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7 Attorneys for Continental Country Club, Inc.

8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF ARIZONA**

10 In re:
11 CONTINENTAL COUNTRY CLUB,
12 INC., an Arizona non-profit corporation,
13 Debtor.

Chapter 11

Case No. 3:21-bk-00956-EPB

**NOTICE OF FILING AND
OPPORTUNITY FOR OBJECTIONS
TO:**

**MOTION TO APPROVE
COMPROMISE OF CLAIMS AND
FOR RELATED RELIEF**

17 **NOTICE IS HEREBY GIVEN** that Continental Country Club, Inc., the Debtor and
18 Debtor-in-possession (“Debtor”) has filed a *Motion to Approve Compromise of Claims and for*
19 *Related Relief* (the “Motion”) with the Court on December 15, 2021.

20 The Motion seeks to resolve the claims of Flagstaff Golf Association dba Aspen Valley
21 Golf (“Aspen”) against the Debtor (the “Proposed Compromise”). As part of the Proposed
22 Compromise, the Debtor also seeks Court approval, under 11 U.S.C. § 365(a), for assumption
23 of its effluent water contract with the City of Flagstaff, and assignment of said contract to a
24 limited liability company owned 50/50 by Aspen and the Debtor. Subject to Bankruptcy Court
25 approval, the following terms of the Proposed Compromise shall be implemented and included
26 in the Debtor’s first amended plan of reorganization to be filed with the Court (the “Plan”):
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- The Debtor will reject the FGMC Operating Agreement and the Parties will execute an Amended and Restated Operating Agreement substantially in the form attached to the Motion as Exhibit A, which reflects in redline the changes made to the Operating Agreement and incorporates the following updated terms and provisions:
 - Identifying minimum performance requirements of FGMC management and employees;
 - Addressing the obligations of the members of FGMC with respect to the water resources available to FGMC for Aspen and the Debtor; and
 - Contemplating a post-sale structure for managing water resources if and after the Debtor may elect to sell its golf operations but continue to have an interest in the water rights assigned to FGMC pursuant to the Operating Agreement.
- Aspen shall vote to accept the Plan, and by such acceptance, shall have waived all other claims against the Debtor with respect to FGMC or otherwise arising on or before the Petition Date.
- Upon receipt of Aspen’s affirmative vote accepting the Plan, the Debtor will assume the Water Contract and assign it to FGMC, which shall include a cure of arrearages payable to the City of Flagstaff in the amount of \$296,272.23.

NOTICE IS FURTHER GIVEN that you may obtain a copy of the Motion by accessing the Court ECF Case Filing system (www.azb.uscourts.gov) or by contacting Cindy Solomon, Engelman Berger, P.C., at 602.222.4978, or email: cks@eblawyers.com.

NOTICE IS FURTHER GIVEN that any objection to the Motion must be in writing and the original filed with the Clerk of the United States Bankruptcy Court, 230 North 1st Avenue, Suite 101, Phoenix, Arizona 85003, with a copy served upon counsel for the Debtor at the address listed below.

Patrick A. Clisham
Engelman Berger, P.C.
2800 North Central Avenue, Suite 1200
Phoenix, Arizona 85004
pac@eblawyers.com

NOTICE IS FURTHER GIVEN that, pursuant to Local Bankruptcy Rule 2002-2 and 9014-1(k), if no written objection is filed with the Court and a copy served upon counsel for

1 the Debtor **WITHIN 21 DAYS** of service of this notice (plus an additional 3 days if this notice
2 was served by mail), an Order granting the Motion may be entered without further hearing or
3 notice. If an objection is properly and timely filed and served, the Court will set a hearing to
4 consider the Motion and the objection. Only the Debtor, the objecting party, and interested
5 parties will receive notice of the hearing date and time.

6 **RESPECTFULLY SUBMITTED** this 15th day of December 2021

7 **ENGELMAN BERGER, P.C.**

8
9 By /s/ Patrick A. Clisham

10 Scott B. Cohen
11 Patrick A. Clisham
12 Bradley D. Pack
13 2800 North Central Avenue, Suite 1200
14 Phoenix, Arizona 85004
15 Attorneys for the Debtor

16 **COPY** of the foregoing transmitted
17 via the Court's ECF system, and as indicated this
18 15th day of December, 2021, to the following parties:

19 Larry L. Watson
20 OFFICE OF THE U.S. TRUSTEE
21 Email: Larry.Watson@usdoj.gov

22 Alissa Brice Castaneda
23 QUARLES & BRADY LLP
24 Email: Alissa.castaneda@quarles.com
25 Attorneys for Sunwest Bank

26 Randy Nussbaum
27 SACKS TIERNEY P.A.
28 Email:
29 randy.nussbaum@sackstierney.com
30 Attorneys for Flagstaff Golf Association dba
31 Aspen Valley Golf

32 Matthew Silverman
33 ARIZONA ATTORNEY GENERAL'S
34 OFFICE
35 Email: Matthew.silverman@azag.gov
36 Attorneys for Arizona Dept. of Revenue

37 Jon S. Musial
38 LAW OFFICE OF JON S. MUSIAL
39 Email: jon.musial@musiallawoffice.com
40 Attorneys for Amy Jo Marshall, Interested
41 Party

42 Robert J. Berens
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44 Email: rberens@smtdlaw.com
45 Interested Party

46 Warren J. Stapleton
47 OSBORN MALEDON, PA
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49 Attorneys for Lakeside Legionnaires

50 Beth Mulcahy
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53 Attorneys for Creditor

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Valerie Smith
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Attorneys for Brickhouse Trust

By: /s/ Cindy K. Solomon, CP

File a Notice:[3:21-bk-00956-EPB CONTINENTAL COUNTRY CLUB, INC.](#)

Type: bk Chapter: 11 v Office: 3 (Prescott)
Assets: y Judge: EPB

U.S. Bankruptcy Court
District of Arizona

Notice of Electronic Filing

The following transaction was received from PATRICK A. CLISHAM entered on 12/15/2021 at 11:23 AM AZ and filed on 12/15/2021

Case Name: CONTINENTAL COUNTRY CLUB, INC.**Case Number:** [3:21-bk-00956-EPB](#)**Document Number:** [243](#)**Docket Text:**

Notice of Bar Date -*Notice of Filing, and Opportunity for Objections to, Motion to Approve Compromise of Claims and For Related Relief* filed by PATRICK A. CLISHAM of ENGELMAN BERGER PC on behalf of CONTINENTAL COUNTRY CLUB, INC. (related document(s)[241] Motion to Approve Compromise/Settlement).(CLISHAM, PATRICK)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**01294080.PDF**Electronic document Stamp:**

[STAMP bkecfStamp_ID=875559564 [Date=12/15/2021] [FileNumber=47848404-0] [5dd1a9a34fbff666bfc79e022ebfd1e4cb0b73462140a077fd101c1fd4af9cce425ee30555391abd52d18e26f0bf303b1b6a31881709fb8daac16d5ffe6a4e6f]]

3:21-bk-00956-EPB Notice will be electronically mailed to:

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Jason J Bliss on behalf of Creditor Lakeside Legionnaires
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RANDY NUSSBAUM on behalf of Interested Party FLAGSTAFF GOLF ASSOCIATION dba ASPEN VALLEY GOLF
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WARREN J. STAPLETON on behalf of Creditor Lakeside Legionnaires
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BRADLEY JAY STEVENS on behalf of Interested Party BRICKHOUSE TRUST

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LAUREN ASHLEIGH VIE on behalf of Creditor MULCAHY LAW FIRM, P.C.
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LARRY L. WATSON on behalf of U.S. Trustee U.S. TRUSTEE
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3:21-bk-00956-EPB Notice will not be electronically mailed to:

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KRISTIN E MCDONALD on behalf of Creditor c/o Tax, Bankruptcy ARIZONA DEPARTMENT OF REVENUE
Arizona Attorney General's Office
2005 N. Central Ave, Suite 100
Phoenix, AZ 85004-1592

PRA Receivables Management, LLC
PO Box 41021
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