

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:  
 SOUTHERN DISTRICT OF WEST 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 Elkview Reclamation & Processing, LLC

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) 47-1606062

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>PO Box 1052</u> <u>Catlettsburg, KY 41129</u> <small>Number, Street, City, State &amp; ZIP Code</small>	<u>Tonya Johnson</u> <u>Box 15992 US 23 South</u> <u>Catlettsburg, KY 41129</u> <small>P.O. Box, Number, Street, City, State &amp; ZIP Code</small>

County	Location of principal assets, if different from principal place of business
_____	_____
	<small>Number, Street, City, State &amp; ZIP Code</small>

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 Elkview Reclamation & Processing, LLC  
Name

Case number (if known) \_\_\_\_\_

**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>.

2131

**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 <b>See Attachment</b>	Relationship _____
District _____	When _____ Case number, if known _____

Debtor **Elkview Reclamation & Processing, LLC**  
Name

Case number (if known) \_\_\_\_\_

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 checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input 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 checked="" type="checkbox"/> \$0 - \$50,000 | <input 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 Elkview Reclamation & Processing, LLC  
Name

Case number (if known) \_\_\_\_\_



**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 May 18, 2016  
MM / DD / YYYY

X   
Signature of authorized representative of debtor  
Title President

Dennis Johnson  
Printed name

**18. Signature of attorney**

X   
Signature of attorney for debtor

Date May 18, 2016  
MM / DD / YYYY

S. Taylor Hood  
Printed name

Offutt Nord Burchett PLLC  
Firm name

949 Third Avenue, Suite 300  
Huntington, WV 25701  
Number, Street, City, State & ZIP Code

Contact phone 304-781-1107

Email address sthood@onblaw.com

11410  
Bar number and State

Debtor **Elkview Reclamation & Processing, LLC**  
Name

Case number (if known) \_\_\_\_\_

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:  
SOUTHERN DISTRICT OF WEST VIRGINIA

Case number (if known) \_\_\_\_\_ Chapter **11**

Check if this an amended filing

**FORM 201. VOLUNTARY PETITION**  
**Pending Bankruptcy Cases Attachment**

Debtor	<b>DJWV1, LLC</b>		Relationship to you	<b>Affiliate</b>
District	<b>Southern District of West Virginia</b>	When	<b>5/18/16</b>	Case number, if known
Debtor	<b>DJWV2, LLC</b>		Relationship to you	<b>Affiliate</b>
District	<b>Southern District of West Virginia</b>	When	<b>2/12/16</b>	Case number, if known
Debtor	<b>Moussie Processing, LLC</b>		Relationship to you	<b>Affiliate</b>
District	<b>Southern District of West Virginia</b>	When	<b>5/18/16</b>	Case number, if known
Debtor	<b>Sabbatical, Inc.</b>		Relationship to you	<b>Affiliate</b>
District	<b>Southern District of West Virginia</b>	When	<b>5/18/16</b>	Case number, if known
Debtor	<b>The Little Kentucky Elk, LLC</b>		Relationship to you	<b>Affiliate</b>
District	<b>Southern District of West Virginia</b>	When	<b>5/18/16</b>	Case number, if known

**Fill in this information to identify the case:**

Debtor name **Elkview Reclamation & Processing, LLC**

United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF WEST 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
Alchemy Engineering Associates 546 W. Old Middle Creek Road Prestonsburg, KY 41653		Water monitoring fees	Disputed			unknown
Appalachian Land Company 750 Town Mountain Road Pikeville, KY 41501		Bond	Contingent Unliquidated			unknown
Berkeley Energy Corporation 750 Town Mountain Road Pikeville, KY 41501		Bond	Contingent Unliquidated			unknown
Flomin Coal 5079 N. Mayo Trail Pikeville, KY 41501		Chemical supplier	Disputed			unknown
Prater Creek Coal Corporation 750 Town Mountain Road Pikeville, KY 41501		Bond	Contingent Unliquidated			unknown
Roadside Processing, Inc. 750 Town Mountain Road Pikeville, KY 41501		Bond	Contingent Unliquidated			unknown

United States Bankruptcy Court  
Southern District of West Virginia

In re Elkview Reclamation & Processing, LLC

Debtor(s)

Case No.

Chapter 11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Moussie Processing LLC 1316 Porter Road Catlettsburg, KY 41129			100%

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF 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 of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date May 18, 2016

Signature

  
Dennis Johnson

*Penalty for making a false statement of concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.

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

In re Elkview Reclamation & Processing, LLC

Debtor(s)

Case No.  
Chapter

11

**VERIFICATION OF CREDITOR MATRIX**

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: May 18, 2016

  
Dennis Johnson, President  
Signer/Title



Alchemy Engineering Associates  
546 W. Old Middle Creek Road  
Prestonsburg, KY 41653

Appalachian Land Company  
750 Town Mountain Road  
Pikeville, KY 41501

Berkeley Energy Corporation  
750 Town Mountain Road  
Pikeville, KY 41501

Flomin Coal  
5079 N. Mayo Trail  
Pikeville, KY 41501

Prater Creek Coal Corporation  
750 Town Mountain Road  
Pikeville, KY 41501

Roadside Processing, Inc.  
750 Town Mountain Road  
Pikeville, KY 41501