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B1 (Official Form 1)(1/08)								· 1	. <u>.</u>	
United States Bankruptcy C Eastern District of Washingto								Voluntary Petition		
Name of Debtor (if individual, enter Last, First, Middle): Circle M Construction Co., Inc.				Name	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 C (inclu	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 Indiv (if more than one, state all)	idual-Taxpa	yer I.D. (	ITIN) No./	Complete E	IN Last to	four digits of	of Soc. Sec. o	r Individual-T	axpayer I.D. (ITIN	l) No./Complete EIN
Street Address of Debtor (No. and St 17711 E. Euclid	treet, City, a	nd State):			Stree	Address o	f Joint Debtor	r (No. and Stre	eet, City, and State	):
Spokane, WA				ZIP Code <b>99216</b>					<u></u>	ZIP Code
County of Residence or of the Princi Spokane	ipal Place of	Business	:						ce of Business:	
Mailing Address of Debtor (if different	ent from stre	et addres	s):		Maili	ng Address	of Joint Deb	tor (if differen	t from street addre	ss):
			. Г	ZIP Code						ZJP Code
Location of Principal Assets of Busin (if different from street address above										.•
(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.)  ☐ Health Car ☐ Single Ass in 11 U.S.6 ☐ Railroad ☐ Stockbroke ☐ Commodit ☐ Clearing B ☐ Other ☐ Tax ☐ (Checd ☐ Debtor is a under Title			th Care Bu le Asset Ro U.S.C. § oad kbroker modity Br ring Bank r  Tax-Exe (Check box or is a tax- r Title 26 o	eal Estate as 101 (51B) oker mpt Entity	e) anization d States	define	ter 7 ter 9 ter 11 ter 12 ter 13 are primarily of in 11 U.S.C. in the day an individual in the second in the secon	Check consumer debts,	bi for	or Recognition occeding or Recognition
Filing Fee Full Filing Fee attached Filing Fee to be paid in installme attach signed application for the cis unable to pay fee except in installme Filing Fee waiver requested (application for the city attach signed application for the city	court's consi tallments. Ru licable to ch	ole to indi deration oule 1006( apter 7 in	certifying t b). See Offi dividuals o	hat the debt cial Form 3A only). Must	Check	Debtor is if: Debtor's to insider all applica A plan is Acceptan	a small busin not a small b aggregate nor s or affiliates) ible boxes: being filed w ces of the pla	usiness debtor necontingent lic ) are less than with this petition n were solicite	defined in 11 U.S.s as defined in 11 U quidated debts (exc \$2,190,000.	J.S.C. § 101(51D).
Statistical/Administrative Informat  Debtor estimates that funds will be Debtor estimates that, after any esthere will be no funds available for	oe available : xempt prope	rty is exc	luded and	administrati		es paid,		THIS	SPACE IS FOR COU	RT USE ONLY
1- 50- 100-	200- 1	] ,000- i,000	5,001- 10,000	□ 10,001- 25,000	25,001- 50,000	□ 50,001- 100,000	OVER 100,000			
\$0 to \$50,001 to \$100,001 to \$50,000 \$100,000 \$500,000	to \$1 to	] i1,000,001 o \$10 nillion	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,00 to \$500 million	\$500,000,001 to \$1 billion		·		
	\$500,001 \$ to \$1 to	1,000,001 51,000,001	\$10,000,001 to \$50	\$50,000,001 to \$100	\$100,000,000 to \$500	\$500,000,001 to \$1 billion	More than \$1 billion			

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B1 (Official For	rm 1)(1/08)		Page 2			
Voluntar	y Petition	Name of Debtor(s):  Circle M Construction Co., Inc.				
(This page mi	ist be completed and filed in every case)					
	All Prior Bankruptcy Cases Filed Within Last	t 8 Years (If more than two, attach ad	ditional sheet)			
Location Where Filed:	- None -	Case Number:	Date Filed:			
Location Where Filed:		Case Number:	Date Filed:			
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more than	one, attach additional sheet)			
Name of Debt	or:	Case Number:	Date Filed:			
District:		Relationship:	Judge:			
forms 10K a pursuant to S and is reques	Exhibit A  sletted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)  A is attached and made a part of this petition.	(To be completed if debtor is an individual I, the attorney for the petitioner named have informed the petitioner that [he o 12. or 13 of title 11. United States Coo	whose debts are primarily consumer debts.) In the foregoing petition, declare that I r she] may proceed under chapter 7, 11, le, and have explained the relief available ify that I delivered to the debtor the notice  (Date)			
	Exhor own or have possession of any property that poses or is alleged to Exhibit C is attached and made a part of this petition.	ibit C pose a threat of imminent and identifiable	harm to public health or safety?			
☐ Exhibit If this is a joi	leted by every individual debtor. If a joint petition is filed, ead D completed and signed by the debtor is attached and made	a part of this petition.	separate Exhibit D.)			
	Information Regardin	g the Debtor - Venue				
	(Check any ap	plicable box)	_			
	Debtor has been domiciled or has had a residence, principal days immediately preceding the date of this petition or for	al place of business, or principal asset a longer part of such 180 days than in	s in this District for 180 any other District.			
	There is a bankruptcy case concerning debtor's affiliate, ge	eneral partner, or partnership pending	in this District.			
	Certification by a Debtor Who Reside (Check all app		ty			
	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)	<del></del>				
	(Address of landlord)	<del></del>				
	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment f	for possession, after the judgment for p	possession was entered, and			
	Debtor has included in this petition the deposit with the co after the filing of the petition.	urt of any rent that would become due	during the 30-day period			
	Debtor certifies that he/she has served the Landlord with the	nis certification. (11 U.S.C. § 362(I)).				

09-01823-PCW11 Doc 1 Filed 04/02/09 Entered 04/02/09 11:20:08 Pg 3 of 10 B1 (Official Form 1)(1/08) Page 3 Name of Debtor(s): Voluntary Petition Circle M Construction Co., Inc. (This page must be completed and filed in every case) Signatures Signature(s) of Debtor(s) (Individual/Joint) Signature of a Foreign Representative I declare under penalty of perjury that the information provided in this I declare under penalty of perjury that the information provided in this petition petition is true and correct. is true and correct, that I am the foreign representative of a debtor in a foreign [If petitioner is an individual whose debts are primarily consumer debts and proceeding, and that I am authorized to file this petition. has chosen to file under chapter 7] I am aware that I may proceed under (Check only one box.) chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief ☐ I request relief in accordance with chapter 15 of title 11. United States Code. available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the Certified copies of the documents required by 11 U.S.C. §1515 are attached. petition] I have obtained and read the notice required by 11 U.S.C. §342(b). ☐ 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 I request relief in accordance with the chapter of title 11, United States Code, recognition of the foreign main proceeding is attached. specified in this petition. Signature of Foreign Representative Signature of Debtor Printed Name of Foreign Representative Signature of Joint Debtor Date Telephone Number (If not represented by attorney) 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 Date Signature of Attorn 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 Signature of Attorney for Debtor(s 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. John Munding Official Form 19 is attached. Printed Name of Attorney for Debtor(s) Crumb & Munding, P.S. Printed Name and title, if any, of Bankruptcy Petition Preparer Firm Name 111 S. Post Street PH 2290 Social-Security number (If the bankrutpey petition preparer is not Spokane, WA 99201 an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition Address preparer.)(Required by 11 U.S.C. § 110.) Email: munding@crumb-munding.com 509.624.6464 Fax: 509.624.6155 Telephone Number Address 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. Date Signature of Debtor (Corporation/Partnership) Signature of Bankruptcy Petition Preparer or officer, principal, responsible person,or partner whose Social Security number is provided above. 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 Names and Social-Security numbers of all other individuals who prepared or on behalf of the debtor. assisted in preparing this document unless the bankruptcy petition preparer is The debtor requests relief in accordance with the chapter of title 11, United not an individual: States Code, specified in this petition.

Mickelli Signature of Authorized Individual

Patrick Michielli Jr.

Printed Name of Authorized Individual

President / Director

Title of Authorized Individual

Date

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.

# CORPORATE RESOLUTION CIRCLE M CONSTRUCTION CO., INC.

Effective as of this 2<sup>nd</sup> day of April, 2009, the members constituting a majority of the votes of a quorum of the board of directors (the "Board of Directors") of Circle M Construction Co., Inc., a Washington corporation (the "Company") took the following action, and adopted the following resolutions:

WHEREAS, the Board of Directors reviewed and considered the materials presented by the management and the financial and legal advisors of the Company regarding the liabilities and liquidity situation of the Company, the strategic alternatives available to it, and the impact of the foregoing on the Company's business; and

WHEREAS, the Board of Directors has had the opportunity to consult with the management and the financial and legal advisors of the Company and fully consider each of the strategic alternatives available to the Company;

## I. Voluntary Petition under the Provisions of Chapter 11 of Title 11 of the United States Code.

NOW, THEREFORE, BE IT RESOLVED, that in the judgment of the Board of Directors, it is desirable and in the best interests of the Company, its creditors, and other parties in interest, that the Company file or cause to be filed a voluntary petition for relief under the provisions of Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code"); and

RESOLVED FURTHER, that the officers of the Company (collectively, the "Authorized Officers"), acting alone or with one or more other Authorized Officers, with the powers of delegation, be, and they hereby are, authorized to execute and file on behalf of the Company all petitions, schedules, lists and other motions, papers, or documents, and to take any and all action that they deem necessary or proper to obtain such relief, including, without limitation, any action necessary to maintain the ordinary course of operation of the Company's business; and

RESOLVED FURTHER, that the Authorized Officers be, and they hereby are, authorized and directed to employ the law firm of Crumb & Munding, P.S. as general bankruptcy counsel to represent and assist the Company in carrying out its duties under the Bankruptcy Code, and to take any and all actions to advance the Company's rights and obligations, including the filing of any pleadings; and in connection therewith, the Authorized Officers with power of delegation, are hereby authorized and directed to execute appropriate retention agreements, pay appropriate retainers, and to cause to be filed an appropriate application of authority to retain the services of Crumb & Munding, P.S.

#### II. Further Actions and Prior Actions

RESOLVED FURTHER, that the Authorized Officers be, and they hereby are, authorized and empowered, with the power of delegation, in the name of and on behalf of the Company, to take or cause to be taken any and all such other and further action, and to execute, acknowledge, deliver and file any and all such instruments as each, in his/her discretion, may deem necessary or advisable in order to carry out the purpose and intent of the foregoing resolutions; and

RESOLVED FRUTHER, that all acts, actions, and transactions relating to the matters contemplated by the foregoing resolutions done in the name of and on behalf of the Company, which acts would have been approved by the foregoing resolutions except that such acts were taken before these resolutions were certified, are hereby in all respects approved and ratified.

Dated: 4-2-09

PAT MICHIELLI

PATRICK MICHIELLI

CAROLINE MICHIELLI,

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B4 (Offic	cial Form 4) (12/07) - Cont.		
In re	Circle M Construction Co., 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]
Technichem	Technichem			101.00
P.O. Box 7927	P.O. Box 7927		İ	
Boise, ID 83707-1927	Boise, ID 83707-1927	F!		345,663.76
Washington Trust Bank Attn: Donna Martin	Washington Trust Bank Attn: Donna Martin	Equipment		345,003.70
P.O. Box 2127	P.O. Box 2127			(Unknown
Spokane, WA 99210-2127	Spokane, WA 99210-2127			secured)
Washington Trust Bank	Washington Trust Bank			151,574.00
Attn: Donna Martin	Attn: Donna Martin			,
P.O. Box 2127	P.O. Box 2127			(0.00 secured)
Spokane, WA 99210-2127	Spokane, WA 99210-2127			
Waste Management	Waste Management			105.97
2421 West Peoria Ave. #210	2421 West Peoria Ave. #210			
Phoenix, AZ 85029	Phoenix, AZ 85029			
Wetern Peterbuild	Wetern Peterbuild			324,000.00
P.O. Box 24065	P.O. Box 24065			(0.00
Seattle, WA 98124	Seattle, WA 98124			(0.00 secured)
Wheat & Associates	Wheat & Associates			628.89
P.O. Box 3548	P.O. Box 3548			
Spokane, WA 99220	Spokane, WA 99220	<del></del>		
·			. <u> </u>	
	•			
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# DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, the President / Director 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 <u>4-2-09</u>	Signature Factorial Jr.  Patrick Michielli Jr.
	President / Director

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.

B4 (Official Form 4) (12/07)

### United States Bankruptcy Court Eastern District of Washington

In re	Circle M Construction Co., Inc.		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)
	(2)	(3)	(4)	
Name of creditor and complete	Name, telephone number and complete	Nature of claim (trade	Indicate if claim is	Amount of claim [if
mailing address including zip	mailing address, including zip code, of	debt, bank loan,	contingent,	secured, also state
code	employee, agent, or department of creditor	government contract,	unliquidated,	value of security]
į	familiar with claim who may be contacted	etc.)	disputed, or subject	
			to setoff	
Access Business Finance	Access Business Finance			Unknown
Attn: Doug McDonald	Attn: Doug McDonald			l
P.O. Box 85108	P.O. Box 85108			(0.00 secured)
Bellevue, WA 98015	Bellevue, WA 98015			
All West Testing &	All West Testing & Engineering		i	9,077.00
Engineering	12928 E. Indiana Ave. #1			
12928 E. Indiana Ave. #1	Spokane, WA 99216			
Spokane, WA 99216				
Central Pre-Mix Conc. Co.	Central Pre-Mix Conc. Co.			304.41
P.O. Box 60000	P.O. Box 60000	·		
San Francisco, CA 94160	San Francisco, CA 94160			4 004 00
City of Spokane	City of Spokane			1,394.00
211 N. Wall St., Suite 300	211 N. Wall St., Suite 300			
Spokane, WA 99201	Spokane, WA 99201			04.440.00
D & G Accounting 1526 Pine Crest	D & G Accounting			34,110.00
	1526 Pine Crest			
Spokane, WA 99203 Fire Protection	Spokane, WA 99203		<u> </u>	600.00
	Fire Protection			000.00
3624 N. Springfield	3624 N. Springfield			
Spokane, WA 99202 Joseph Carrol	Spokane, WA 99202			797.37
12929 E. Sprauge	Joseph Carrol 12929 E. Sprauge			[191.3]
Spokane, WA 99216	Spokane, WA 99216			
Les Schwab Tires	Les Schwab Tires			1,869.00
P.O. Box 13009	P.O. Box 13009			1,009.00
Spokane, WA 99213	Spokane, WA 99213			
Oxarc	Oxarc			522.56
4003 E. Broadway	4003 E. Broadway			022.00
Spokane, WA 99202	Spokane, WA 99202			
Petro Card	Petro Card			6,946.39
P.O. Box 34243	P.O. Box 34243			-,
Seattle, WA 98124	Seattle, WA 98124			
Sprint	Sprint		<del></del>	1,165.00
P.O. Box 4181	P.O. Box 4181			', ' ' ' ' '
Carol Stream, IL 60197	Carol Stream, IL 60197			

### United States Bankruptcy Court Eastern District of Washington

In re	_Circle M Construction Co., Inc.		Case No.	
		Debtor(s)	Chapter	11
	VERIFICAT	FION OF CREDITOR	MATRIX	
	resident / Director of the corporation named at	as the debtor in this case, hereby v	erify that the attac	ched list of creditors is true and
011001				
Date:	4-2-5	Patrick Michielli Jr./President	1.  J Director	

Signer/Title

Circle M Construction Co., Inc. 17711 E. Euclid Spokane, WA 99216

John Munding Crumb & Munding, P.S. 111 S. Post Street PH 2290 Spokane, WA 99201

Access Business Finance Attn: Doug McDonald P.O. Box 85108 Bellevue, WA 98015

All West Testing & Engineering 12928 E. Indiana Ave. #1 Spokane, WA 99216

Central Pre-Mix Conc. Co. P.O. Box 60000 San Francisco, CA 94160

City of Spokane 211 N. Wall St., Suite 300 Spokane, WA 99201

D & G Accounting 1526 Pine Crest Spokane, WA 99203

Fire Protection 3624 N. Springfield Spokane, WA 99202

Joseph Carrol 12929 E. Sprauge Spokane, WA 99216 Les Schwab Tires P.O. Box 13009 Spokane, WA 99213

Oxarc 4003 E. Broadway Spokane, WA 99202

Petro Card P.O. Box 34243 Seattle, WA 98124

Sprint P.O. Box 4181 Carol Stream, IL 60197

Technichem
P.O. Box 7927
Boise, ID 83707-1927

Washington Trust Bank Attn: Donna Martin P.O. Box 2127 Spokane, WA 99210-2127

Waste Management 2421 West Peoria Ave. #210 Phoenix, AZ 85029

Wetern Peterbuild P.O. Box 24065 Seattle, WA 98124

Wheat & Associates P.O. Box 3548 Spokane, WA 99220