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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2020-000182

Case No. 2019-CP-04-00752

Robert Ayers, Paul Barkal, Susan Barkal, Gloria Bennett, Kurt
Blaettler, Vandy Kim, Glenn Kornett, Gudrun Kornett, David Larson,
Lucye Larson, Florence Lince, Mike Lince, Michael McGraw, Diane
Bernat, and William Schaidle, Plaintiffs / Respondents,

v.

Chris Dixon; Samuel J. Dixon; Black Harbor Wealth Management, LLC;
Faw Casson & Co., LLP; Shurwest, LLC; and Pacific Life Insurance
Company, Defendants,

of whom Shurwest, LLC is the Appellant.

and

Shurwest, LLC, Third-Party Plaintiff / Appellant,

v.

MJSM Financial, LLC and Melanie
Schulze-Miller Third-Party Defendant / Respondent.

And

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2020-000187

Case No. 2019-CP-04-02151

William and Karen Rich, Plaintiffs / Respondents,

v.

J. Christopher Dixon; Christopher J. Dixon; Black Harbor
Wealth Management, LLC; and Shurwest, LLC, Defendants,

of whom Shurwest, LLC is the Appellant.

and

Shurwest, LLC, Third-Party Plaintiff / Appellant,

v.

MJSM Financial, LLC and Melanie
Schulze-Miller Third-Party Defendant / Respondent.

And

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2020-000188

Case No. 2019-CP-04-00479

Elizabeth Billings, Pamela Bott, Devon and Barbara Corley,
Thomas Dantzler, Jane Downing, Thomas and Laura Eliason,
Dennis Ellis, Bobby Floyd, Steven Ganley, Stanley Hix, Suzanne
Hofford, Robert Johnson, Jerome and Robin Karnowski, Jerry and
Kerry Kelley, Christine Lawson, Robert Manning, Diane Mayfield
Kelley McGraw Gray, Jeff Mitchell, Fred Myette, Mary Orem,
Drucilla Perry, Dennis and Maxine Pierson “Dennis and Maxine
Pierson living Trust,” Earl Switzer, Alan Weeks, John and Mary
Wendorf, and Virginia Howard, Plaintiffs / Respondents,

v.

Chris Dixon; Black Harbor Wealth Management, LLC; Faw Casson
& Co., LLP; and Shurwest, LLC,.....Defendants,

of whom Shurwest, LLC is the Appellant.

and

Shurwest, LLC, Third-Party Plaintiff / Appellant,

v.

MJSM Financial, LLC and Melanie
Schulze-Miller Third-Party Defendant / Respondent.

APPELLANT’S NOTICE OF FILING BANKRUPTCY

Please be advised that on August 31, 2021, Shurwest, L.L.C., filed a voluntary petition under Title 11 of the United States Code, Chapter 11, Case No. 2:21-bk-06723-DPC (a copy of which is attached hereto) in the District of Arizona. Pursuant to 11 U.S.C. §362, there is a stay against any actions including the above-entitled action brought by Respondents/Plaintiffs and any counter- or cross-claims by Defendants.

Dated: September 1, 2021

Respectfully submitted,

s/ Benjamin E. Nicholson, V
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IS Leevy Johnson
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(803) 252-9700

Counsel for Appellant

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF ARIZONA

Case number (if known) _____ Chapter 11

Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

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 SHURWEST, LLC

2. All other names debtor used in the last 8 years
Include any assumed names, trade names and doing business as names
FKA Shurwest, Inc.

3. Debtor's federal Employer Identification Number (EIN) 86-0707770

4. Debtor's address

Principal place of business	Mailing address, if different from principal place of business
<u>17550 N. Perimeter Drive</u> <u>Suite 300</u> <u>Scottsdale, AZ 85255</u> Number, Street, City, State & ZIP Code	_____ P.O. Box, Number, Street, City, State & ZIP Code
<u>Maricopa</u> County	Location of principal assets, if different from principal place of business
	_____ Number, Street, City, State & ZIP Code

5. Debtor's website (URL) Shurwest.com

6. Type of debtor

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

Other. Specify: _____

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>.

5242

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 subbox. 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 \$2,725,625. 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	_____

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	_____	Relationship	_____		
District	_____	When	_____	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 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 **SHURWEST, 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 August 31, 2021
MM / DD / YYYY

X /s/ James Maschek
Signature of authorized representative of debtor

James Maschek
Printed name

Title President

Email Address of debtor

18. Signature of attorney X /s/ Isaac D. Rothschild
Signature of attorney for debtor

Date **August 31, 2021**
MM / DD / YYYY

Isaac D. Rothschild 25726
Printed name

Mesch Clark Rothschild
Firm name

**259 N. Meyer Ave.
Tucson, AZ 85701-1090**
Number, Street, City, State & ZIP Code

Contact phone (520) 624-8886 Email address ecfbk@mcazlaw.com

25726 AZ
Bar number and State

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and

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v.

MJSM Financial, LLC and Melanie
Schulze-Miller Third-Party Defendant / Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have caused service of a copy of the **Notice of Filing Bankruptcy** upon counsel in the above-captioned matter, via email at the email addresses listed below, this the 1st day of September, 2021, addressed as follows and a copy of that electronic mail is attached to this certificate:

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s/ Benjamin E. Nicholson, V
Benjamin E. Nicholson, V

Hampton, Valerie

From: Hampton, Valerie
Sent: Wednesday, September 1, 2021 1:15 PM
To: rgr@rlegalgroup.com; pdp@rlegalgroup.com; jspitz@rlegalgroup.com; jhodes@rlegalgroup.com; murrell@smithrobinsonlaw.com; jon@smithrobinsonlaw.com; shanonp@smithrobinsonlaw.com; david@earhartoverstreet.com; mike@earhartoverstreet.com; josh@earhartoverstreet.com; ckinney@collinsandlacy.com; biard.b@wsslpc.com; dquattlebaum@hsblawfirm.com; jklett@hsblawfirm.com; dbb@deborahbarbier.com
Cc: Benjamin E. Nicholson V (nnicholson@burr.com); Oken, Melissa
Subject: Appellate Case Nos. 2021-000182; 2021-000187 and 2021-000188
Attachments: Appellant's Notice of Filing Bankruptcy - to be filed.pdf

Counsel:

Attached please find Appellant's Notice of Filing Bankruptcy in the referenced matters.

Please contact Ned Nicholson or me with any questions.

Thank you,

Valerie Hampton