

B1 (Official Form 1) (12/11)

United States Bankruptcy Court NORTHERN DISTRICT OF TEXAS DALLAS DIVISION		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Avery Air Conditioning/Heating & A-ABACA Services, Inc.		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): dba Avery Air		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)/Complete EIN (if more than one, state all): 75-2609018		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): 10635 King William Dr. Dallas, TX		Street Address of Joint Debtor (No. and Street, City, and State):
ZIP CODE 75220-2412		ZIP CODE
County of Residence or of the Principal Place of Business: Dallas		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): P.O. Box 541144 Dallas, TX		Mailing Address of Joint Debtor (if different from street address):
ZIP CODE 75354		ZIP CODE
Location of Principal Assets of Business Debtor (if different from street address above):		ZIP CODE
Type of Debtor (Form of Organization) (Check one box.) <input type="checkbox"/> Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> 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.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under title 26 of the United States Code (the Internal Revenue Code).	Nature of Debts (Check one box.) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.
Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> 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. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Check one box: Chapter 11 Debtors <input type="checkbox"/> Debtor is a small business debtor as defined by 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to 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: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> 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 <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input checked="" type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000		
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input checked="" type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>		Name of Debtor(s): Avery Air Conditioning/Heating & A-ABACA Services, Inc.	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed:	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor: See Attached	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<p style="text-align: center;">Exhibit A</p> (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.)	<p style="text-align: center;">Exhibit B</p> (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 have delivered to the debtor the notice required by 11 U.S.C. § 342(b).		
<input type="checkbox"/> Exhibit A is attached and made a part of this petition.	X _____ <div style="text-align: right;">Date</div>		
Exhibit C			
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.			
Exhibit D			
(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.			
Information Regarding the Debtor - Venue (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.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (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.)			
_____ (Name of landlord that obtained judgment)			
_____ (Address of landlord)			
<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 with 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): **Avery Air Conditioning/Heating & A-ABACA Services, Inc.**

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 _____
X _____

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.

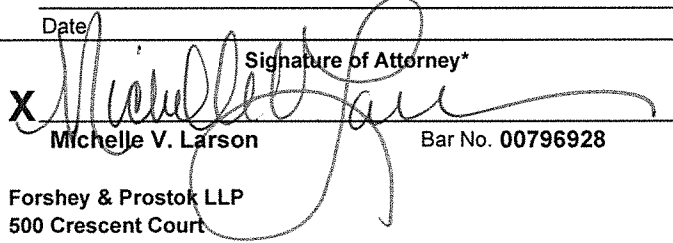
(Check only one box.)
 I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.
 Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A 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 
Michelle V. Larson Bar No. **00796928**

Forshey & Prostok LLP
500 Crescent Court
Suite 240
Dallas, TX 75201

Phone No. **(214) 716-2100** Fax No. **(817) 877-8855**
1/2/13
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 Non-Attorney Bankruptcy 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); and, (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.

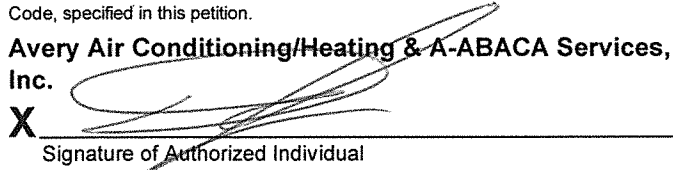
Printed Name and title, if any, of Bankruptcy Petition Preparer

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.)

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.

Avery Air Conditioning/Heating & A-ABACA Services, Inc.
X 
Signature of Authorized Individual
Donald A. Norris, Jr.
Printed Name of Authorized Individual
President
Title of Authorized Individual
1/2/13
Date

Address
X _____

Date
Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

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.

FORM 1. VOLUNTARY PETITION

Avery Air Affiliated Debtors
Pending Bankruptcy Cases – Northern District of Texas

Name of Debtor

- (1) Avery Air Conditioning/Heating & A-ABACA Services, Inc.
- (2) Avery Air Conditioning – Houston, Inc.
- (3) Avery Air Conditioning – Austin, Inc.
- (4) Avery Air Conditioning – San Antonio, Inc.
- (5) Avery Window & Door, LLC

**WRITTEN CONSENT OF SOLE DIRECTOR OF
AVERY AIR CONDITIONING/HEATING & A-ABACA SERVICES, INC.**

The undersigned, as the sole director of Avery Air Conditioning/Heating & A-ABACA Services, Inc., a Texas corporation (the "Company"), hereby adopts the following resolutions ("Resolutions") by written consent and waives all notices required for the holding of a meeting of the Board of Directors for the purpose of considering same, and hereby evidences his consent to the actions set forth below:

WHEREAS, the Company has determined that it is in its best interest to file a voluntary petition for relief under chapter 7 of the Bankruptcy Code;

THEREFORE, IT IS

RESOLVED, that the Company shall be, and it hereby is, authorized, directed and empowered to file a voluntary petition for bankruptcy pursuant to the provisions of chapter 7 of the Bankruptcy Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code"), and to perform any and all such acts as are reasonable, advisable, expedient, convenient, proper or necessary to effect any of the foregoing;

FURTHER RESOLVED, that the president of the Company shall be, and is hereby authorized, empowered and directed to execute, on behalf of the Company, the voluntary petition for the Chapter 7 bankruptcy of the Company (the "Bankruptcy Case");

FURTHER RESOLVED, that the president and any other officer of the Company shall be, and are hereby authorized, empowered and directed to execute, on behalf of the Company, any and all other documents necessary or appropriate in connection with the Bankruptcy Case in such form or forms as he or they may approve;

FURTHER RESOLVED, that Michelle V. Larson, and the law firm of FORSHEY & PROSTOK, LLP shall be, and hereby are authorized, empowered and directed to represent the Company, as debtor, in connection with any Bankruptcy Case commenced by or against it under the Bankruptcy Code;

FURTHER RESOLVED, that the Company, and its agents, representatives, and attorneys are authorized, empowered and directed to proceed as follows:

- (a) To file all schedules, statements of financial affairs, pleadings, motions or other papers necessary or appropriate to the Bankruptcy Case; and
- (b) To perform all such other and further acts in connection with the Bankruptcy Case as may be in their good faith business judgment necessary or advisable.

FURTHER RESOLVED, that the transactions contemplated in these Resolutions and the execution and delivery of all other documents and all other actions taken in connection therewith are in the best interests of and will benefit the Company;

FURTHER RESOLVED, that the Company shall be authorized and directed to take or cause to be taken any and all such further action, to execute and deliver any and all such further instruments and documents and to pay all such fees and expenses, as the president or any

other officer of the Company shall deem appropriate in his or their judgment to fully carry out the intent and accomplish the purposes of the Resolutions; and

FURTHER RESOLVED, that all of the acts and transactions of the Company and its officers, which have been taken or made prior to the effective date of the Resolutions, shall be, and they hereby are, ratified and approved, as the acts and deeds of the Company.

These Resolutions are executed and effective this 2nd day of January, 2013.

AVERY AIR CONDITIONING/HEATING & A-ABACA
SERVICES, INC.



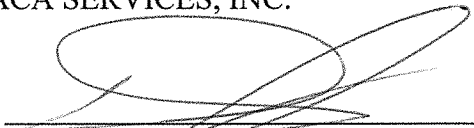
Donald A. Norris, Jr., Sole Director

CERTIFICATE OF RESOLUTION

I, Donald A. Norris, a duly authorized officer of Avery Air Conditioning/Heating & A-ABACA Services, Inc., a Texas corporation (the "Company") hereby certifies that the following resolutions were duly adopted by the written consent of the sole director of the Company on January 2, 2013 in accordance with the requirements of Texas Business Organizations Code and that said resolutions have not been modified or rescinded and are still in full force and effect on the date hereof.

EVERY AIR CONDITIONING/HEATING &
A-ABACA SERVICES, INC.

By:


Donald A. Norris, Jr., its President

CORPORATE OWNERSHIP STATEMENT

Rule 1010(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") incorporate the disclosure required under Bankruptcy Rule 7007.1, which provides that any corporation that is party to an adversary proceeding shall file a statement that identifies any corporation that directly or indirectly owns 10% or more of any class of the corporation's equity interests, or otherwise states that there are no entities to report. Avery Air Conditioning/Heating & A-ABACA Services, Inc. ("Avery Air") hereby submits that no corporation directly or indirectly owns 10% or more of any class of Avery Air's equity interests.

In accordance with 28 U.S.C. § 1746, I, the undersigned authorized officer of the Avery Air, hereby declare under penalty of perjury under the laws of the United States of America that I have reviewed the foregoing and that it is true and correct to the best of my information and belief.

DATE: January 2, 2013.

AVERY AIR CONDITIONING/HEATING
& A-ABACA SERVICES, INC.

By:


Donald A. Norris, Jr., President