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9 **IN THE UNITED STATES BANKRUPTCY APPELLATE PANEL**
10 **OF THE NINTH CIRCUIT**

11 CONTINENTAL COUNTRY CLUB,
12 INC., an Arizona Non-profit corporation
13 EIN 86-0414438,
14 Debtor.

15 _____
16 LAKESIDE LEGIONNAIRES,
17 Appellant,

18 v.

19 CONTINENTAL COUNTRY CLUB,
20 INC.,
21 Appellee.

BAP Case No. AZ-22-1056

Ariz. Bankr. Ct. Case No.:
3:21-bk-00956-EPB

Chapter 11

**STIPULATION TO DISMISS
APPEAL**

22 Pursuant to Fed. R. Bankr. P. 8023, the Lakeside Legionnaires (a certified
23 class arising from pre-petition litigation involving the Debtor and those class
24 members affected by the Debtor's obligations to maintain Lake Elaine currently
25 pending in the Coconino Superior Court, *William R. Schulz, et al., v. Fairfield
26 Sunrise Village, Inc., et al.*, Case No. CV 87-42997) and appellant herein; and
27
28

1 Continental Country Club, Inc., the Chapter 11 Debtor, and Appellee herein;
2 stipulate to voluntarily dismiss the appeal.
3

4 The parties have agreed that each side will bear its own fees and costs.

5 DATED this 11th day of May, 2022.
6

7 OSBORN MALEDON, P.A.

8 By /s/ Warren J. Stapleton
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12 ENGELMAN BERGER, P.C.

13 By /s/ Bradley D. Pack w/permission
14 Bradley D. Pack
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16 Attorneys for Continental Country
17 Club, Inc.
18

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that I electronically filed the foregoing with the Clerk of
21 the Court of the Bankruptcy Appellate Panel for the Ninth Circuit using the
22 CM/ECF system on May 12, 2022.

23 I certify that all participants in the case are registered CM/ECF users and
24 that service will be accomplished by the CM/ECF system.
25

26 s/ Warren J. Stapleton
27 Attorneys for Appellant
28