

SO ORDERED.

Dated: February 20, 2021



Eddward P. Ballinger Jr., Bankruptcy Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

<p>In re:  CONTINENTAL COUNTRY CLUB, INC.  Debtor.</p>	<p>Chapter 11 Proceedings  Case No. 3:21-bk-00956-EPB</p>
--	---

**ORDER LIMITING SERVICE OF CERTAIN  
PLEADINGS IN THE DEBTOR’S CHAPTER 11 CASE**

This matter coming before the court upon the Motion of the Debtor for Entry of an Order Limiting Service (the “Motion”), filed by Continental Country Club, Inc. (the “Association”), for entry of an order authorizing, but not directing, the Association to limit service of certain pleadings in the Association’s chapter 11 case; all as further described in the Motion; and upon consideration of the First Day Declaration (as defined in the Motion) and the record of this chapter 11 case; and this Court having found that (i) this Court has jurisdiction over the Association, its estate, property of its estate, and to consider the Motion and the relief requested therein under 28 U.S.C. §§ 157 and 1334, (ii) this Court may enter a final order consistent with Article III of the United States Constitution, (iii) this is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (iv) venue of this Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409, and (v) no further or other notice of the Motion is required under the circumstances; and this Court having reviewed the Motion and having

1 heard the statements in support of the relief requested in the Motion at a hearing before this  
2 Court (the “Hearing”); and having determined that the legal and factual bases set forth in the  
3 Motion and the First Day Declaration establish just cause for the relief granted in this Order;  
4 and this Court having found and determined that the relief sought in the Motion is in the best  
5 interests of the Association’s estate, its creditors and other parties in interest; and after due  
6 deliberation and sufficient cause appearing therefor,

7 **IT IS HEREBY ORDERED THAT:**

8 1. The Motion is GRANTED as set forth in this Order.

9 2. Pursuant to section 105(a) of the Bankruptcy Code, and Bankruptcy Rules  
10 2002(m) and 9007, the Association is authorized, but not directed, to implement the following  
11 service and noticing procedures (the “Notice Procedures”):

12 a. Unless a homeowner has elected to opt out of the Notice Procedures and  
13 except as provided below, the Association shall not be required to serve notice to any  
14 homeowners with property in the Association by mail, but shall instead post a pleading or  
15 notice of a pleading on the Association’s web portal and issue an email to all homeowner  
16 members that have registered with the Association with an email address that a new notice or  
17 pleading has been posted. The Association’s website address for notice purposes shall be  
18 <https://continentalflagstaff.com/membership/chapter-11-filing/court-motions-hearings/> (the  
19 “WebPortal):

20 b. If a homeowner desires to opt out of the Notice Procedures, the  
21 homeowner may either:

22 i. File a written notice of appearance requesting service with the Clerk  
23 of the Bankruptcy Court by mail to:

24 Clerk of the U.S. Bankruptcy Court  
25 230 N 1st Ave, Ste 101  
Phoenix, AZ 85003

26 Any such request shall at a minimum include the name, phone number,  
27 address, and email address of the requesting party; or

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

ii. Provide written notice to the Associations' counsel at:

Engelman Berger, PC  
Attn: Marie Kelly  
2800 N. Central Ave, Suite 1200  
Phoenix, AZ 85020  
mkk@eblawyers.com

Any such notice shall at a minimum include the name, phone number, address, and email address of the requesting party.

3. The Association is authorized and empowered to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

4. The Notice Procedures shall not apply or otherwise limit notice to homeowners for any of the following actions:

a. Any requests to encumber, sell or dispose of property of the estate under 11 U.S.C. § 363 that arise outside of the ordinary course of business;

b. Any requests to dismiss this chapter 11 proceeding or convert it to a case under chapter 7; and

c. The service of a disclosure statement or proposed plan of reorganization by the Association or any other party in interest.

5. Counsel shall serve a copy of this order to all parties on the Association's master mailing list and arrange to have it published on the WebPortal.

6. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and/or interpretation of this Order.

DATED AND SIGNED ABOVE