(Continuation Sheet)

**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 February 3, 2014

Signature /s/ Todd Waldemar

**Todd Waldemar**  
**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.

A I Insurance Group  
PO Box 80568  
Athens, GA 30608

Aetna Inc.  
Citibank Lockbox Operation  
1615 Brett Rd  
New Castle, DE 19720-2425

Cintas Corp  
PO Box 630803  
Cincinnati, OH 45263-0803

CIT Small Business Lending  
PO Box 1529  
Livingston, NJ 07039-1529

Coca Cola USA  
1 Coca Cola Plaza USA 10B4 C  
Atlanta, GA 30313

Gordon Food Service  
1300 Gezon Parkwy SW  
Wyoming, MI 49509-9300

Internal Revenue Service  
P. O. Box 7346  
Philadelphia, PA 19101-7346

Mobivity  
4960 S Gilbert Rd  
Suite 1-221  
Chandler, AZ 85249

NC Department of Revenue  
PO Box 25000  
Raleigh, NC 27640-0640

Philip R. Farthing, P.C.  
Attorney and Counselor at Law  
Suite 1800, Wells Fargo  
Norfolk, VA 23510-6664

Premium Assignment Corporation  
PO Box 8800  
Tallahassee, FL 32314

Small Business Administration  
Richmond District Office  
Federal Building  
400 N. 8th Street, #1150  
Richmond, VA 23240

Southeastern Building Corp.  
Suite 250  
900 Ridgefield Drive  
Raleigh, NC 27609

Travelers  
Travelers Service Center  
PO Box 1564  
Elmira, NY 14902-1564

US Dept of Labor - Wage and Hour Div  
Charlotte NC Area Office  
3800 Arco Corporate Dr, Ste 460  
Charlotte, VA 28723



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

In re Heritage Foods Jacksonville, Inc.

Debtor(s)

Case No.

Chapter 11

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Heritage Foods Jacksonville, Inc. in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

**Heritage Foods Holding Corp.**  
**c-o Todd C. Waldemar, President**  
**9403 Morwin Street**  
**Norfolk, VA 23503**

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None [*Check if applicable*]

**February 3, 2014**

Date

**/s/ Joseph T. Liberatore VSB**

**Joseph T. Liberatore VSB #32302**

Signature of Attorney or Litigant

Counsel for Heritage Foods Jacksonville, Inc.

**Crowley, Liberatore, Ryan & Brogan, PC**

**Town Point Center, Suite 300**

**150 Boush Street**

**Norfolk, VA 23510**

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