

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 11
Case No.

SUFFOLK READY MIX, LLC,

Debtor.

**AFFIDAVIT PURSUANT TO
TO LOCAL RULE 1007-4**

-----X

STATE OF NEW YORK)

SS.:

COUNTY OF SUFFOLK)

ANTHONY T. PERSICO, being duly sworn, depose and say, under penalties of perjury:

1. I am the President of SUFFOLK READY MIX, LLC, the Debtor and Debtor- In- Possession in this chapter 11 bankruptcy case (the "Debtor"), and I make this affidavit in compliance with the obligations of a Debtor-in-Possession pursuant to Local Bankruptcy Rule 1007-4.
2. This case was commenced by the filing of a voluntary petition with this Court for relief under chapter 11 of the United States Bankruptcy Code, 11 U.S.C. Section 101-et seq., on July 22, 2009, (the "Filing Date"). The Debtor is not a small business within the meaning of Bankruptcy Code Section 101(51D).
3. The Debtor is a New York corporation with its principal place of business at 131 Old Northport Road, Kings Park, New York 11754 (the "Business Premises").
4. The Debtor, which was incorporated in 1998, is engaged in the business of concrete production/manufacture.
5. The Debtor is presently experiencing serious cash flow difficulties resulting from the current severe economic crisis that is gripping the nation. At the onset of this

crisis, many of the Debtor's customers either canceled jobs that they had previously scheduled, or failed to pay for services that had already been performed by the Debtor.

6. The Debtor was therefore faced with an immediate and severe cash flow crisis, rendering it unable to meet its monthly obligations.

7. The Debtor determined that downsizing operations would enable it to operate profitably on a smaller scale. Thus, the Debtor took quick and decisive action in order to dramatically reduce its operation costs. For example, the Debtor laid off several of its employees.

8. However, as the Debtor's is a seasonal business (with the peak of its season being April through September), the reduction in costs of overhead has not served to alleviate all of its financial problems as its income during this off-season period was typically low.

9. The Debtor believes that it will be able to generate sufficient funds to enable it to operate profitably with its reduced overhead costs.

10. However, several of the Debtor's creditors have initiated lawsuits against the Debtor and are pursuing collection efforts. Thus, the Debtor requires the breathing room afforded by Chapter 11 to enable it to continue operations wherein it believes that it will be able to generate sufficient funds to promulgate a viable chapter 11 plan.

11. As a result, the Debtor filed the instant chapter 11 case.

12. This case was commenced as a Chapter 11 case, and as such there has been no trustee or creditors' committee appointed in this case.

13. A list of the Debtor's twenty largest unsecured creditors is annexed hereto

at Exhibit "A".

14. A list of the Debtor's five largest secured creditors is annexed hereto at Exhibit "B".

15. The Debtor's assets consist primarily of the equipment that it uses to conduct its business. A full listing of the Debtor's assets is annexed hereto at Exhibit "C".

16. The Debtors' liabilities consist of the following:

- secured debt in the aggregate sum of \$245,207.53 consisting of the balances due to Financial Federal Credit Inc. which holds a lien on all of the Debtor's property, and balances due on several of the Debtor's vehicles and equipment;

- priority debt owed to Anthony Persico in the sum of \$7,220.79 and to NYS Department of Taxation & Finance in the approximate sum of \$78,331.13; and

- general unsecured debt in the aggregate sum of \$3,289,090.05.

17. None of the shares in the Debtor are publically traded.

18. None of the Debtor's property is in the possession or custody of any third party.

19. The Debtor operates its business from its leased premises, located at 131 Old Northport Road, Kings Park, New York 11754 (the "Business Premises").

20. The majority of the Debtor's assets are located at the Business Premises. The Debtor's books and records are maintained in part at the Business Premises, and in part at the office of the Debtor's accountants, Wagner & Zwerman, 450 Wireless Blvd., Hauppauge, NY 11788. The Debtor does not have any assets outside the territorial United States.

21. There is no action or proceeding, pending or threatened, against the debtor

or its property where a judgment against the debtor or a seizure of its property may be imminent.

22. The Debtor is managed solely by Anthony T. Persico, 99% owner and President of the Debtor. Mr. Persico has been managing the Debtor since its creation in 1998, and has been in the business of concrete manufacture since 1983. Mr. Persico is solely responsible for all management duties of the Debtor.

23. The estimated amount of weekly payroll to employees (exclusive of officers, directors, stockholders, partners and members) for the 30-day period following the filing of the Chapter 11 petition is \$9,000.00.

24. During the 30-day period following the filing of the Chapter 11 petition, the Debtor plans to pay its officers and directors approximately \$14,000.00.

25. A schedule of the estimated cash receipts and disbursements, net cash gain or loss, obligations and receivables expected to accrue but remaining unpaid, other than professional fees, incurred during the 30-day period following the filing of the chapter 11 petition is annexed hereto at Exhibit "D".

26. As stated above, the Debtor's main objective in its chapter 11 case is obtain the "breathing room" necessary to resolve its issues with its creditors and emerge from chapter 11 as a viable and thriving entity. The Debtor believes that it will be able to emerge from Chapter 11 with a successful plan of reorganization pursuant to which it will be able to maximize the value of the equity in its assets, while providing for the required payment to its

creditors.

A handwritten signature in black ink, appearing to read 'Anthony T. Persico', written over a horizontal line.

ANTHONY T. PERSICO, President

Sworn to before me this
_____ day of July, 2009

Notary Public

EXHIBIT "A"

**United States Bankruptcy Court
Eastern District of New York**

IN RE:

Case No. _____

Suffolk Ready Mix, LLC

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)
Antonio Lopes 2508 Englewood Street East Meadow, NY 11554	Dan M. Blumenthal, Esq. Ezratty, Ezratty & Levine 80 East Old Country Road Mineola, NY 11501		Contingent Unliquidated Disputed	1,657,501.54
Essex Cement Company, LLC C/O K&L Gates, LLP 599 Lexington Avenue New York, NY 10022			Unliquidated Disputed	783,796.16
Lafarge North America, Inc. C/O Tofel & Partners, LLP 800 Third Avenue, 12th Floor New York, NY 10022			Unliquidated Disputed	275,050.17
Prime Petroleum 9 Murray Street Farmingdale, NY 11735				91,559.56
Bank Of America P.O. Box 535310 Atlanta, GA 30353-5310				88,840.71
NYS Commissioner Of Tax & Finance Tax Compliance Division P.O. Box 5290 Albany, NY 12205-0290				78,331.13
Michael Nasti 15 Willow Court Manhasset, NY 11030				73,178.52
Bankdirect Capital Finance P.O. Box 660448 Dallas, TX 75266-0448				67,532.58
Wachovia PO Box 96074 Charlotte, NC 28296				49,839.92
M&T Bank PO Box 62146 Baltimore, MD 21264				43,215.35
All Island Mason Supply 180 Townline Road Kings Park, NY 11754		Trade debt		43,053.12
Key Equipment P.O. Box 203901 Houston, TX 77216				58,528.45
				Collateral: 20,000.00
				Unsecured: 38,528.45

Kings Park Camm Holding 150 Tonwline Road Kings Park, NY	31,433.70
Santilli Recycling Inc. 2554 Central Avenue Baldwin, NY 11510	19,358.74
Sky Materials Corporation PO Box 302 Calverton, NY 11933	9,835.39
Martins & Silva 221 Mineola Boulevard Mineola, NY 11501	8,707.50
Pomaro Industries, Inc. PO Box 354 Kings Park, NY	7,503.73
T & G Equipment 114 Middle Island Boulevard Middle Island, NY 11953	6,397.90
National Grid PO Box 9037 Hicksville, NY 11802	6,323.74
H.O.Penn Machinery Co. PO Box 5307 Poughkeepsie, NY 12602	5,104.83

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: July 23, 2009 Signature: 

Anthony T. Persico, President
(Print Name and Title)

EXHIBIT "B"

LIST OF CREDITORS HOLDING FIVE LARGEST SECURED CLAIMS

Name and Address of Creditor	Nature of Lien	Value of Collateral	Amount of Claim
Financial Federal Credit, Inc. 300 Frank W. Burr Blvd. Teaneck, NJ 07666	Blanket lien on all assets of the Debtor, and specific lien on (2) 1996 Advance Mixers, (3) 1999 Advance Mixers, (1) 2001 Advance Mixer, (2) 2005 Advance Mixers, (1) 2005 Peterbilt Tractor and (1) 2005 East Trailer	\$227,000.00	\$175,311.00
Key Equipment P.O. Box 203901 Houston, TX 77216	Lien on Heil Trailer	20,000.00	\$58,528.45
Caterpillar Financial Services P.O. Box 13834 Newark, NJ 07188	Lien on Caterpillar wheel loader	\$25,000.00	\$11,368.08

EXHIBIT "C"

IN RE Suffolk Ready Mix, LLC

Debtor(s)

Case No. _____

(If known)

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
None				

TOTAL

0.00

(Report also on Summary of Schedules)

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply 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).

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H U S B A N D, W I F E, J O I N T, O R C O M M U N I T Y	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.	X	Merchants' Services account maintained at Bank of America Operating Account maintained at Bank of America Sales tax account maintained at Bank of America		1,097.85
2. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.	X		21,997.40	
3. Security deposits with public utilities, telephone companies, landlords, and others.	X		154.07	
4. Household goods and furnishings, include audio, video, and computer equipment.	X			
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.	X			
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interest in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issue.	X			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			

**SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
15. Government and corporate bonds and other negotiable and non-negotiable instruments.	X			
16. Accounts receivable.		Accounts Receivable		503,647.47
17. Alimony, maintenance, support, and property settlements in which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			
19. Equitable or future interest, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		1988 Dump Truck		10,000.00
		1988 Ford Van		500.00
		1996 Advance Mixer		10,000.00
		1996 Advance Mixer		10,000.00
		1999 Advance Mixer		15,000.00
		1999 Advance Mixer		15,000.00
		1999 Advance Mixer		12,000.00
		2001 Advance Mixer		15,000.00
		2001 Phoenix Mixer		12,000.00
		2002 Phoenix Mixer		12,000.00
		2002 Phoenix Mixer		20,000.00
		2004 Advance Mixer		30,000.00

IN RE **Suffolk Ready Mix, LLC**

Debtor(s)

Case No. _____

(If known)

**SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)**

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
		2005 Advance Mixer		50,000.00
		2005 Advance Mixer		50,000.00
		2005 East Trailer		15,000.00
		2005 Peterbilt		35,000.00
		2007 Heil Trailer		20,000.00
		2007 Home Trailer		2,000.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.		Office equipment, including 3 computer, 2 all in one printer/fax/copiers, 4 telephones, a pitney bowes postage machine and credit card processing machine		500.00
29. Machinery, fixtures, equipment, and supplies used in business.		1976 Michigan Payloader		5,000.00
		1979 Caterpillar Payloader		25,000.00
		1985 Caterpillar Steelloader		25,000.00
		2000 Tracking System Data Communication		10,000.00
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			
TOTAL				925,896.79

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0 continuation sheets attached

(Include amounts from any continuation sheets attached.
Report total also on Summary of Schedules.)

EXHIBIT "D"

SUFFOLK READY MIX, LLC, CHAPTER 11 DEBTOR
ESTIMATED RECEIPTS AND DISBURSEMENTS FIRST 30 DAYS

RECEIPTS

On Account customers:	\$140,000.00
Credit Card customers:	<u>\$15,000.00</u>
Total Receipts	\$155,000.00

DISBURSEMENTS

Payroll:	\$37,800.00
Workman's Comp:	\$2,000.00
Secured Obligations	
Financial First Federal:	\$6,817.00
Caterpillar:	\$1,419.00
Key Equipment:	\$1,685.00
Insurance	
Truck:	\$9,830.00
Health:	\$6,287.00
Cement:	\$58,000.00
Fuel:	\$16,000.00
Truck parts & supplies:	\$1,000.00
Materials (sand, gravel, etc.)	\$20,000.00
Refuse removal:	\$220.00
Highway use:	\$400.00
Office expenses:	\$50.00
Utilities:	\$1,500.00
Telephone:	\$440.00
Uniforms:	<u>\$200.00</u>
Total Disbursements:	\$163,648.00