## Case 3:12-bk-30625 Doc 1 Filed 11/26/12 Entered 11/26/12 13:55:36 Desc Main Document Page 1 of 12

Abbco Industries 1500 W. Cypress Creek Road, #505 Fort Lauderdale, FL 33309

Ashworth Heating and Cooling PO Box 1024 Hurricane, WV 25526

Atlantic Irrigation 111 Lafayette Avenue N White Plains, NY 10603

Daniel T. Yon, Esquire Bailes, Craig & Yon, PLLC PO Box 1926 Huntington, WV 25720-1926

First State Bank PO Box 295 Barboursville, WV 25504

Global Paper Supply 1 UPS Way Champlain, NY 12919

Jack Mease, CPA 5972 Route 60 East Barboursville, WV 25504

Joseph C Midkiff 625 6th Street Huntington, WV 25701

Joseph Q. Midkiff 15 Township Road 1160 Proctorville, OH 45669

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Document Page 2 of 12 Kenny Queen Hardware 4350 A 5th Street Road Huntington, WV 25701

Motion Industries PO Box 404130 Atlanta, GA 30384

Somerville And Company, PLLC 501 5th Avenue PO Box 2096 Huntington, WV 25721

Verizon PO Box 660720 Dallas, TX 75266 Case 3:12-bk-30625 Doc 1 Filed 11/26/12 Entered 11/26/12 13:55:36 Desc Main Document Page 3 of 12

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF WEST VIRGINIA

In re:	Case No.
The Esquire Group, Inc.	
	Chapter 11
Debtor.	

#### VERIFICATION OF CREDITOR MATRIX

The above named debtor(s), and attorney for debtor(s) if applicable, hereby verify(ies) that the attached mailing matrix of creditors is complete, correct and consistent with the debtor(s)'s schedules to the best of my (our) knowledge.

Date: 11/26/2012 Signature of Debtor: s/ Joseph Q. Midkiff

Joseph Q. Midkiff

Date: 11/26/2012 Signature of Attorney for Debtor(s), if any: s/ Joe M. Supple

Joe M. Supple
Attorney for Debtor(s)
Bar no.: 8013
Supple Law Office, Pllc
801 Viand Street

**Point Pleasant, WV 25550**Telephone No.: **304-675-6249**Fax No.: **304-675-4372** 

304-6/3-43/2

E-mail address: supplelawoffice@yahoo.com

B1 (Official Carse 13 (1421-16) k-30625 Doc 1 Filed 11/26/12 Entered 11/26/12 13:55:36 Desc Main United States Bankrupaum Centre Page 4 of 12 **Voluntary Petition** Southern District of West Virginia Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): The Esquire Group, Inc. All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than one, state all): than one, state all): 55-0538271 Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): **Esquire Drive** Barboursville, WV ZIP CODE 25504 ZIP CODE County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Cabell Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): ZIP CODE ZIP CODE Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box.) ■ Health Care Business ☐ Chapter 15 Petition for Chapter 7 Single Asset Real Estate as defined in Individual (includes Joint Debtors) Recognition of a Foreign Chapter 9 11 U.S.C. § 101(51B) See Exhibit D on page 2 of this form. Main Proceeding Chapter 11 Railroad V Ø Corporation (includes LLC and LLP) ☐ Chapter 15 Petition for Stockbroker Chapter 12 Partnership Recognition of a Foreign Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding Chapter 13 Clearing Bank check this box and state type of entity below.) **✓** Other **Nature of Debts Tax-Exempt Entity Chapter 15 Debtors** (Check box, if applicable) (Check one box) Country of debtor's center of main interests: Debts are primarily consumer Debts are primarily Debtor is a tax-exempt organization business debts. debts, defined in 11 U.S.C. under Title 26 of the United States § 101(8) as "incurred by an Each country in which a foreign proceeding by, Code (the Internal Revenue Code.) individual primarily for a regarding, or against debtor is pending: personal, family, or household purpose. **Chapter 11 Debtors** Filing Fee (Check one box) Check one box: ✓ Full Filing Fee attached Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). 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. Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must Check all applicable boxes attach signed application for the court's consideration. See Official Form 3B. 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). THIS SPACE IS FOR Statistical/Administrative Information COURT USE ONLY ☑ Debtor estimates that funds will be available for distribution to unsecured creditors. ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors  $\mathbf{M}$ 100-200-50-1,000-5,001-10,001-25,001-50,001-Over 49 99 199 999 5,000 10,000 25,000 50.000 100,000 100,000 Estimated Assets V \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$0 to \$50,001 to \$100,001 to \$500,000,001 More than \$50,000 \$100,000 to \$100 to \$500 \$500,000 to \$1 billion \$1 billion \$1 to \$10 to \$50 million million million million million Estimated Liabilities Ø  $\Box$ \$500,001 to \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$50,001 to \$100,001 to \$500,000,001 More than to \$10 to \$50 to \$100 \$1 to \$500 \$50,000 \$100,000 \$500,000 \$1 billion to \$1 billion million million million million million

B1 (Official <b>C) Argy</b>	<u>#e<sup>1</sup>3(#7244)k-30625                                    </u>		B6 Desc WARM B1, Page 2		
Voluntary Petit		Name George (s) 12 The Esquire Group, Inc.			
	All Prior Bankruptcy Cases Filed Within La	st 8 Years (If more than two, attach additional sheet.)	)		
Location Where Filed:	NONE	Case Number:	Date Filed:		
Location Where Filed:		Case Number:	Date Filed:		
	Pending Bankruptcy Case Filed by any Spouse, Partner or	r Affiliate of this Debtor (If more than one, attach a	additional sheet)		
Name of Debtor: NONE		Case Number:	Date Filed:		
District:		Relationship:	Judge:		
Exhibit A  (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.)  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 have delivered to the debtor the notice required by 11 U.S.C. § 342(b).  Exhibit A is attached and made a part of this petition.  X Not Applicable					
	The state of the s	X Not Applicable Signature of Attorney for Debtor(s)	Date		
	Ext	l hibit C			
	on or have possession of any property that poses or is alleged to pose ibit C is attached and made a part of this petition.		nealth or safety?		
	Exh	nibit D			
(To be completed by	by every individual debtor. If a joint petition is filed, each spouse mu	ıst complete and attach a separate Exhibit D.)			
Exhibit D	O completed and signed by the debtor is attached and made a part of t	this petition.			
If this is a joint petit	ution:				
	also completed and signed by the joint debtor is attached and made	e a part of this petition.			
	Information Regard	ding the Debtor - Venue applicable box)			
<b>I</b>	Debtor has been domiciled or has had a residence, principal place preceding the date of this petition or for a longer part of such 180	e of business, or principal assets in this District for 180	days immediately		
	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.					
		des as a Tenant of Residential Property oplicable boxes.)			
٥	Landlord has a judgment against the debtor for possession of debt	tor's residence. (If box checked, complete the following	g).		
		(Name of landlord that obtained judgment)			
		(Address of landlord)			
	Debtor claims that under applicable nonbankruptcy law, there are entire monetary default that gave rise to the judgment for possession				
٥	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)).				

	/12 Entered 11/26/12 13:55:36 Desc M&M B1, Page 3			
Voluntary Petition Document	Nanage 6 of s12			
(This page must be completed and filed in every case)	The Esquire Group, Inc.			
Sign	atures			
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative			
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	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.			
or 13 of title 11, United States Code, understand the relief available under each such	(Check only <b>one</b> box.)			
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 chapter 15 of Title 11, United States Code. Certified Copies of the documents required by 11 U.S.C. § 1515 are attached.			
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.			
X Not Applicable	X Not Applicable (Signature of Foreign Representative)			
Signature of Debtor	(Signature of Foreign Representative)			
X Not Applicable				
Signature of Joint Debtor	(Printed Name of Foreign Representative)			
Telephone Number (If not represented by attorney)	Date			
Date				
Signature of Attorney X s/ Joe M. Supple	Signature of Non-Attorney Petition Preparer			
Signature of Attorney for Debtor(s)	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			
Joe M. Supple Bar No. 8013	the debtor with a copy of this document and the notices and information required under			
Printed Name of Attorney for Debtor(s) / Bar No.	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			
Supple Law Office, Pllc	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			
Firm Name	fee from the debtor, as required in that section. Official Form 19 is attached.			
801 Viand Street Point Pleasant, WV 25550				
Address	Not Applicable			
1.001-22	Printed Name and title, if any, of Bankruptcy Petition Preparer			
304-675-6249 304-675-4372 Telephone Number	Social-Security number (If the bankruptcy petition preparer is not an individual,			
11/26/2012	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				
*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.	Address			
Signature of Debtor (Corporation/Partnership)	X Not Applicable			
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.	Date			
	Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.			
The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	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			
X s/ Joseph Q. Midkiff	individual.			
Signature of Authorized Individual	If more than one person prepared this document, attach to the appropriate official form for each person.			
Joseph Q. Midkiff Printed Name of Authorized Individual	•			
Printed Name of Authorized Individual  President	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			
Title of Authorized Individual	both. 11 U.S.C. § 110; 18 U.S.C. § 156.			
11/26/2012				
Date				

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### **United States Bankruptcy Court**

### **Southern District of West Virginia**

In re:		Case No. Chapter	11
The Esquire Group, Inc.			
STATEMENT REGARDING AUTHO	ORITY 1	O SIGN AND FILE F	PETITION
I, <b>Joseph Q. Midkiff</b> , declare under penalty of perjury that I am Corporation and that on the following resolution was duly adopted			
"Whereas, it is in the best interest of this Corporation to file a Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United			
Be It Therefore Resolved, that <b>Joseph Q. Midkiff</b> , <b>President</b> of documents necessary to perfect the filing of a Chapter 11 voluntar			
Be It Further Resolved, that <b>Joseph Q. Midkiff</b> , <b>President</b> of this proceedings on behalf of the Corporation, and to otherwise do and documents on behalf of the Corporation in connection with such based on the corporation with the corporation with such based on the corporation with the	d perform al	I acts and deeds and to execu	
Be It Further Resolved, that <b>Joseph Q. Midkiff</b> , <b>President</b> of that torney and the law firm of <b>Supple Law Office</b> , <b>Plic</b> to represent the			d to employ <b>Joe M. Supple</b> ,
Executed on: 11/26/2012	Signed:	s/ Joseph Q. Midkiff Joseph Q. Midkiff	

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B4 (Official Form 4) (12/07)

# **United States Bankruptcy Court Southern District of West Virginia**

In re The Esquire Group, Inc.			Case No.		
	Debtor	,	Chapter 11		
LIST OF CRED	ITORS HOLDING	20 LARGES	ST UNSE	ECURED	CLAIMS
(1)  Name of creditor and complete mailing address including zip code	(2)  Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	(3)  Nature of claim (trade debt, bank loan, gov- ernment contract, etc.)	Indica is con unliqu disput	(4) hte if claim hteingent, hidated, hted or ct to setoff	(5) Amount of claim [if secured also state value of security]
Joseph C Midkiff 625 6th Street Huntington, WV 25701					\$24,000.00
Atlantic Irrigation 111 Lafayette Avenue N White Plains, NY 10603					\$3,785.46
Joseph Q. Midkiff 15 Township Road 1160 Proctorville, OH 45669					\$172.30
Jack Mease, CPA 5972 Route 60 East Barboursville, WV 25504					\$9,707.50
Ashworth Heating and Cooling PO Box 1024 Hurricane, WV 25526					\$796.00
Verizon PO Box 660720 Dallas, TX 75266					\$566.11

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

In re	The Esquire Group, Inc.	,	Case No.	
	Debtor		Chapter	11

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

(1) Name of creditor

and complete mailing address including zip code (2)

Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted

(3)

Nature of claim (trade debt, bank loan, government contract, etc.) (4)

Indicate if claim is contingent, unliquidated, disputed or subject to setoff (5)

Amount of claim [if secured also state value of security]

Somerville And Company, PLLC 501 5th Avenue PO Box 2096

Huntington, WV 25721

First State Bank PO Box 295 Barboursville, WV 25504

Kenny Queen Hardware 4350 A 5th Street Road Huntington, WV 25701

Global Paper Supply 1 UPS Way Champlain, NY 12919

Abbco Industries 1500 W. Cypress Creek Road, #505 Fort Lauderdale, FL 33309

Motion Industries PO Box 404130 Atlanta, GA 30384

\$454.44

\$535.00

\$435.33

\$353.95

\$295.96

\$172.30

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

In re	The Esquire Group, Inc.		Case No.	
	1	Debtor	Chapter	11

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

(1)

Name of creditor and complete mailing address including zip code (2)

Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted

(3)

Nature of claim (trade debt, bank loan, government contract, etc.) (4)

Indicate if claim is contingent, unliquidated, disputed or subject to setoff (5)

Amount of claim [if secured also state value of security]

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

I, Joseph Q. Midkiff, 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:	11/26/2012	Signature:	s/ Joseph Q. Midkiff
			Joseph Q. Midkiff ,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.

(Print Name and Title)

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B 203 (12/94)

### **UNITED STATES BANKRUPTCY COURT**Southern District of West Virginia

		Sout	nem Disti	ici oi wesi viigi	IIIa		
In re:	The Esquire Group, Inc.				Case No	-	
	Del	otor			Chapter	<u>11</u>	
	DISCLOSU	RE O		PENSATION ( DEBTOR	OF ATTORN	EY	
and pai	irsuant to 11 U.S.C. § 329(a) and Bankrupt d that compensation paid to me within one id to me, for services rendered or to be rennection with the bankruptcy case is as foll	year bet dered or	ore the filing of	the petition in bankrup	tcy, or agreed to be	debtor(s)	
	For legal services, I have agreed to acce	pt				\$	19,837.00
	Prior to the filing of this statement I have	received				\$	19,837.00
	Balance Due					\$	0.00
2. The	e source of compensation paid to me was:						
	✓ Debtor		Other (specify	y)			
3. The	e source of compensation to be paid to me	is:					
	■ Debtor		Other (specify	y)			
4.	I have not agreed to share the above-of my law firm.	disclosed	compensation	n with any other person	unless they are memb	ers and ass	sociates
5. In r	I have agreed to share the above-discl my law firm. A copy of the agreement, attached. return for the above-disclosed fee, I have a noluding:	togethe	with a list of the	he names of the people	sharing in the compe		es of
a)	Analysis of the debtor's financial situati a petition in bankruptcy;	ion, and	endering advi	ce to the debtor in deter	rmining whether to file		
b)	Preparation and filing of any petition, s	chedules	, statement of	affairs, and plan which	may be required;		
c)	Representation of the debtor at the me	eting of	creditors and c	onfirmation hearing, an	d any adjourned heari	ngs thereof	·;
d)	[Other provisions as needed]						
	None						
6. By	y agreement with the debtor(s) the above d	lisclosed	fee does not ir	nclude the following ser	vices:		
			CERT	IFICATION			
	certify that the foregoing is a complete stat esentation of the debtor(s) in this bankrupt		, 0	nt or arrangement for pa	ayment to me for		
Date	ed: <b>11/26/2012</b>						
				e M. Supple I. Supple, Bar No. 8	013		
				le Law Office, Pllc ey for Debtor(s)			

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# United States Bankruptcy Court Southern District of West Virginia

In re	The Esquire Group, Inc.	Case No.	
	Debtor.	Chapter	11

#### STATEMENT OF CORPORATE OWNERSHIP

STATEMENT OF CO	RPORATE OWNERSHIP			
Comes now <b>The Esquire Group, Inc.</b> (the "Debtor") and pursuant to Fed. R. Bankr. P. 1007(a) and 7007.1 state as follows:				
All corporations that directly or indirectly own 1 are listed below:	0% or more of any class of the corporation's equity interests			
Owner	% of Shares Owned			
None				
OR,				
X There are no entities to report.				

#### By's/ Joe M. Supple

Joe M. Supple Signature of Attorney

Counsel for The Esquire Group, Inc.

Bar no.: **8013** 

Address.: Supple Law Office, Pllc

801 Viand Street

Point Pleasant, WV 25550

Telephone No.: **304-675-6249** Fax No.: **304-675-4372** 

E-mail address: supplelawoffice@yahoo.com