

FILED IN CHARLESTON
U.S. BANKRUPTCY COURT

2016 AUG 31 P 3: 54

SOUTHERN DISTRICT
WEST VIRGINIA

Check if this is an amended filing

Fill in this information to identify the case:

United States Bankruptcy Court for the:
Southern District of West Virginia
(State)

Case number (if known): _____ Chapter 11

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/16

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 the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Producer's Coal, 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) 26 273 064 5

<p>4. Debtor's address</p> <p><u>10 BPO.</u> Number Street</p> <p><u>Catlettsburg, KY 41129</u> City State ZIP Code</p> <p><u>Boyd</u> County</p>	<p>Principal place of business</p> <p>Mailing address, if different from principal place of business</p> <p>Number Street</p> <p>P.O. Box</p> <p>City State ZIP Code</p> <p>Location of principal assets, if different from principal place of business</p> <p>Number Street</p> <p>City State ZIP Code</p>
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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: _____

10

Debtor Producer's Coal, Inc.
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>.

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. District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

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

- No
- Yes. Debtor See Attached List Relationship _____
District _____ When _____
MM / DD / YYYY
- Case number, if known _____

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

Debtor Producer's Coal, Inc.
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 for distribution 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 type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input checked="" 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 |

Debtor Producer's Coal, Inc. Case number (if known) _____
Name

16. Estimated liabilities
- | | | |
|--|---|--|
| <input 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 checked="" 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 |

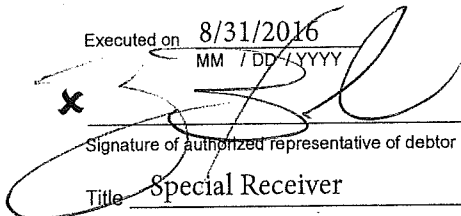
Request for Relief, Declaration, and Signatures

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 8/31/2016
MM / DD / YYYY

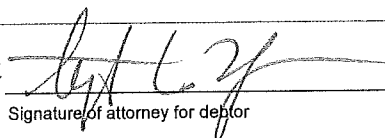


Signature of authorized representative of debtor

Zachary B. Burkons
 Printed name

Title Special Receiver

18. Signature of attorney



Signature of attorney for debtor

Date 8-31-16
MM / DD / YYYY

Stephen L. Thompson
 Printed name

Barth & Thompson
 Firm name

P.O. Box 129
Number Street

Charleston WV 25321
City State ZIP Code

304-342-7111 sthompson@barth-thompson.com
Contact phone Email address

3751 WV
Bar number State

Debtor: Producer's Coal, Inc.

10. Bankruptcy Cases Pending or Being Filed by a Business Partner or an Affiliate of the Debtor

1. Debtor: Green Coal, LLC Relationship: Affiliate
District: Southern District of West Virginia When: 8/31/2016
Case Number, if known:
2. Debtor: Joint Venture Development, LLC Relationship: Affiliate
District: Southern District of West Virginia When: 8/31/2016
Case Number, if known:
3. Debtor: Appalachian Mining and Reclamation, LLC Relationship: Affiliate
District: Southern District of West Virginia When: 8/31/2016
Case Number, if known:
4. Debtor: Producer's Land, LLC Relationship: Affiliate
District: Southern District of West Virginia When: 8/31/2016
Case Number, if known:
5. Debtor: Redbud Dock, LLC Relationship: Affiliate
District: Southern District of West Virginia When: 8/31/2016
Case Number, if known:
6. Debtor: Sabbatical, Inc. Relationship: Affiliate
District: Southern District of West Virginia When: 5/18/2016
Case Number, if known: 3:16-bk-30247
7. Debtor: The Silo Golf Course LLC Relationship: Affiliate
District: Southern District of West Virginia When: 8/12/2016
Case Number, if known: 3:16-bk-30369
8. Debtor: The Little Kentucky Elk, LLC Relationship: Affiliate
District: Southern District of West Virginia When: 5/18/2016
Case Number, if known: 3:16-bk-30251
9. Debtor: Moussie Processing, LLC Relationship: Affiliate
District: Southern District of West Virginia When: 5/18/2016
Case Number, if known: 3:16-bk-30248
10. Debtor: DJWV1, LLC Relationship: Affiliate
District: Southern District of West Virginia When: 5/18/2016
Case Number, if known: 3:16-bk-30249

11. Debtor: DJWV2, LLC (Involuntary) Relationship: Affiliate
District: Southern District of West Virginia When: 2/12/2016
Case Number, if known: 3:16-bk-30062

12. Debtor: Southern Marine Services Limited Relationship: Affiliate
Liability Company (Involuntary) When: 2/12/2016
District: Southern District of West Virginia
Case Number, if known: 3:16-bk-30063

13. Debtor: Southern Marine Terminal, LLC (Involuntary) Relationship: Affiliate
District: Southern District of West Virginia When: 2/12/2016
Case Number, if known: 3:16-bk-30064

Fill in this information to identify the case:

Debtor name Producer's Coal, Inc.

United States Bankruptcy Court for the: Southern District of WV
(State)

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 the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Jemika Bottled Spring Water, LLC 395 Laurel Ave, Ashland, KY 41101						77.18
2	Ashland Office Supply 2100 29th St Ashland - KY - 41101"						135.00
3	Hart Sanitation 2419 Center St Catlettsburg, KY 41129						145.50
4	Southern Coals Conference, Inc 440 Happy Dr, Cincinnati, OH 45238						150.00
5	Verizon Wireless One Verizon Way Basking Ridge, New Jersey 07920						160.66
6	A Z Septic Tank Service Culp Creek Road Argillite, KY 41121						220.00
7	AT&T Mobility 1025 Lenox Park Blvd. Atlanta, GA 30319						230.06
8	Kentucky Power Company 490 Justell Bridge Rd. Betsy Layne, KY 41605						331.40

Debtor Producer's Coal, 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 the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9	Windstream Kentucky East Inc. 130 West New Circle Road Suite 170 Lexington, KY 40505						365.12
10	Bailes, Craig & Yon, PLLC 401 10th St #500 Huntington, WV 25701						1,142.17
11	BridgeIT.Com 2275 E. Continental Blvd. Southlake, TX 76092						1,908.00
12	Todd Case Trucking, LLC 20475 US-23, Louisa, KY 41230						2,338.78
13	McGinnis, Inc. 502 2nd St E South Point, OH 45680						4,617.20
14	SGS North America, Inc. 201 NJ-17 Rutherford, NJ 07070						12,225.00
15	Honeycutt Properties, LLC 165 CORNELIA AVE. WHITESBURG, KY 41858						15,000.00
16	Fraley, Miller & Company 101 Fraley Miller Plaza Rd # 101 Grayson, KY 41143						27,209.66
17	Sabbatical, Inc. 15992 US 23 SOUTH CATLETTSBURG, KY 41129						44,565.19
18	Root Hog Coal Co. Inc 29605 Mayo Trail Rd Catlettsburg, KY 41129						50,801.01
19	Crouse Corporation 400 Marine Way Paducah, Ky 42003						72,390.86
20	Mineral Labs, Inc 309 Pkwy Dr Salyersville, KY 41465						305,649.91

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

IN RE: : Case No.:
: :
PRODUCER'S COAL, INC., : Chapter 11
: :
Debtor. : :

RESOLUTION REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, **Zachary B. Burkons**, declare under penalty of perjury that I am the duly appointed **Special Receiver of Producer's Coal, Inc. ("Debtor")**, and that the following is a true and correct copy of the resolution adopted by the aforementioned Debtor, a Kentucky limited liability company, at a special meeting duly called and held on the 31st day of August, 2016.

RECITALS

WHEREAS, the Debtor is subject to litigation with Peoples Bank, National Association ("**Bank**") in the Circuit Court of Cabell County, West Virginia – Business Court Division ("**State Court**"), a Civil Action No. 15-C-807 ("**State Court Case**"); and,

WHEREAS, on or about May 18, 2016, the Honorable Joanna I. Tabit entered the *Order Granting Peoples Bank, National Association's Motion to Appoint Special Receiver* ("**Original Receiver Order**"); and,

WHEREAS, pursuant to the Original Receiver Order, Judge Tabit appointed David G. Zatezalo ("**Mr. Zatezalo**") as the Special Receiver for the Debtor; and,

WHEREAS, the Original Receiver Order authorized Mr. Zatezalo to "fil[e] a petition in bankruptcy for [the Debtor]"; and,

WHEREAS, the Original Receiver Order vested Mr. Zatezalo with "the standing and all power and authority of: (i) the board of directors, shareholders, members, manager and general partner or partners of the [Debtor], or corporate officer(s) as the case may be"; and,

WHEREAS, on August 16, 2016, Judge Tabit entered that certain *Order Following August 15, 2016 Hearing* ("**Second Receiver Order**"); and,

WHEREAS, as set forth in the Second Receiver Order, Judge Tabit appointed Zachary B. Burkons as the successor Special Receiver to Mr. Zatezalo in order to continue operation within the receivership; and,

WHEREAS, Zachary B. Burkons, as Special Receiver for the Debtor with the power and authority as member and manager of the Debtor to file a petition for bankruptcy, has determined that it is in the best interest of the Debtor to file a voluntary petition in the United States Bankruptcy

Court for the Southern District of West Virginia (“**Bankruptcy Court**”) pursuant to Chapter 11 of Title 11 of the United States Code.

RESOLUTIONS

BE IT THEREFORE RESOLVED, that **Zachary B. Burkons**, as Special Receiver for the Debtor, 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 Debtor in the Bankruptcy Court; and,

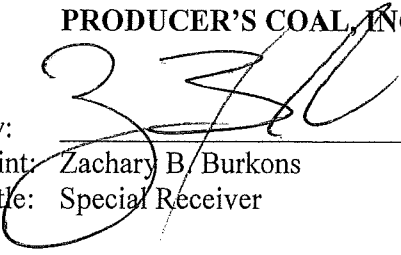
BE IT FURTHER RESOLVED, that **Zachary B. Burkons**, as Special Receiver for the Debtor, is authorized and directed to appear in all bankruptcy proceedings on behalf of the Debtor, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the Debtor in connection with such bankruptcy case; and,

BE IT FURTHER RESOLVED, that **Zachary B. Burkons**, as Special Receiver for the Debtor, is authorized and directed to retain Stephen L. Thompson, Esq., and the law firm of Barth & Thompson, to represent the Debtor.

IN WITNESS WHEREOF, I have executed my name as Special Receiver of the Debtor on the date first above written.

Date: August 31, 2016

PRODUCER'S COAL, INC.

By: 
Print: Zachary B. Burkons
Title: Special Receiver