Case 3-12-15801-rdm Doc 1 Filed 10/22/12 Entered 10/22/12 11:38:05 Desc Main Document Page 1 of 11

B1 (Official	Form 1)(12	/11)				<u> </u>		90 . 0.	• •	ı			
			United Wes		S Bank						Vol	untary	Petition
	ebtor (if ind						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):							used by the a			3 years			
26-1867						Complete E		than one, state	all)				o./Complete EIN
	ess of Debto County Hy VI		Street, City,	and State)				Address of	Joint Debtor	(No. and St	ieei, City, a	ind State).	
					г	ZIP Code	-						ZIP Code
County of F	Residence or	of the Prin	cipal Place o	f Busines:	s:	53577	Count	y of Reside	ence or of the	Principal Pl	ace of Busi	ness:	1
Mailing Ad	dress of Deb	otor (if diffe	erent from str	eet addres	ss):		Mailir	ng Address	of Joint Debt	tor (if differe	nt from stre	eet address):	
					_	ZIP Code	:						ZIP Code
	Principal A from street				8706 Coo lain, WI 5		/ G						
	Type of	f Debtor		T	Nature	of Business	<u> </u>		Chapter	of Bankru	otcy Code	Under Whic	:h
(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 one box) ☐ Health Care Business ☐ Single Asset Real Estate as defi in 11 U.S.C. § 101 (51B) ☐ Railroad ☐ Stockbroker ☐ Commodity Broker		s defined	☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt	er 7 er 9 er 11 er 12	of C	hapter 15 P a Foreign hapter 15 P	etition for Ro Main Procee etition for Ro Nonmain Pro	eding ecognition		
	Chapter 1	15 Debtors			aring Bank					Natur	e of Debts		
Each country	debtor's center y in which a fo g, or against d	of main inte	rests:	unde		the United S	ble) □ Debts are primarily consumer debts, □ Debts are primar defined in 11 U.S.C. § 101(8) as business debts. States □ incurred by an individual primarily for □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □						
		-	heck one bo	x)			one box:	•	•	ter 11 Debt			
☐ 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. ☐ Filing Fee to be paid in installments (applicable to individuals only). Must check if: ☐ Debt Check				Debtor is not if: Debtor's agg are less than all applicable A plan is bein	a small businegate nonco \$2,343,300 (ele boxes:	this petition.	defined in 11 t ated debts (exc t to adjustment	J.S.C. § 1010 cluding debts on 4/01/13 of	(51D). s owed to insid	lers or affiliates) e years thereafter).			
	Administrat								vere solicited process. S.C. § 1126(b).				·
■ Debtor o	estimates that estimates that ill be no fund	nt funds wil nt, after any	l be available exempt proj	erty is ex	cluded and	administrat		es paid,		THIS	SPACE IS	FOR COURT	JSE ONLY
Estimated N	Number 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 \$0 to \$50,000	Assets \$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					
Estimated L \$0 to \$50,000	Liabilities	\$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					

Case 3-12-15801-rdm Doc 1 Filed 10/22/12 Entered 10/22/12 11:38:05 Desc Main

Page 2 of 11 Document **B1** (Official Form 1)(12/11) Page 2 Name of Debtor(s): **Voluntary Petition** Nick Heiser Trucking & Excavating LLC (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) Location Case Number: 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)).

B1 (Official Form 1)(12/11)

Page 3

Voluntary Petition

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

Name of Debtor(s):

Nick Heiser Trucking & Excavating LLC

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/ Craig E. Stevenson

Signature of Attorney for Debtor(s)

Craig E. Stevenson 1060082

Printed Name of Attorney for Debtor(s)

Krekeler Strother, S.C.

Firm Name

2901 West Beltline Highway Suite 301 Madison, WI 53713

Address

(608) 258-8555 Fax: (608) 258-8299

Telephone Number

October 22, 2012

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/ Nicholas Heiser

Signature of Authorized Individual

Nicholas Heiser

Printed Name of Authorized Individual

Member

Title of Authorized Individual

October 22, 2012

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.

. ∧	

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.)

•	7	_	

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.

Case 3-12-15801-rdm Doc 1 Filed 10/22/12 Entered 10/22/12 11:38:05 Desc Main Document Page 4 of 11

B4 (Official Form 4) (12/07)

United States Bankruptcy CourtWestern District of Wisconsin

In re	Nick Heiser Trucking & Excavating LLC	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]
Consumers Co-op Oil Company 740 Phillips Boulevard P.O. Box 668 Sauk City, WI 53583	Consumers Co-op Oil Company 740 Phillips Boulevard P.O. Box 668 Sauk City, WI 53583	Sauk County Case Number 2012CV000403		58,695.63
The Kraemer Company LLC 820 Wachter Avenue Plain, WI 53577	The Kraemer Company LLC 820 Wachter Avenue Plain, WI 53577	Sauk County Case Number 2012CV000287		39,477.59
Plain Kwik Stop Box 313 Hwy 23 Plain, WI 53577	Plain Kwik Stop Box 313 Hwy 23 Plain, WI 53577	Business Debt		15,711.61
Bindl Bauer Limestone of Spring Green S12318 Big Hollow Rd. Spring Green, WI 53588	Bindl Bauer Limestone of Spring Green S12318 Big Hollow Rd. Spring Green, WI 53588	Business Debt		14,012.72
Pomp's Tire PO Box 1630 Green Bay, WI 54305-1630	Pomp's Tire PO Box 1630 Green Bay, WI 54305-1630	Business Debt		4,827.59
Night Owl Truck Repair S8302 Valley View Rd. Loganville, WI 53943	Night Owl Truck Repair S8302 Valley View Rd. Loganville, WI 53943	Business Debt		4,403.63
Capital One PO Box 60599 City of Industry, CA 91716	Capital One PO Box 60599 City of Industry, CA 91716	Business Debt		4,241.80
Kelley Williamson Company PO Box 71061 Chicago, IL 60694-1061	Kelley Williamson Company PO Box 71061 Chicago, IL 60694-1061	Business Debt		4,012.05
Dean Health Plan 1277 Deming Way Madison, WI 53717	Dean Health Plan 1277 Deming Way Madison, WI 53717	Business Debt		3,249.92
Carquest Auto Parts Spring Green Auto Parts E4783 US Hwy 14 Spring Green, WI 53588	Carquest Auto Parts Spring Green Auto Parts E4783 US Hwy 14 Spring Green, WI 53588	Business Debt		2,781.62
Meyer Oil & LP 121 Eagle St. Reedsburg, WI 53959	Meyer Oil & LP 121 Eagle St. Reedsburg, WI 53959	Business Debt		2,753.47

B4 (Official Form 4) (12/07) - Cont.								
In re	Nick Heiser Trucking & Excavating LLC	Case No.						
	Debtor(s)							

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

	1	T	1	T
(1)	(2)	(3)	(4)	(5)
Name of creditor and complete	Name, telephone number and complete	Nature of claim (trade	Indicate if claim is	Amount of claim
mailing address including zip	mailing address, including zip code, of	debt, bank loan,	contingent,	[if secured, also
code	employee, agent, or department of creditor	government contract,	unliquidated,	state value of
coae	familiar with claim who may be contacted	etc.)	disputed, or	state value of security]
	Jamiliar with claim who may be contacted	eic.)	subject to setoff	securityj
River States Truck and	River States Truck and Trailer, Inc.	Business Debt	subject to setojj	2,479.90
Trailer, Inc.	PO Box 2075	Business Best		2,473.30
PO Box 2075	La Crosse, WI 54602-2075			
La Crosse, WI 54602-2075	Lu 010330, WI 04002 2070			
JX Enterprises, Inc.	JX Enterprises, Inc.	Business Debt		2,420.34
PO Box 196	PO Box 196	Buomicoo Bobt		2,420.04
Waukesha, WI 53187-0196	Waukesha, WI 53187-0196			
O'Donnell's Truck & Body	O'Donnell's Truck & Body Inc.	Business Debt		2,307.39
Inc.	25 Water St.	Buomicoo Bobt		2,007.00
25 Water St.	Prairie Du Sac, WI 53578			
Prairie Du Sac, WI 53578	l ramo Da Gao, m Goorg			
Chiquoine & Molberg, S.C.	Chiquoine & Molberg, S.C.	Business Debt		2,156.15
118 Main St.	118 Main St.	Legal Services		
PO Box 399	PO Box 399			
Reedsburg, WI 53959	Reedsburg, WI 53959			
Alliant Energy	Alliant Energy	Business Utility		1,735.12
PO Box 3066	PO Box 3066	expense		',' '
Cedar Rapids, IA 52406-3066				
Wisconsin Department of	Wisconsin Department of Revenue	Sales & Use Tax		1,711.89
Revenue	ATTN: Bankruptcy Unit, MS 5-144			',' ' ' ' ' '
ATTN: Bankruptcy Unit, MS	P.O. Box 8901			
5-144	Madison, WI 53708			
P.O. Box 8901				
Madison, WI 53708				
Wisconsin Department of	Wisconsin Department of Revenue	Withholing Tax		1,406.13
Revenue	ATTN: Bankruptcy Unit, MS 5-144			
ATTN: Bankruptcy Unit, MS	P.O. Box 8901			
5-144	Madison, WI 53708			
P.O. Box 8901				
Madison, WI 53708				
Wisconsin Department of	Wisconsin Department of Revenue	Sales & Use Tax		1,297.88
Revenue	ATTN: Bankruptcy Unit, MS 5-144			
ATTN: Bankruptcy Unit, MS	P.O. Box 8901			
5-144	Madison, WI 53708			
P.O. Box 8901				
Madison, WI 53708	100			=
Wisconsin Department of	Wisconsin Department of Revenue	Sales & Use Tax		1,178.65
Revenue	ATTN: Bankruptcy Unit, MS 5-144			
ATTN: Bankruptcy Unit, MS	P.O. Box 8901			
5-144 B.O. Bay 2004	Madison, WI 53708			
P.O. Box 8901 Madison, WI 53708	Í	i		I

Case 3-12-15801-rdm Doc 1 Filed 10/22/12 Entered 10/22/12 11:38:05 Desc Main Document Page 6 of 11

B4 (Offi	cial Form 4) (12/07) - Cont.		
In re	Nick Heiser Trucking & Excavating LLC	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 Member 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	October 22, 2012	Signature /s/ Nicholas Heiser			
			Nicholas Heiser		
			Member		

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.

Office of the United States Trustee 780 Regent Street Suite 304 Madison, WI 53715

Wisconsin Dept. of Workforce Development Division of Unemployment Insurance P.O. Box 8914 Madison, WI 53708-8914

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

Wisconsin Department of Revenue ATTN: Bankruptcy Unit, MS 5-144 P.O. Box 8901 Madison, WI 53708

Office of the United States Attorney 660 West Washington Avenue Suite 303 Madison, WI 53703

Alliant Energy PO Box 3066 Cedar Rapids, IA 52406-3066

Attorney Joseph D. Brydges Michael Best & Friedrich LLP 1 S Pinckney St # 700 PO Box 1806 Madison, WI 53701-1806

Attorney Michelle L. Dama Michael Best & Friedrich LLP 1 S Pinckney St # 700 PO Box 1806 Madison, WI 53701-1806

Attorney Patrick J. Taggart LaRowe, Gerlach & Roy LLP 1730 Community Dr PO Box 10 Sauk City, WI 53583-0010

Badger Truck Center of Madison, LLC 6303 Pepsi Way Windsor, WI 53598-9627

Bindl Bauer Limestone of Spring Green S12318 Big Hollow Rd. Spring Green, WI 53588

Brooks Tractor 1900 W. Main St. PO Box 9 Sun Prairie, WI 53590

Bug Tussel Wireless PO Box 1060 Green Bay, WI 54305-1060

Capital One PO Box 60599 City of Industry, CA 91716

Carquest Auto Parts Spring Green Auto Parts E4783 US Hwy 14 Spring Green, WI 53588

Chiquoine & Molberg, S.C. 118 Main St. PO Box 399 Reedsburg, WI 53959

CNH Capital P.O. Box 292 Racine, WI 53403

Collection Associates Ltd. 225 S. Executive Dr. Suite 250 Brookfield, WI 53005

Commercial Colletions 3031 North 114th Street Milwaukee, WI 53222

Consumers Co-op Oil Company 740 Phillips Boulevard P.O. Box 668 Sauk City, WI 53583

Daimler Trust 13650 Heritage Parkway Fort Worth, TX 76177

Dean Health Plan 1277 Deming Way Madison, WI 53717

Ederer's Do it Best & Dairy Supply E5663A Hwy B Plain, WI 53577

Frontier PO Box 2951 Phoenix, AZ 85062 Helstead Revocable Trust N23787 Co. Rd. D. PO Box 25 Ettrick, WI 54627

Internal Revenue Service Insolvency Unit MAIL STOP 5301-MIL 211 West Wisconsin Avenue Milwaukee, WI 53202

JX Enterprises, Inc. PO Box 196 Waukesha, WI 53187-0196

JX Financial, Inc.

Kelley Williamson Company PO Box 71061 Chicago, IL 60694-1061

McFarlanes Manufacturing Co. Inc. 1259 S. Water St. PO Box 100 Sauk City, WI 53583

Meyer Oil & LP 121 Eagle St. Reedsburg, WI 53959

News Publishing Company, Inc. P.O. Box 286 1126 Mills Street Black Earth, WI 53515

Nicholas R. Heiser 88706 County Rd. G Plain, WI 53577

Night Owl Truck Repair S8302 Valley View Rd. Loganville, WI 53943

O'Donnell's Truck & Body Inc. 25 Water St. Prairie Du Sac, WI 53578

Peoples Community Coop P.O. Box 134 11670 State Road 23 Darlington, WI 53530

Plain Kwik Stop Box 313 Hwy 23 Plain, WI 53577 Pomp's Tire PO Box 1630 Green Bay, WI 54305-1630

R-Equipment Co., LLC 2252 Munz Rd. Dodgeville, WI 53533

River States Truck and Trailer, Inc. PO Box 2075 La Crosse, WI 54602-2075

Super Media LLC PO Box 619810 Dallas, TX 75261-9810

The Kraemer Company LLC 820 Wachter Avenue Plain, WI 53577

Truck Country of Wisconsin PO Box 689707 Chicago, IL 60695-9707

United States Bankruptcy Court Western District of Wisconsin

In re Nick Heiser Trucking & Excava	ating LLC		Case No.	
	Del	btor(s)	Chapter	11
COPPO	RATE OWNERSHIP S	TATEMENT (1	DIH E 7007 1)	
CORIO	KATE OWNERSHII S	TATEMENT (F	NOLE 1001.1)	
Pursuant to Federal Rule of Bankrupt or recusal, the undersigned counsel for that the following is a (are) corporation 10% or more of any class of the corporation 7007.1:	or Nick Heiser Trucking & on(s), other than the debte	& Excavating LLC or or a governme	in the above ntal unit, that d	captioned action, certifies lirectly or indirectly own(s)
■ None [<i>Check if applicable</i>]				
October 22, 2012	/s/ Craig E. Stev	venson		
Date	Craig E. Stevens	son 1060082		
		ttorney or Litigar		
	Counsel for New Year Strother	Nick Heiser Trucki	ing & Excavatin	g LLC
	2901 West Beltl	•		
	Suite 301			
	Madison, WI 537	713 Fax:(608) 258-829	۵	
	(000) 230-0333 F	an.(000) 200-029	9	