

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF MARYLAND

Case number (if known)

Chapter

11☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

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 **Delauter Leasing, 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) **26-3175721**

4. Debtor's address

Principal place of business

**2 Creamery Way
Emmitsburg, MD 21727**

Number, Street, City, State & ZIP Code

Frederick

County

Mailing address, if different from principal place of business

**P. O. Box 114
Thurmont, MD 21788**

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

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 **Delauter Leasing, 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>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?**Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ **Chapter 11. Check all that apply:**

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any 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 _____

Debtor **Delauter Leasing, LLC**
Name

Case number (if known)

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 **W. F. Delauter & Son, Inc.** Relationship **affiliate**

District **Maryland** When **5/08/24** Case number, if known **24-13955**

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
- ☐ 1-49
☒ 50-99
☐ 100-199
☐ 200-999
- ☐ 1,000-5,000
☐ 5001-10,000
☐ 10,001-25,000
- ☐ 25,001-50,000
☐ 50,001-100,000
☐ More than 100,000

15. Estimated Assets
- ☐ \$0 - \$50,000
☐ \$50,001 - \$100,000
☐ \$100,001 - \$500,000
☐ \$500,001 - \$1 million
- ☒ \$1,000,001 - \$10 million
☐ \$10,000,001 - \$50 million
☐ \$50,000,001 - \$100 million
☐ \$100,000,001 - \$500 million
- ☐ \$500,000,001 - \$1 billion
☐ \$1,000,000,001 - \$10 billion
☐ \$10,000,000,001 - \$50 billion
☐ More than \$50 billion

Debtor **Delauter Leasing, LLC**
Name

Case number (if known)

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Delauter Leasing, 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 7, 2024**
MM / DD / YYYY**X /s/ Kirby E. Delauter**

Signature of authorized representative of debtor

Kirby E. Delauter

Printed name

Title **Managing Member****18. Signature of attorney****X /s/ Paul Sweeney**

Signature of attorney for debtor

Date **May 7, 2024**

MM / DD / YYYY

Paul Sweeney 07072

Printed name

YVS Law, LLC

Firm name

**11825 West Market Place, Suite 200
Fulton, MD 20759**

Number, Street, City, State & ZIP Code

Contact phone **(443) 569-5972**Email address **psweeney@yvslaw.com****07072 MD**

Bar number and State

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)

In re:

DELAUTER LEASING, LLC

Debtor

*

*

*

Case No: 24-_____
(Chapter 11)

* * * * *

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, Kirby E. Delauter, declare under penalty of perjury that I am the managing member of Delauter Leasing, LLC (the "Company"), and that the following is a true and correct copy of the resolutions adopted by the sole member of the Company, at a special meeting duly called and held on the 7th day of May 2024.

Whereas, it is in the best interest of this Company to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Kirby E. Delauter, managing member of the Company, 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 Company;

Be It Further Resolved, that Kirby E. Delauter, managing member of the Company, is authorized and directed to appear in all bankruptcy proceedings on behalf of the Company, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the Company in connection with such bankruptcy case; and

Be It Further Resolved, that Kirby E. Delauter, managing member of the Company, is authorized and directed to employ Paul Sweeney and the law firm of YVS Law, LLC to represent the Company in such bankruptcy case.

DELAUTER LEASING, LLC

By: 

Name: Kirby E. Delauter

Title: Managing Member

Fill in this information to identify the case:

Debtor name **Delauter Leasing, LLC**
 United States Bankruptcy Court for the: **DISTRICT OF MARYLAND**
 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
-NONE-						

**United States Bankruptcy Court
District of Maryland**

In re **Delauter Leasing, 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
Kirby E. Delauter 109 Park Lane Thurmont, MD 21788			100% interest

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Managing Member** 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 7, 2024**Signature **/s/ Kirby E. Delauter
Kirby E. Delauter**

*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
District of Maryland**

In re **Delauter Leasing, LLC**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Managing Member 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 7, 2024**

/s/ Kirby E. Delauter

Kirby E. Delauter/Managing Member

Signer/Title

1st Source Bank
P. O. Box 783
South Bend, IN 46624

Ally Financial
P. O. Box 8141
Cockeysville, MD 21030-8141

Balboa Capital Corporation
P. O. Box 15270
Irvine, CA 92323

Balboa Capital Corporation
2010 Main Street, Suite 1100
Irvine, CA 92614

Bank of Charles Town
P. O. Box 906
Charles Town, WV 25414

BB&T
P. O. Box 981030
West Sacramento, CA 95798-1030

Caterpillar Financial Services Corp.
Attn: Afton Gordon, Customer Accts Spec.
2120 West End Avenue
Nashville, TN 37209

Caterpillar Financial Services Corp.
Attn: Joan Morrison, LitigationParalegal
2120 West End Avenue
Nashville, TN 37209

Christine J. Delauter
109 Park Lane
Thurmont, MD 21788

CIT Bank, N.A.
10201 Centurion Parkway North, Suite 100
Jacksonville, FL 32256

Commercial Credit Group
400 Essjay Road, Suite 340
Buffalo, NY 14221

Corporation Service Co., Representative
P. O. Box 2576
Springfield, IL 62708

David C. Weaver, Esquire
Weaver & Fitzpatrick, P.A.
131 West Patrick Street
Frederick, MD 21701

De Lage Landen Financial Services, Inc.
1111 Old Eagle School Road
Wayne, PA 19087

Financial Pacific Leasing, Inc.
P. O. Box 4568
Federal Way, WA 98001

Financial Pacific Leasing, Inc.
Attn: Michael Madison, Collector1
3455 South 344th Way, Suite 300
Federal Way, WA 98001-9546

First Citizens Bank
P. O. Box 26592
Raleigh, NC 27611

First Citizens Bank & Trust Co.
P. O. Box 29519
Raleigh, NC 27626

First United Bank & Trust
12892 Garrett Highway
Oakland, MD 21550

First United Bank & Trust
12892 Garrett Highway, Suite 4
Oakland, MD 21550

First-Citizens Bank & Trust Company
10201 Centurion Parkway North
Jacksonville, FL 32256

First-Citizens Bank & Trust Company
P. O. Box 26592 DAC-20
Raleigh, NC 27611

First-Citizens Bank & Trust Company
Vickie Anderson, Sr. Bankr Specialist
4300 Six Forks Road
Raleigh, NC 27609

Frederick County Bank
P. O. Box 1100
Frederick, MD 21702

GM Financial
P. O. Box 1510
Cockeysville, MD 21030

John Deere Construction & Forestry Co.
6400 NW 86th Street
Johnston, IA 50131

Kirby E. Delauter
109 Park Lane
Thurmont, MD 21788

Komatsu America Corp.
Komatsu East
2240 Bethlehem Pike
Hatfield, PA 19440

Komatsu Financial Limited Partnership
Attn: Jessica Jimenez, Finance Rep.
8770 West Bryn Mahr Avenue, Suite 100
Chicago, IL 60631

Loeb Term Solutions LLC
8609 West Bryn Mawr, Suite 208
Chicago, IL 60631

Marlin Capital
c/o PEAC Solutions
Attn: Taniell Robinson, Collections
300 Fellowship Road
Mount Laurel, NJ 08054

PEAC Solutions
Attn: Taniell Robinson, Collections
300 Fellowship Road
Mount Laurel, NJ 08054

Siemens Financial
Attn: Jacqueline Blair
40 Liberty Boulevard
Malvern, PA 19355-1774

Siemens Financial Services Inc.
170 Wood Avenue South, Floor 1
Iselin, NJ 08830

Siemens Financial Services Inc.
301 Lindenwood Drive, Suite 215
Malvern, PA 19655

TD Auto Finance
P. O. Box 675
Wilmington, OH 45177-0675

U.S. Bank Equipment Finance
1310 Madrid Street
Marshall, MN 56258

U.S. Bank Equipment Finance Servicing
Attn: Jennifer DeVries
13010 SW 68th Parkway
Portland, OR 97223

W. F. Delauter & Son, Inc.
P. O. Box 114
Thurmont, MD 21788

William L. Hallam, Esquire
Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201

Woodsboro Bank
5 North Main Street
Woodsboro, MD 21798

Woodsboro Bank
5 North Main Street
P. O. Box 36
Woodsboro, MD 21798

**United States Bankruptcy Court
District of Maryland**

In re **Delauter Leasing, LLC**

Debtor(s)

Case No.
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CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Delauter Leasing, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

May 7, 2024

Date

/s/ Paul Sweeney

Paul Sweeney 07072

Signature of Attorney or Litigant
Counsel for **Delauter Leasing, LLC**
YVS Law, LLC

**11825 West Market Place, Suite 200
Fulton, MD 20759
(443) 569-5972 Fax:(410) 571-2798
psweeney@yvslaw.com**