

United States Bankruptcy Court  
Eastern District of California

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):

**NMI Industrial Contractors**

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 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 Individual-Taxpayer I.D. (ITIN) No./Complete  
EIN (if more than one, state all): **94-2206163**

Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete  
EIN (if more than one, state all):

Street Address of Debtor (No. & Street, City, State & Zip Code):

**8503 Weyand Avenue  
Sacramento, CA**

Street Address of Joint Debtor (No. & Street, City, State & Zip Code):

ZIPCODE **95828**

ZIPCODE

County of Residence or of the Principal Place of Business:

**Sacramento**

County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address):

ZIPCODE

Mailing Address of Joint Debtor (if different from street address):

ZIPCODE

Location of Principal Assets of Business Debtor (if different from street address above):

**8503 Weyand Avenue, Sacramento, CA**

ZIPCODE **95828**

Type of Debtor  
(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 this box and state type of entity below.)

Nature of Business  
(Check one box.)

- ☐ Health Care Business  
☐ Single Asset Real Estate as defined in 11  
U.S.C. § 101(51B)  
☐ Railroad  
☐ Stockbroker  
☐ Commodity Broker  
☐ Clearing Bank  
☒ Other

Tax-Exempt Entity

(Check box, if applicable.)

- ☐ Debtor is a tax-exempt organization under  
Title 26 of the United States Code (the  
Internal Revenue Code).

Chapter of Bankruptcy Code Under Which  
the Petition is Filed (Check one box.)

- ☐ Chapter 7  
☐ Chapter 9  
☒ Chapter 11  
☐ Chapter 12  
☐ Chapter 13  
☐ Chapter 15 Petition for  
Recognition of a Foreign  
Main Proceeding  
☐ Chapter 15 Petition for  
Recognition of a Foreign  
Nonmain Proceeding

Nature of Debts

(Check one box.)

- ☐ Debts are primarily consumer  
debts, defined in 11 U.S.C.  
§ 101(8) as "incurred by an  
individual primarily for a  
personal, family, or house-  
hold purpose."  
☒ Debts are primarily  
business debts.

Filing Fee (Check one box)

- ☒ Full Filing Fee attached  
☐ 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 waiver requested (Applicable to chapter 7 individuals  
only). Must attach signed application for the court's  
consideration. See Official Form 3B.

Chapter 11 Debtors

Check one box:

- ☐ 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).

Check if:

- ☐ Debtor's aggregate noncontingent liquidated debts owed to non-insiders or affiliates are less  
than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter).

Check all applicable boxes:

- ☐ 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).

Statistical/Administrative Information

- ☒ 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

☐ 1-49 ☐ 50-99 ☐ 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 Assets

☐ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☒ \$100,001 to \$500,000 ☐ \$500,001 to \$1,000,000 ☐ \$1,000,001 to \$5,000,000 ☐ \$5,000,001 to \$10,000,000 ☐ \$10,000,001 to \$50,000,000 ☐ \$50,000,001 to \$100,000,000 ☐ \$100,000,001 to \$500,000,000 ☐ More than \$500,000,000

Estimated Liabilities

☐ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☒ \$500,001 to \$1,000,000 ☐ \$1,000,001 to \$5,000,000 ☐ \$5,000,001 to \$10,000,000 ☐ \$10,000,001 to \$50,000,000 ☐ \$50,000,001 to \$100,000,000 ☐ \$100,000,001 to \$500,000,000 ☐ More than \$500,000,000

THIS SPACE IS FOR  
COURT USE ONLY

2010-29301

FILED

April 12, 2010

10:01 AM

RELIEF ORDERED

CLERK, U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA



0002550628

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): <b>NMI Industrial Contractors</b>	
<b>Prior Bankruptcy Case Filed Within Last 8 Years</b> (If more than two, attach additional sheet)			
Location Where Filed: <b>None</b>	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
<b>Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor</b> (If more than one, attach additional sheet)			
Name of Debtor: <b>None</b>	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<b>Exhibit A</b> (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.)  <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		<b>Exhibit B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts.)  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 delivered to the debtor the notice required by § 342(b) of the Bankruptcy Code.  <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <span style="margin-left: 50px;">X _____</span> <span>_____</span> </div> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Signature of Attorney for Debtor(s)</span> <span>Date</span> </div>	
<b>Exhibit C</b> 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?  <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No			
<b>Exhibit D</b> (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.  If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
<b>Information Regarding the Debtor - Venue</b> (Check any applicable box.) <input checked="" type="checkbox"/> 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. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> 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.			
<b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b> (Check all applicable boxes.) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)  <div style="text-align: center; margin-bottom: 10px;">         _____          (Name of landlord or lessor that obtained judgment)       </div> <div style="text-align: center; margin-bottom: 10px;">         _____          (Address of landlord or lessor)       </div> <input type="checkbox"/> 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 <input type="checkbox"/> 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. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

**Voluntary Petition**

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

Name of Debtor(s):

NMI Industrial Contractors

**Signatures****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 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.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

**Signature of Attorney\***

X

Signature of Attorney for Debtor(s)

**Anthony Asebedo 155105**  
**Meegan, Hanschu & Kassenbrock**  
**11341 Gold Express Drive, Suite 110**  
**Gold River, CA 95670-4492**  
**(916) 925-1800 Fax: (916) 925-1265**

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

Signature of Authorized Individual

Printed Name of Authorized Individual

President

Title of Authorized Individual

Date

**Signature of Non-Attorney 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); 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 bankruptcy 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.)

Address

X

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Date

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.

MINUTES OF SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF  
NMI INDUSTRIAL CONTRACTORS,  
a California corporation

1. Time and Place.

The following are the minutes of a special meeting of the Board of Directors of NMI Industrial Contractors, a California corporation, held on April 8, 2010, at 8503 Weyand Avenue, Sacramento, California.

2. Authority to Act.

The following Directors were present:

Scott E. Chastain

There are no other Directors of the Corporation.

Chairman of the Meeting.

On motion duly made and seconded, Scott E. Chastain was elected Chairman of the Meeting and accepted the election and acted in said capacity.

Minutes.

On motion duly made and seconded, it was:

RESOLVED, that Scott E. Chastain, as Secretary of the Corporation be directed with the responsibility of preparing the minutes of this meeting and placing them in the minute book of this Corporation.

Purpose of Special Meeting.

The purpose of this special meeting was to review the financial viability of the Corporation in the event Bank of Sacramento, a California corporation, is unwilling to renew the

Corporation's line of credit under terms and conditions consistent with historical practices or seeks the appointment of a receiver and preliminary injunction.

RESOLVED, that the officers of this Corporation (hereinafter collectively referred to as the "Officers") be, and they hereby are, authorized and directed on behalf of this Corporation to prepare, execute and file the Corporation's Petition for relief provided in Title 11, United States Code, Chapter 11, (the "Chapter 11 Case") and all of the necessary papers in connection therewith, in the United States Bankruptcy Court, Eastern District of California, Sacramento Division, and further to such end, to do any other acts, execute all documents and take any other steps in the name and in behalf of the Corporation, necessary or appropriate to obtaining such relief, including the presentation of a plan of reorganization or liquidation, and

RESOLVED, that the Officer, on behalf of the Corporation, shall retain the services of professionals to assist the Corporation in preparing and filing the Chapter 11 Case, and to represent and assist the Corporation in carrying out its duties in the Chapter 11 Case and the officers are hereby authorized and directed to take appropriate actions to retain said professionals and to execute appropriate retention agreements and pay appropriate retainers prior to the filing of the Chapter 11 Case, and, immediately, upon the filing of the Chapter 11 Case, to file, or cause to be filed, an appropriate application or applications with the Bankruptcy Court for authority to retain the services of professionals for said purposes. The said professionals include, but are not limited to, the following named firms and persons, believed to be properly qualified to act as professionals in said case: (1) Bankruptcy Counsel: Anthony Asebedo, located at 11341 Gold Express Drive, Suite 110, Gold River, California 95670. In connection therewith, the said professionals are to be compensated for their services and expenses on the basis of prior and/or

current agreements and/or their usual and customary fees and expenses, including retainers, subject to the approval of the Bankruptcy Court as required; and

RESOLVED, that the officers are hereby authorized, upon consultation with such persons (including professionals), as the officers may deem appropriate and proper, to file or cause to be filed, applications for authority to retain the services of other professionals for specified purposes, including litigation, and to compensate them at the rate of their usual fees and expenses, including retainers, subject to the approval of the Bankruptcy Court to the extent necessary or required; and


RESOLVED, that in connection with the foregoing, the officers are hereby authorized and directed to execute and cause to be filed the petition, and any and all other documents thereafter which the officers deem appropriate, including but not limited to, agreements to hire professionals, liquidate assets, compromise or litigate claims, and take any other action as is reasonable or necessary to protect the interest of the Corporation's creditors, including but not limited to the sale, liquidation and/or hypothecation of any or all of the Corporation's assets and the borrowing of funds upon such terms and conditions as are customary or appropriate under the circumstances; and

RESOLVED that to the extent funds are borrowed by the Corporation to retain and/or compensate professionals in the context of the bankruptcy proceedings, such borrowing is hereby approved and ratified.

Adjournment.

The Chairman asked whether there was any further business to come before the Directors at this meeting and there being no response the meeting was adjourned.

The foregoing Minutes are approved as acts of the Directors of the Corporation.

  
\_\_\_\_\_  
Scott E. Chastain, Secretary

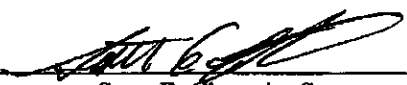
CERTIFICATE OF SECRETARY

I certify that:

I am the duly acting Secretary of NMI Industrial Contractors, a California corporation.

The foregoing is a true copy of a resolution adopted by the Board of Directors of the corporation at a special meeting duly held on April 8, 2010 and entered in the Minute Book of the Corporation.

Dated: April 8, 2010

  
\_\_\_\_\_  
Scott E. Chastain, Secretary

(Seal)

WAIVER OF NOTICE OF SPECIAL MEETING  
OF DIRECTORS OF NMI INDUSTRIAL CONTRACTORS  
AND CONSENT TO HOLD MEETING OF DIRECTORS

We, the undersigned directors of NMI Industrial Contractors, a California corporation, waive notice of the special meeting of the Board of Directors of the corporation on April 8, 2010 at 8503 Weyand Avenue, Sacramento California and consent to this meeting being held at said time and place and to the transaction of any and all business by directors of the meeting.

Dated: April 8, 2010

  
\_\_\_\_\_  
Scott E. Chastain

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United States Bankruptcy Court  
Eastern District of California

2010-29301

FILED

April 12, 2010

CLERK, U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

0002550629

IN RE:

Case No. \_\_\_\_\_

NMI Industrial Contractors

Chapter 11

Debtor(s)

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

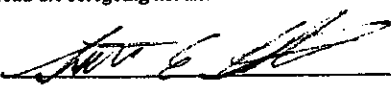
Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 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 and Fed. R. Bankr. P. 1007(m).

(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)
Grating Pacific, Inc. 3651 Sausalito Street Los Alamitos, CA 90720				153,784.32
American Express Corp Card 2965 West Corporate Lakes Blvd Weston, FL 33331-3626				140,521.35
Graybar Electric Company, Inc File 57071 Los Angeles, CA 90074-7071				88,498.65
Mueller Company, Paul P.O. Box 503537 St Louis, MO 63150-3537				78,705.87
Porter - Scott P.O. Box 255428 Sacramento, CA 95865				53,304.61
Gallina LLP 8001 Folsom Boulevard Sacramento, CA 95826-2621				46,725.00
Stainless Distributors 4731 Greenleaf Circle #5 Modesto, CA 95356				42,607.78
Granite Electrical Supply, Inc PO Box 348450 Sacramento, CA 95834				37,193.71
GFI Stainless, Inc. 2084 Lapham Dr. Bldg. A Modesto, CA 95354				32,671.76
Central Valley Electric Supply 4891 24th Street Sacramento, CA 95822				26,007.51
American Metals Corp Unit 91 P.O. Box 4900 Portland, OR 97208-4900				21,470.93
Container Handling Systems 621 E Plainfield Road Countryside, IL 60525				16,812.90
Alliance Industrial Corp. 208 Tomahawk Industrial Park Lynchburg, VA 24502				16,602.75
VE Solutions, Inc 5845 Windmill Way, Suite D Carmichael, CA 95608				13,525.00

PDM Steel Service Centers P.O. Box 687 Stockton, CA 95201	11,584.49
American Crane Rental LLC 515 First Street Escalon, CA 95320	11,400.00
Fastenal Company P.O. Box 978 Winona, MN 55987-0978	11,226.25
Industrial & Contractor Service 820 E Street W. Sacramento, CA 95605-2309	10,934.31
Ahern Rentals Inc 1419 South 7th Street Modesto, CA 95351	10,907.83
McMaster-Carr Supply Co. P.O. Box 7690 Chicago, IL 60680-7690	9,236.01

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

I, [the president or other officer or an authorized agent of the corporation][or a member or an authorized agent of the partnership] 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: 4-12-2010 Signature: 

**Scott E. Chastain, President**

(Print Name and Title)