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9
10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 CONTINENTAL COUNTRY CLUB, INC.,
13 an Arizona Non-profit corporation

14 EIN 86-0414438,

15 Debtor.

No. Chapter 11 Proceeding

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

**NOTICE OF APPEAL and
STATEMENT OF ELECTION**

16 Pursuant to Fed. R. Bankr. P. 8002 and 8803 the Lakeside Legionnaires (a
17 certified class arising from pre-petition litigation involving the Debtor and those class
18 members affected by the Debtor's obligations to maintain Lake Elaine currently
19 pending in the Coconino Superior Court, *William R. Schulz, et al., v. Fairfield Sunrise*
20 *Village, Inc., et al.*, Case No. CV 87-42997) file their notice of appeal of the Court's
21 March 7, 2022 decision authorizing the Debtor's Motion to Reject the Settlement
22 Judgment. The Court's memorandum decision is at Dkt #290 (attached hereto as
23 Exhibit A), and the formal order is at Dkt #292 (attached hereto as Exhibit B). In
24 accordance with the official form for notices of appeal, the Lakeside Legionnaires state:

- 25 1. They are a creditor in the above-referenced case.
- 26 2. The appeal concerns the Court's decision authorizing the Debtor to reject a
27 1990 Settlement Judgment as an executory contract. The memorandum
28 decision was entered on March 2, 2022, Dkt #290, Exh. A; the formal entry
of the decision occurred on March 7, 2022, Dkt #292, Exh. B.

1 3. The names and addresses of the parties to the appeal are:

2
3 A. The Lakeside Legionnaires, Appellant
4 Class representatives, Guy "Brad" Brown and William Heher
5 c/o Warren J. Stapleton
6 Osborn Maledon, P.A.
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8 Phoenix, AZ 85012
9 (602) 640-9354

10 B. Continental Country Club, Appellee
11 c/o Scott B. Cohen
12 Patrick A. Clisham
13 Engelman Berger, P.C.
14 2800 North Central Avenue, Suite 1200
15 Phoenix, AZ 85004
16 (602) 271-9090

17 4. Election: Appellant would prefer the Ninth Circuit Bankruptcy Appellate
18 Panel to hear this appeal.

19 DATED this 16th day of March, 2022.

20 OSBORN MALEDON, P.A.

21 By /s/ Warren J. Stapleton
22 Warren J. Stapleton
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25 Phoenix, Arizona 85012-2793

26 Attorneys for Lakeside Legionnaires

27 Copy of the foregoing sent via email and/or
28 U.S. Mail this 16th day of March, 2022 to:

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