

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF VIRGINIA

Case number (if known) Chapter 11

Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, Instructions for Bankruptcy Forms for Non-Individuals, is available.

1. Debtor's name Wayne T. Heath Farms, Inc.

2. All other names debtor used in the last 8 years Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 54-1956345

4. Debtor's address Principal place of business Mailing address, if different from principal place of business 4435 Jones Cove Drive Townsend, VA 23443 P.O. Box 41 Townsend, VA 23443 Northampton County

5. Debtor's website (URL)

6. Type of debtor Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) Partnership (excluding LLP) Other. Specify:

Debtor Wayne T. Heath Farms, Inc. Case number (if known) _____
Name

7. Describe debtor's business

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:
 - Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
 - The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
 - A plan is being filed with this petition.
 - Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
 - The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
 - The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.
- Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- No.
- Yes.

If more than 2 cases, attach a separate list.

District _____ When _____ Case number _____
 District _____ When _____ Case number _____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- No
- Yes.

List all cases. If more than 1, attach a separate list

Debtor _____ Relationship _____
 District _____ When _____ Case number, if known _____

Debtor Wayne T. Heath Farms, Inc. Case number (if known) _____
 Name

11. Why is the case filed in this district? *Check all that apply:*
- Debtor has had its domicile, 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.
 - A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?
- No
 - Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
- Why does the property need immediate attention?** *(Check all that apply.)*
- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
 What is the hazard? _____
 - It needs to be physically secured or protected from the weather.
 - It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
 - Other _____
- Where is the property?** _____
 Number, Street, City, State & ZIP Code
- Is the property insured?**
- No
 - Yes. Insurance agency _____
 Contact name _____
 Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds *Check one:*
- Funds will be available for distribution to unsecured creditors.
 - After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors
- | | | |
|---|--|--|
| <input type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input checked="" type="checkbox"/> 50-99 | <input type="checkbox"/> 5001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated Assets
- | | | |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated liabilities
- | | | |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

Debtor Wayne T. Heath Farms, Inc. Case number (if known) _____
Name

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
I have been authorized to file this petition on behalf of the debtor.
I have examined the information in this petition and have a reasonable belief that the information is true and correct.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 27, 2017
MM / DD / YYYY

X /s/ Wayne T. Heath
Signature of authorized representative of debtor

Title President

Wayne T. Heath
Printed name

18. Signature of attorney

X /s/ Robert V. Roussos
Signature of attorney for debtor

Date September 27, 2017
MM / DD / YYYY

Robert V. Roussos
Printed name

Roussos, Glanzer & Barnhart PLC
Firm name

580 E. Main Street, Suite 300
Norfolk, VA 23510
Number, Street, City, State & ZIP Code

Contact phone 757-622-9005 Email address roussos@rgblawfirm.com

#20629
Bar number and State

Fill in this information to identify the case:

Debtor name **Wayne T. Heath Farms, Inc.**

United States Bankruptcy Court for the: **EASTERN DISTRICT OF VIRGINIA**

Case number (if known): _____

Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders 12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Accelerated Capital, LLC 3001 NE 185 Aventura, FL 33180		open account				\$50,000.00
Bank of America Atten: Karen Martin NC1-007-31-05 100 North Tryon Street Charlotte, NC 28255		loan				\$29,245.00
Campbell, Inc. dba Tri-Campbell Farms 15111 Hwy 17, Campbell Drive Grafton, ND 58237		open account				\$200,000.00
CAN Capital 414 W. 14th Street New York, NY 10014		open account				\$124,251.00
CJ Prettyman Jr., Inc. P.O. Box 665 Exmore, VA 23350		open account				\$30,000.00
Crop Production Services, Inc. c/o Spotts Fain PC 411 E. Franklin Street, Ste. 600 Richmond, VA 23219		judgment order \$734,337.78 principal; \$65,000 attorneys fees				\$799,767.00
H.W. Drummond P.O. Box 380 Belle Haven, VA 23306		open account				\$35,233.00

Debtor Wayne T. Heath Farms, Inc.
Name

Case number (if known) _____

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346		941 payroll taxes				\$36,562.00
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346		2015 Form 943 taxes Employer's Annual Federal Tax Return for Agricultural Employees				\$40,950.00
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346		2016 Form 943 taxes Employer's Annual Federal Tax Return for Agricultural Employees				\$40,113.00
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346		941 payroll taxes				\$68,775.00
W. Russell Kellam Joan Kellam P.O. Box 3 Townsend, VA 23443		promissory note				\$103,000.00
Northeast Packaging Co. 875 Skyway Street Presque Isle, ME 04769		open account				\$55,790.00
PHI Financial Services P.O. Box 660635 Dallas, TX 75266-0635		business loan				\$200,084.00
PHI Financial Services P.O. Box 660635 Dallas, TX 75266-0635		open account				\$40,208.00
Pioneer Hi-Bred Attn: David Kenney 25442 Ocean Gtwy Mardela Springs, MD 21837		open account				\$200,000.00
Providence Agriculture 6233 Stein Highway Seaford, DE 19973		open account				\$171,132.00

Debtor Wayne T. Heath Farms, Inc.
Name

Case number (if known) _____

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Seed Pro Inc. 127 Lynds Road Monticello, ME 04760		open account				\$65,165.00
Smith Hulsey & Busey Whitney K. McGuire, Esquire 225 Water Street, Ste. 1800 P.O. Box 53315 Jacksonville, FL 32202-3315		legal fees re BaylorHeath Farm LLC				\$37,716.00
Willard C. Doyen & Sons P.O. Box 205 Mapleton, ME 04757		open account				\$29,000.00

Airduce
P.O. Box 791
Cheriton, VA 23316

Capital One Bank (USA), N.A.
P.O. Box 71083
Charlotte, NC 28272

John Cullver
P.O. Box 63
Capeville, VA 23313

Altus GTS Inc.
2400 Veterans Memorial Blvd., Ste. 300
Kenner, LA 70062

Cascade Brush Company
P.O. Box 9516
Yakima, WA 98909

Daniel Corey Farms
211 Lynds Road
Monticello, ME 04760

Andrew O. Mathews, Esquire
Williams Mullen
200 South 10th Street, Ste. 1600
Richmond, VA 23219

Charlie L. Litow, Esquire
c/o Gurstel Law Firm, P.C.
4401 Westown Parkway, Ste. 370
West Des Moines, IA 50266

Elliot Automotive Supply
17191 Courthouse Road
Eastville, VA 23347

B & D Farms
5137 Wardtown Road
Exmore, VA 23350

Citibank, N.A.
c/o Credit Control, LLC
P.O. Box 31179
Tampa, FL 33631

Firstsource Advantage, LLC
5 Bryant Woods South
Buffalo, NY 14228

Bank of America
P.O. Box 15796
Wilmington, DE 19886

CJ Prettyman Jr., Inc.
P.O. Box 665
Exmore, VA 23350

Fox Packaging
2200 Fox Drive
McAllen, TX 78504

Bank of America
Atten: Karen Martin
NC1-007-31-05
100 North Tryon Street
Charlotte, NC 28255

CNH Industrial Capital America LLC
P.O. Box 3600
Lancaster, PA 17604-3600

Ginsberg, Nottingham & Mapp
P.O. Box 416
Accomac, VA 23301

Robert Brady
P.O. Box 502
Cape Charles, VA 23310

Commonwealth of Virginia
Dept of Taxation
PO Box 27264
Richmond, VA 23261-7264

Gregory L. Thompson, Esquire
Anderson, Bottrell, Sanden & Thomp
4132 20th Avenue South, Ste. 100
P.O. Box 10247
Fargo, ND 58106

Campbell, Inc.
dba Tri-Campbell Farms
15111 Hwy 17, Campbell Drive
Grafton, ND 58237

County Bag, LLC
c/o Hunton & Associates, P.C.
131 E. Valley Street
Abingdon, VA 24210

H.W. Drummond
P.O. Box 380
Belle Haven, VA 23306

CAN Capital
414 W. 14th Street
New York, NY 10014

Crop Production Services
1173 Pittsford-Victor Road
Suite 110
Pittsford, NY 14534

Haines Equipment Inc.
P.O. Box 1
Avoca, NY 14809

Case 17-73469-FJS
Hopeland Farms, Inc.
30215 Hopeland Road
Bloxom, VA 23308

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Moore's Sewing & Repair, Inc.
P.O. Box 262
Belle Haven, VA 23306

Providence Agriculture
6233 Stein Highway
Seaford, DE 19973

Horizon Packaging Inc.
611 N. Wymore Road, Ste. 212
Winter Park, FL 32789

Northampton County Treasurer
P.O. Box 598
Eastville, VA 23347

Quincy Bag Company, Inc.
P.O. Box 1232
Dubuque, IA 52004

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Northeast Packaging Co.
875 Skyway Street
Presque Isle, ME 04769

RMS
P.O. Box 361076
Columbus, OH 43236

Jennifer Ransdell
P.O. Box 10703
Jacksonville, FL 32247

Packaging Corp of America
36603 Treasury Center
Chicago, IL 60694-6600

Robert E. Goldman, Esquire
1 East Broward Blvd., #700
Fort Lauderdale, FL 33301

W. Russell Kellam
Joan Kellam
P.O. Box 3
Townsend, VA 23443

Packaging Credit Company, LLC
c/o the Eliades Law Firm PLLC
14000 N. Enon Church Road
Chester, VA 23836

Thomas Scott
24251 Seaside Road
Cape Charles, VA 23310

Lawson Products, Inc.
P.O. Box 809401
Chicago, IL 60680-9401

PHI Financial Services
P.O. Box 660635
Dallas, TX 75266-0635

Seed Pro Inc.
127 Lynds Road
Monticello, ME 04760

Lil Dibb Ent LLC
15500 Courthouse Road
Cape Charles, VA 23310

Pinnacle Agriculture Distribution, Inc.
dba Providence Agriculture
6233 Stein Highway
Seaford, DE 19973

Smith Hulsey & Busey
Whitney K. McGuire, Esquire
225 Water Street, Ste. 1800
P.O. Box 53315
Jacksonville, FL 32202-3315

Mary R. McCliggott, Esquire
Weinstock, Friedman & Friedman, P.A.
4 Reservoir Circle
Pikesville, MD 21208

Pioneer Hi-Bred
Attn: David Kenney
25442 Ocean Gtwy
Mardela Springs, MD 21837

Stokes Seeds, Inc.
P.O. Box 548
Buffalo, NY 14240

MCA Ventures, LLC (CapAssist)
8900 Indian Creek Parkway, #300
Overland Park, KS 66210

PNC Bank, National Association
222 Delaware Avenue
Wilmington, DE 19801

Sussex Irrigation Co., Inc.
11323 Trussum Pond Road
Laurel, DE 19956

Meanor Harvester Parts Inc.
Bill Meanor
P.O. Box 600
Coraopolis, PA 15108

Pro AG Equipment
15065 Hwy 17
Grafton, ND 58237

Tri-Campbell Farms
15111 Hwy 17
Campbell Drive
Grafton, ND 58237

Volm Companies
P.O. Box 400
1804 Edison Street
Antigo, WI 54409-0940

Wayne T. Heath
P.O. Box 41
Townsend, VA 23443

John W. Wescoat
P.O. Box 97
Eastville, VA 23347

Willard C. Doyen & Sons
P.O. Box 205
Mapleton, ME 04757

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

In re Wayne T. Heath Farms, 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 Wayne T. Heath Farms, 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:

None [*Check if applicable*]

September 27, 2017

Date

/s/ Robert V. Roussos

Robert V. Roussos

Signature of Attorney or Litigant
Counsel for Wayne T. Heath Farms, Inc.

Roussos, Glanzer & Barnhart PLC

580 E. Main Street, Suite 300

Norfolk, VA 23510

757-622-9005 Fax:757-624-9257

roussos@rgblawfirm.com

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

In re Wayne T. Heath Farms, Inc.

Debtor(s)

Case No.

Chapter 11

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, **Wayne T. Heath**, declare under penalty of perjury that I am the **President** of **Wayne T. Heath Farms, Inc.**, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 27th day of September, 2017.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Wayne T. Heath, President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Wayne T. Heath, President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Wayne T. Heath, President** of this Corporation is authorized and directed to employ **Robert V. Roussos**, attorney and the law firm of **Roussos, Glanzer & Barnhart PLC** to represent the corporation in such bankruptcy case."

Date September 27, 2017

Signed /s/ Wayne T. Heath
Wayne T. Heath

Resolution of Board of Directors
of
Wayne T. Heath Farms, Inc.

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Wayne T. Heath, President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Wayne T. Heath, President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Wayne T. Heath, President** of this Corporation is authorized and directed to employ **Robert V. Roussos**, attorney and the law firm of **Roussos, Glanzer & Barnhart PLC** to represent the corporation in such bankruptcy case.

Date September 27, 2017

Signed /s/ Wayne T. Heath

Date September 27, 2017

Signed _____