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SULLIVAN HILL REZ & ENGEL
A Professional Law Corporation
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Electronically Filed: 04/29/2020

Counsel for Debtor and Debtor in Possession,
Vestavia Hills, Ltd. dba Mount Royal Towers

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re

VESTAVIA HILLS, LTD., dba
Mount Royal Towers,

Debtor.

) CASE NO. 20-00018-LA11
)
) Chapter 11
)
) **MOTION FOR ENTRY OF AN**
) **ORDER ESTABLISHING BAR**
) **DATES FOR FILING CLAIMS,**
) **INCLUDING CLAIMS UNDER**
) **SECTION 503(B)(9) OF THE**
) **BANKRUPTCY CODE, AND**
) **APPROVING FORM OF NOTICE;**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES IN SUPPORT**
) **THEREOF**
)
) Hearing Date: None Required
) United States Bankruptcy Court
) 325 West "F" Street
) San Diego, CA 92101-6991
) Judge: Hon. Louise DeCarl Adler

1 VESTAVIA HILLS, LTD., dba MOUNT ROYAL TOWERS, debtor and
2 debtor in possession (“Debtor”), hereby moves (the “Motion”) this Court for an
3 order, substantially in the form attached hereto as **Exhibit 1** hereto (the “Bar Date
4 Order”), pursuant to Rules 3003(c)(2) & (3) of the Federal Rules of Bankruptcy
5 Procedure (“Bankruptcy Rules”) and Local Bankruptcy Rules 3003-1 and 9013-
6 3(b), (i) fixing July 6, 2020 as the claims bar date for General Proofs of Claims or
7 Interests (“General Bar Date”), (ii) fixing July 6, 2020 as the claims bar date for
8 Governmental Proofs of Claims or Interests (the “Governmental Claims Bar Date”)
9 in the above-captioned case (the “Case”), (iii) approving the form of notice of bar
10 date (“Notice of Bar Date”), attached to the Bar Date Order as Exhibit “A,” and
11 (iv) granting additional related relief requested below.

12 This Motion is based on the Memorandum of Points and Authorities below,
13 the Declaration of Kevin Moriarty filed in support hereof (“Moriarty Declaration”),
14 the pleadings and papers on file with the Court, and any argument or evidence the
15 Court may permit at the hearing.

16 Pursuant to Local Bankruptcy Rule 9013-3(b), this Motion is filed without
17 notice and no hearing is required.

18
19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20
21 **I. JURISDICTION**

22 This Court has jurisdiction to consider this Motion under 28 U.S.C. §§
23 157(b)(1) and 1334. This Motion is a core proceeding under 28 U.S.C. §§
24 157(b)(2)(A), (B) and (O). Venue of this case in this district is proper under 28
25 U.S.C. §§ 1408 and 1409.

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1 **II. STATEMENT OF FACTS**

2 **A. Background**

3 On January 3, 2020, (the “Petition Date”), the Debtor commenced a
4 voluntary case under Title 11 of the United States Code (the “Bankruptcy Code”)
5 in this Court. The Debtor continues to operate its business as debtor in possession
6 pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the
7 appointment of a trustee or examiner has been made in this Chapter 11 case.

8 Further information regarding the Debtor’s business, capital structure, and
9 the circumstances leading to the Chapter 11 filing is set forth in the First Day
10 Motions and Declaration [Dkt. Nos. 5, 6, 7, 8, and 9], which are incorporated
11 herein by reference.

12 **B. The Court-Approved Sale Process**

13 On February 13, 2020, the Debtor filed a motion to approve a “stalking
14 horse” purchase agreement, a process for the sale of substantially all assets of the
15 Debtor subject to overbid, and related relief. ECF 121. Following hearing, on
16 March 25, 2020, the Court entered its order approving the sale process. ECF 185.
17 The sale process is now underway and should culminate with a final sale hearing
18 and auction - currently set to take place on May 21, 2020.

19 After this case commenced, the COVID-19 coronavirus pandemic took front
20 and center stage, not only at the Debtor’s Mount Royal Towers facility, but across
21 the nation and world, and in this Court and the proceedings in this case. Despite
22 the current circumstances, the Debtor, its management, staff, and professionals
23 have worked diligently to keep the sale process on track while at the same time
24 maintaining the safety and security of the Mount Royal Towers facility and of the
25 elderly residents there. Nonetheless, as described in detail in the Debtor’s Second
26 Chapter 11 Status Report filed with the Court on April 23, 2020 (ECF 218), the
27 Debtor intends to file shortly a motion to extend the sale deadlines to take into

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1 account the realities it faces in the current COVID-19 pandemic environment. See
2 Moriarty Declaration ¶ 4.

3 **C. The Need for a Claims Bar Date**

4 There is currently no claims bar date set in this case. Accordingly, the
5 Debtor may not have a full picture of the liabilities asserted against its bankruptcy
6 estate. Such clarity is essential to the Debtor in preparation of a plan of
7 reorganization or other exit strategy for this Chapter 11 case. Accordingly, it is
8 necessary to fix a prompt claims bar date pursuant to Bankruptcy Rule 3003(c)(3).

9 **III. RELIEF REQUESTED**

10 By this Motion, pursuant to Bankruptcy Rule 3003(c)(3), the Debtor
11 requests entry of the Bar Date Order establishing deadlines for filing proofs of
12 claim in this case, including claims arising under section 503(b)(9) of the
13 Bankruptcy Code, and approving the form and manner of notice thereof. The
14 proposed deadlines (collectively, the “Bar Dates”) are as follows:

15 a) General Bar Date: except as otherwise provided herein, July 6, 2020 as
16 the deadline for all persons and entities (excluding governmental units) holding a
17 claim against the Debtor that arose prior to the Petition Date to file a proof of
18 claim;

19 (b) Governmental Claims Bar Date: July 6, 2020 as the deadline for each
20 governmental unit (as defined in section 101(27) of the Bankruptcy Code) holding
21 a claim against the Debtor that arose prior to the Petition Date to file a proof of
22 claim;

23 (c) Amended Schedule Bar Date: if the Debtor files an amendment (an
24 “Amendment”) to any of its schedules of assets and liabilities after the Service
25 Date (as defined below), and such Amendment (i) reduces the undisputed,
26 noncontingent, and liquidated amount of a claimant’s claim; (ii) changes the nature
27 or characterization of a claimant’s claim; or (iii) adds a new claim with respect to a
28 claimant to the Debtor’s schedules, such claimant must file a proof of claim with

1 respect to such amended claim by the later of (a) the General Bar Date or (b) the
2 date that is thirty (30) days after service of a notice on such affected claimant of
3 the Amendment (the “Amended Schedule Bar Date”); and

4 (d) Rejection Bar Date: except as otherwise set forth in any order
5 authorizing rejection of an executory contract or unexpired lease, the later of (i) the
6 General Bar Date or (ii) thirty (30) days after entry of any order authorizing the
7 rejection of an executory contract or unexpired lease (the “Rejection Bar Date”), as
8 the deadline to file a proof of claim relating to the Debtor’s rejection of such
9 executory contract or unexpired lease.

10 **IV. BASIS FOR RELIEF REQUESTED**

11 Bankruptcy Rule 3003(c)(3) generally governs the filing of proofs of claim
12 in a Chapter 11 case and provides in relevant part: “[t]he court shall fix and for
13 cause shown may extend the time within which proofs of claim or interest may be
14 filed.” Fed. R. Bankr. P. 3003(c)(3). Bankruptcy Rule 2002(a)(7) generally
15 provides that all parties in interest must receive twenty-one (21) days’ notice of the
16 time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c). Section
17 502(b)(9) of the Bankruptcy Code provides generally that governmental units shall
18 have a minimum of one-hundred and eighty (180) days after the entry of the order
19 for relief to file proofs of claim.

20 There is currently no claims bar date set in this case. Although Local Rule
21 3003-1 generally sets a claims bar date as 70 days after the date of the order for
22 relief, the Notice of Chapter 11 Bankruptcy Case filed by the Court in this case on
23 January 6, 2020 (ECF 312) provides that: “7. Proof of claim deadline–Deadline
24 for filing proof of claim: Please do not file a proof of claim unless you receive a
25 notice to do so.” Thus, in this case, the Court effectively overrode the local rule
26 automatically setting bar dates. As a result, any bar date in this case must be set by
27 the Court.

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1 **A. The Various Bar Dates**

2 **1. General Bar Date**

3 The Debtor requests that the Court set July 6, 2020 as the General Bar Date
4 and the last day to file proofs of claims for holders of prepetition claims against the
5 Debtor, unless another one of the Bar Dates applies. The General Bar Date affords
6 potential creditors at least thirty (30) days from the time the Notice of Bar Date is
7 served, assuming the Bar Date Order is promptly entered and such Notice of Bar
8 Date is served no later than five (5) business days thereafter. The Debtor submits
9 such time is sufficient time for creditors to review the schedules and their records,
10 to determine whether they must file proofs of claim against the Debtor, and to file
11 any such proofs of claims. The deadline exceeds the 21-day notice period set forth
12 in Bankruptcy Rule 2002(a)(7).

13 **2. Governmental Bar Date**

14 A Governmental Bar Date of July 6, 2020 is appropriate and accords with
15 section 502(b)(9) of the Bankruptcy Code, which provides that claims of
16 governmental units are timely filed if filed up to 180 days after the petition date in
17 a voluntary Chapter 11 case. July 6, 2020 is 185 days after the Petition Date. The
18 Governmental Bar Date would apply to all governmental units holding claims
19 against the Debtor (whether secured, unsecured priority, or unsecured nonpriority)
20 that arose prior to the Petition Date, including governmental units with claims
21 against the Debtor for unpaid taxes.

22 **3. Amended Schedule Bar Date**

23 The Debtor further proposes that, if the Debtor amends its schedules, the
24 deadline for those creditors affected by any such amendment shall be the later of
25 (i) the General Bar Date or (ii) the date that is thirty (30) days from the date that
26 the Debtor provides written notice to the affected creditor that the schedules have
27 been amended. Such period exceeds that provided by Bankruptcy Rule 2002(a)(7),

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1 which requires that creditors receive at least twenty-one (21) days' notice of the
2 time fixed for filing proofs of claim.

3 **4. Rejection Bar Date**

4 The Debtor proposes that any person or entity that holds a claim that arises
5 from the rejection of any executory contract or unexpired lease must file a proof of
6 claim based on such rejection by the later of (i) the General Bar Date or (ii) the
7 date that is thirty (30) days from the date the Debtor provides written notice of the
8 rejection date to the affected creditor (unless the order authorizing such rejection
9 provides otherwise). Such period exceeds that required by Bankruptcy Rule
10 2002(a)(7), which requires that creditors receive at least twenty-one (21) days'
11 notice of the time fixed for filing proofs of claim.

12 **B. Parties Required to File Proofs of Claim by the Bar Date**

13 The proposed Bar Date Order provides that, except as otherwise provided,
14 each person or entity (including, without limitation, each individual, partnership,
15 joint venture, limited liability company, corporation, estate, trust, or governmental
16 unit) asserting a claim against the Debtor is required to file a proof of claim.

17 **C. Parties Not Required to File Proofs of Claim by the Bar Date**

18 The Debtor proposes that the following persons and entities not be required
19 to file proofs of claim:

20 a. the U.S. Trustee, on account of claims for fees payable pursuant to 28
21 U.S.C. § 1930;

22 b. any person or entity that has already properly filed a proof of claim
23 against the Debtor;

24 c. any person or entity (i) whose claim is listed in the Debtor's schedules
25 or any amendments thereto, and (ii) whose claim is not described therein as
26 "disputed," "contingent," or "unliquidated," and (iii) who does not dispute the
27 amount or characterization of its claim as set forth in the Debtor's schedules;

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1 d. any entity that holds a claim allowable under sections 503(b) and
2 507(a)(2) of the Bankruptcy Code as an administrative expense (other than any
3 claim allowable under section 503(b)(9) of the Bankruptcy Code), including any
4 professionals retained by the Debtor or any statutory committee pursuant to orders
5 of this Court who assert administrative claims for fees and expenses subject to the
6 Court's approval pursuant to sections 330 and 331 of the Bankruptcy Code;

7 e. any party that is exempt from filing a filing a proof of claim pursuant
8 to an order of the Court in this Chapter 11 case, including without limitation any
9 order approving post-petition debtor in possession financing;

10 f. any person or entity whose claim has been paid in full by the Debtor
11 pursuant to the Bankruptcy Code or in accordance with an order of the Court; and

12 g. any person or entity whose claim against the Debtor has been allowed by
13 an order of the Court entered on or before the applicable Bar Date.

14 **D. Effect of Failure to File Claim**

15 The Debtor proposes that, pursuant to Bankruptcy Rule 3003(c)(2), any
16 person or entity that is required to file a timely proof of claim in the form and
17 manner specified in the Bar Date Order and who fails to do so on or before the
18 applicable Bar Date shall not, with respect to such claim, be treated as a creditor of
19 the Debtor for the purposes of voting upon, or receiving distributions under, any
20 Chapter 11 plan in this case.

21 **E. Notice of the Bar Date and Bar Date Order**

22 The Debtor proposes to serve the Notice of Bar Date on the Service Date (as
23 defined below) by mailing a copy of the Notice of Bar Date by first-class United
24 States mail, postage prepaid, to all known persons and entities holding potential
25 prepetition claims against the Debtor.

26 The Debtor proposes to serve the Notice on the parties set forth above no
27 later than five (5) business days after entry of the Bar Date Order (the "Service
28 Date").

1 **V. CONCLUSION**

2 Based on the foregoing, the Debtor respectfully requests that the Court enter
3 the Bar Date Order, substantially in the form attached hereto as **Exhibit 1**, granting
4 the relief requested in the Motion and such other and further relief as may be just
5 and proper.

6
7 Dated: April 29, 2020

SULLIVAN HILL REZ & ENGEL
A Professional Law Corporation

8
9 By: /s/James P. Hill
10 James P. Hill
11 Attorneys for Debtor and Debtor in
12 Possession, Vestavia Hills, Ltd.,
13 dba Mount Royal Towers
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EXHIBIT TABLE

Exhibit	Description	Pages
1	Order Granting Motion and Setting Bar Dates	10-17

EXHIBIT "1"

CSD 1001A [07/01/18]

Name, Address, Telephone No. & I.D. No.

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Attorneys for Debtor and Debtor In Possession, Vestavia Hills, Ltd., dba Mount Royal Towers

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West F Street, San Diego, California 92101-6991

In Re

VESTAVIA HILLS, LTD., dba Mount Royal Towers

Debtor.

BANKRUPTCY NO. 20-00018-LA11

Date of Hearing: None required

Time of Hearing: None required

Name of Judge: Hon. Louise DeCarl Adler

ORDER

GRANTING IMOTION FOR ENTRY OF AN ORDER ESTABLISHING BAR DATES FOR FILING CLAIMS, INCLUDING CLAIMS UNDER SECTION 503(B)(9) OF THE BANKRUPTCY CODE, AND APPROVING FORM OF NOTICE

The court orders as set forth on the continuation pages attached and numbered 2 through 7 with exhibits, if any, for a total of 7 pages. Motion/Application Docket Entry No. _____.

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DATED:

Judge, United States Bankruptcy Court

The Court, having reviewed the Debtor's Motion for Entry of an Order Establishing Bar Dates for Filing Claims, Including Claims Under Section 503(b)(9) of the Bankruptcy Code, and Approving Form of Notice (the "Motion"); no notice of the Motion or hearing thereon being required pursuant to Local Bankruptcy Rule 9013-3(b); and good cause appearing therefor:

IT IS HEREBY ORDERED that:

1. The Motion is granted as set forth in this Order.
2. Except as otherwise provided in this Order, each person or entity, including, without limitation, each individual, partnership, joint venture, corporation, limited liability company, estate, trust or governmental unit, that holds or asserts a claim, as defined in section 101(5) of the Bankruptcy Code (11 U.S.C. § 101 et seq.), against the Debtor and/or its property, shall file a proof of claim in the case.
3. Except as otherwise provided in this Order, any person and entity (excluding any governmental unit), asserting a claim against the Debtor in this case shall file a proof of claim in the case on or before July 6, 2020 (the "General Bar Date").
4. All governmental units (as defined in section 101(27) of the Bankruptcy Code) asserting a claim against the Debtor shall file proofs of claim in the case on or before July 6, 2020 (the "Governmental Bar Date").
5. If, on or after the date on which the Debtor serves the Notice of Bar Date, the Debtor amends or supplement its schedules (a) to reduce the undisputed, noncontingent, and liquidated amount of a claim; (b) to change the nature or characterization of a claim; or (c) to add a new claim to the schedules, the affected claimant shall file a proof of claim or amend any previously-filed proof of claim in respect of the amended scheduled claim with this Court on or before the later of (i) the General Bar Date or (ii) thirty (30) days after the claimant is served with notice of the applicable amendment or supplement to the schedules (the "Amended Schedule Bar Date").
6. In the event the Debtor rejects executory contracts or unexpired leases pursuant to section 365 of the Bankruptcy Code, proofs of claim in connection with rejection damages claims shall be filed with this Court on or before the later of (i) the General Bar Date and (ii) thirty (30) days after the entry an order of the Court authorizing the Debtors' rejection of the applicable executory contract or unexpired lease (the "Rejection Bar Date", together with the General Bar Date, the Governmental Bar Date, and the Amended Schedule Bar Date, collectively the "Bar Dates").
7. The following persons and entities are not required to file proofs of claim in the case:
 - a. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
 - b. any person or entity that has already properly filed a proof of claim against the Debtor with this Court;
 - c. any person or entity (i) whose claim is listed in the Debtor's schedules or any amendments thereto, and (ii) whose claim is not described therein as "disputed," "contingent," or "unliquidated," and (iii) who does not dispute the amount or characterization of its claim as set forth in the Debtor's schedules (including that the claim is an obligation of the Debtor against which the claim is listed in the schedules);

- d. any entity that holds a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an administrative expense (other than any claim allowable under section 503(b)(9) of the Bankruptcy Code), including any professionals retained by the Debtor or any statutory committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to sections 330 and 331 of the Bankruptcy Code;
 - e. any person or entity whose claim has been paid in full by the Debtor pursuant to the Bankruptcy Code or in accordance with an order of the Court;
 - f. any party that is exempt from filing a filing a proof of claim pursuant to an order of the Court in this case, including, without limitation any order approving postpetition debtor in possession financing; and
 - g. any person or entity whose claim against the Debtor has been allowed by an order of the Court, entered on or before the applicable Bar Date.
8. Any person or entity that is required to file a timely proof of claim in the form and manner specified by this Order and who fails to do so on or before the Bar Date associated with such claim shall not, with respect to such claim, be treated as a creditor of the Debtor for the purposes of voting upon, or receiving distributions under, any plan in this case.
9. The Notice of Bar Date, substantially in the form attached to this Order as Exhibit A, is hereby approved in all respects.
10. The Notice of Bar Date shall be deemed good, adequate, and sufficient notice of the relief granted by this Order to all known creditors of the Debtor if it is served upon all known persons and entities holding potential claims against the Debtor by being deposited in first-class U.S. mail, postage prepaid no later than five (5) business days following entry of this Order.
11. The Debtor is authorized to take all steps necessary or appropriate to carry out this Order.
12. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

IT IS SO ORDERED.

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Counsel for Debtor and Debtor in Possession,
Vestavia Hills, Ltd. dba Mount Royal Towers

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re

VESTAVIA HILLS, Ltd., dba Mount
Royal Towers,

Debtor.

) CASE NO. 20-00018-LA11

) Chapter 11

) **NOTICE TO ALL CREDITORS
AND PARTIES IN INTEREST OF
DATE FIXED AS LAST DATE FOR
FILING PROOFS OF CLAIMS OR
INTERESTS**

) Date: none required
) United States Bankruptcy Court
) 325 West "F" Street
) San Diego, CA 92101-6991
) Judge: Hon. Louise DeCarl Adler

1 TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST the Debtor
2 Vestavia Hills, Ltd., dba Mount Royal Towers:

3 PLEASE TAKE NOTICE THAT on January 3, 2020 (the “Petition Date”),
4 Vestavia Hills, Ltd., dba Mount Royal Towers (“the “Debtor”) filed a voluntary
5 petition for relief under Chapter 11 of the Bankruptcy Code in the United States
6 Bankruptcy Court for the Southern District of California (the “Court”).

7 Pursuant to an order of the Court entered on _____, 2020 [Dkt. No. ____] (the
8 “Bar Date Order”), the deadline for general creditors to file proofs of claim against
9 the Debtor is July 6, 2020 (the “General Bar Date”), and the deadline for
10 governmental units to file proofs of claim against the Debtor is July 6, 2020 (the
11 “Governmental Bar Date”). The Bar Dates¹ apply to all claims against the Debtor
12 that arose before the Petition Date, including, but not limited to, claims against the
13 Debtor arising under section 503(b)(9) of the Bankruptcy Code²; provided
14 however, that the Bar Dates do not apply to the “Excluded Claims” listed below.

15 Unless your claim falls into one of the “Excluded Claims” categories listed below,
16 you MUST file a proof of claim if you have a claim³ against the Debtor that arose
17 before the Petition Date. Acts or omissions that occurred before the Petition Date
18 may give rise to claims subject to the Bar Dates even if the claims may not have
19 become known or fixed or liquidated until after the Petition Date.

20 **Excluded Claims.** The Bar Date Order provides that creditors do NOT have to file
21 proofs of claim by the Bar Dates for the following types of claims (collectively, the
22 “Excluded Claims”):

- 23 Claims of the U.S. Trustee for fees payable pursuant to 28 U.S.C. § 1930;
- 24 Claims for which a proof of claim against the correct Debtor(s) has been
25 properly filed;

26 _____
27 ¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the motion for entry of the Bar
28 Date Order filed on April 29, 2020 [Dkt. No. ____].

² A claim arising under section 503(b)(9) of the Bankruptcy Code is a claim arising from the value of any goods
received by the Debtor within twenty (20) days before the Petition Date, provided that the goods were sold to the
Debtor in the ordinary course of its business.

³ Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a right to payment,
whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured,
disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of
performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is
reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

1 Any claim (i) that is listed in schedules of the Debtor or any amendments
2 thereto, and (ii) that is not described therein as “disputed,” “contingent,” or
3 “unliquidated,” and (iii) whose holder does not dispute the amount or
4 characterization of the claim as set forth in the schedules;

5 Claims allowable under sections 503(b) and 507(a)(2) of the Bankruptcy
6 Code as an administrative expense (other than any claim allowable under section
7 503(b)(9) of the Bankruptcy Code), including such claims held by any
8 professionals retained by the Debtor or any statutory committee pursuant to orders
9 of this Court who assert administrative claims for fees and expenses subject to the
10 Court’s approval pursuant to sections 330 and 331 of the Bankruptcy Code;

11 Claims of any party that is exempt from filing a filing a proof of claim
12 pursuant to an order of the Court in these chapter 11 cases, including without
13 limitation any order approving postpetition debtor in possession financing;

14 Any claim that has been paid in full by the Debtor pursuant to the
15 Bankruptcy Code or in accordance with an order of the Court; and

16 Any claim against the Debtor that has been allowed by an order of the
17 Court, entered on or before the applicable Bar Date.

18 You need not file a proof of claim at this time for any Excluded Claim. The Court
19 may enter one or more separate orders at a later time requiring creditors to file
20 proofs of claim for some kinds of Excluded Claims and setting related deadlines. If
21 the Court does enter such an order, you will receive notice of it.

22 **THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT**
23 **MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTOR BELIEVES**
24 **YOU HAVE A CLAIM.**

25 If the Debtor amends its schedules after you receive this notice, the Debtor will
26 give notice of that amendment to the holders of the claims that are affected by it,
27 and those holders will be given an opportunity to file proofs of claim before a new
28 deadline that will be specified in that future notice.

The Bankruptcy Code provides that debtors may, at any time before a plan of
reorganization or liquidation is confirmed by the Court, choose to reject certain
executory contracts or unexpired leases. If your contract or lease is rejected, you
may have a claim resulting from that rejection. The deadline to file a proof of
claim for damages relating to the rejection of the contract or lease is the later of (a)
the General Bar Date or (b) thirty (30) days from the date the Debtor provides you
with written notice of the rejection (unless the order authorizing such rejection
provides otherwise).

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CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS:
EXCEPT WITH RESPECT TO EXCLUDED CLAIMS (AS DESCRIBED ABOVE), IF YOU FAIL TO TIMELY FILE A PROOF OF ON THE APPLICABLE BAR DATE ON ACCOUNT OF ANY CLAIM YOU WISH TO ASSERT AGAINST THE DEBTOR, THEN YOU WILL NOT, WITH RESPECT TO SUCH CLAIM, BE TREATED AS A CREDITOR FOR VOTING OR DISTRIBUTION PURPOSES WITH RESPECT TO THE CHAPTER 11 CASES.

A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTOR SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.

Dated: April 29, 2020

SULLIVAN HILL REZ & ENGEL
A Professional Law Corporation

By: /s/James P. Hill
James P. Hill
Attorneys for Debtor and Debtor in Possession, Vestavia Hills, Ltd.
dba Mount Royal Towers

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Electronically Filed: 4/29/2020

Attorneys for Debtor and Debtor In Possession,
Vestavia Hills, Ltd. dba Mount Royal Towers

UNITED STATES BANKRUPTCY COURT
Southern District of California

In re	}	CASE NO. 20-00018-LA11
VESTAVIA HILLS, LTD. DBA MOUNT ROYAL TOWERS,	}	Chapter 11
Debtor.	}	DECLARATION OF KEVIN MORIARTY IN SUPPORT OF MOTION FOR ENTRY OF AN ORDER ESTABLISHING BAR DATES FOR FILING CLAIMS, INCLUDING CLAIMS UNDER SECTION 503(B)(9) OF THE BANKRUPTCY CODE, AND APPROVING FORM OF NOTICE
	}	Hearing Date: None Required
	}	United States Bankruptcy Court
	}	325 West "F" Street
	}	San Diego, CA 92101-6991
	}	Judge: Hon. Louise DeCarl Adler

I, Kevin Moriarty, hereby declare under penalty of perjury:

1. I am an individual over the age of majority and am competent to testify as to the facts set forth in this declaration. If called upon to testify, I could and would testify to the facts set forth in this declaration. I am authorized by the Debtor to submit this declaration.

///

CSD 3010 [07/01/18]

Name, Address, Telephone No. & I.D. No.

SULLIVAN HILL REZ & ENGEL

A Professional Law Corporation

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Attorneys for Debtor and Debtor in Possession

Vestavia Hills, Ltd. dba Mount Royal Towers

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re
VESTAVIA HILLS, LTD. dba MOUNT ROYAL
TOWERS,
Debtor.

BANKRUPTCY NO. 20-00018-LA11

Plaintiff(s)

ADVERSARY NO.

v.

Defendant(s)

PROOF OF SERVICE

I, Linda Gubba-Reiner am a resident of the State of California, over the age of 18 years, and not a party to this action.

On April 29, 2020, I served the following documents:

MOTION FOR ENTRY OF AN ORDER ESTABLISHING BAR DATES FOR FILING CLAIMS, INCLUDING CLAIMS UNDER SECTION 503(B)(9) OF THE BANKRUPTCY CODE, AND APPROVING FORM OF NOTICE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; and

DECLARATION OF KEVIN MORIARTY IN SUPPORT OF MOTION FOR ENTRY OF AN ORDER ESTABLISHING BAR DATES FOR FILING CLAIMS, INCLUDING CLAIMS UNDER SECTION 503(B)(9) OF THE BANKRUPTCY CODE, AND APPROVING FORM OF NOTICE

1. **To Be Served by the Court via Notice of Electronic Filing (“NEF”):**

Under controlling Local Bankruptcy Rules(s) (“LBR”), the document(s) listed above will be served by the court via NEF and hyperlink to the document. On April 29, 2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below:

See Attached Service List.

Chapter 7 Trustee:

For Chpt. 7, 11, & 12 cases:

UNITED STATES TRUSTEE
ustp.region15@usdoj.gov

For ODD numbered Chapter 13 cases:

THOMAS H. BILLINGSLEA, JR., TRUSTEE
Billingslea@thb.coxatwork.com

For EVEN numbered Chapter 13 cases:

DAVID L. SKELTON, TRUSTEE
admin@ch13.sdcoxmail.com
dskelton13@ecf.epiqsystems.com

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2. **Served by United States Mail:**

On _____, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing accurate copies in a sealed envelope in the United States Mail via 1) first class, postage prepaid or 2) certified mail with receipt number, addressed as follows:

3. **Served by Personal Delivery, Facsimile Transmission, Overnight Delivery, or Electronic Mail:**

Under Fed.R.Civ.P.5 and controlling LBR, on April 29, 2020, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission, by overnight delivery and/or electronic mail as follows:

andy@campbellpartnerslaw.com;
harris@campbellpartnerslaw.com
amalo@sheppardmullin.com
Virginia.Bell@adss.alabama.gov
TaRhonda.Wiggins@adss.alabama.gov
Tammy.Holman@adss.alabama.gov

I declare under penalty of perjury under the laws of the United States of America that the statements made in this proof of service are true and correct.

Executed on April 29, 2020
(Date)

Linda Gubba-Reiner /s/ Linda Gubba-Reiner
(Typed Name and Signature)

600 B Street, Suite 1700
(Address)

San Diego, CA 92101
(City, State, ZIP Code)

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- Kathleen A. Cashman-Kramer Cashman-Kramer@Sullivanhill.com, kathylaw@san.rr.com;Rudolph@sullivanhill.com;hill@sullivanhill.com;bkstaff@sullivanhill.com;Rudolph@ecf.inforuptcy.com;cashman-kramer@ecf.inforuptcy.com
- Ajay Gupta ajay@guptalc.com, guptaar87864@notify.bestcase.com
- Julian Gurule jgurule@buchalter.com, smartin@buchalter.com,docket@buchalter.com
- Christopher V. Hawkins hawkins@sullivanhill.com, hill@sullivanhill.com;cashman-kramer@sullivanhill.com;bkstaff@sullivanhill.com;vidovich@ecf.inforuptcy.com;hawkins@ecf.inforuptcy.com
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- William A. Smelko bill.smelko@procopio.com, angela.stevens@procopio.com;calendar@procopio.com
- Randy B. Soref rsoref@polsinelli.com
- United States Trustee ustp.region15@usdoj.gov