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Attorneys for Michael F. Thomson, Chapter 11 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

THE FALLS EVENT CENTER LLC,

Debtor.

Bankr. Case No. 18-25116

Chapter 11

The Honorable R. Kimball Mosier

EX PARTE MOTION FOR ORDER SHORTENING TIME FOR NOTICE AND HEARING REGARDING CHAPTER 11 TRUSTEE'S MOTION PURSUANT TO 11 U.S.C. § 363(b)(1) TO AUTHORIZE TRUSTEE TO (1) EFFECTUATE THE SALE OF PROPERTY OF THE DEBTOR'S WHOLLY OWNED, NON-DEBTOR SUBSIDIARY, THE FALLS AT CEDAR PARK, LLC, TO A THIRD PARTY BUYER, AND (2) RELEASE A LIEN IN FAVOR OF THE DEBTOR AGAINST THE PROPERTY IN EXCHANGE FOR AGREEMENT WITH SECURED CREDITOR ON ALLOCATION OF SALE PROCEEDS

**Proposed Objection Deadline on Underlying Motion: January 2, 2019 at 4:00 p.m.
Proposed Hearing Date on Underlying Motion: January 3, 2019 at 1:00 p.m.**

Pursuant to Federal Rule of Bankruptcy Procedure 9006(c) and Local Rule 9006-1, Michael F. Thomson, the duly appointed Chapter 11 trustee (the "Trustee") for the bankruptcy estate of The Falls Event Center LLC (the "Debtor"), by and through his counsel, hereby files

this motion seeking entry of a Court Order shortening the time for notice and hearing relating to the *Chapter 11 Trustee's Motion Pursuant to 11 U.S.C. § 363(b)(1) to Authorize Trustee to (1) Effectuate the Sale of Property of the Debtor's Wholly Owned, Non-Debtor Subsidiary, The Falls At Cedar Park, LLC, to a Third Party Buyer, and (2) Release a Lien in Favor of the Debtor Against the Property in Exchange for Agreement with Secured Creditor on Allocation of Sale Proceeds* (the "Motion"), which he has filed contemporaneously herewith. In support hereof, the Trustee states as follows:

BACKGROUND

General Background

1. On July 11, 2018, the Debtor filed a petition seeking relief under Chapter 11 of the Bankruptcy Code.
2. On November 27, 2018, the Court entered an *Order* appointing the Trustee as the Chapter 11 trustee of the Debtor's bankruptcy estate.¹ The Debtor is the sole shareholder and manager of The Falls at Cedar Park, LLC (the "TFCP").

The Motion

3. The Motion requests the entry of an Order authorizing the Trustee, as representative of the Debtor that serves as manager of TFCP, to effectuate a sale of certain real property described in the Motion titled in the name TFCP, and to release a lien against the property in favor of the Debtor against the property in exchange for an agreement with a secured creditor as to an allocation of the gross proceeds of sale.

¹ See Docket No. 214.

4. As set forth in the Motion, TFCP entered into the Agreement² prior to the appointment of the Trustee. Initially the sale was scheduled to close in early December, 2018. However, due to the appointment of the Trustee, the sale was delayed.

5. The Buyer has informed the Trustee that it requires a closing as soon as possible.

6. The Trustee is seeking shortened time in order to effectuate the sale in as timely of manner as possible.

7. The Motion is brought pursuant to 11 U.S.C. § 363(b). The Trustee seeks authority to to effectuate TFCP's sale of real property to a third party Buyer, which is arguably an action outside the ordinary course of business of the Debtor. The Trustee also requests authority to release a lien in favor of the Debtor in exchange for an agreement with a secured creditor as to an allocation of the gross proceeds of sale. This Motion will be governed by Rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure and Rules 2002-1 and 9006-1(b) of the Local Rules of Practice of the United States Bankruptcy Court for the District of Utah. Those rules require that the hearing on the Motion must be scheduled at least twenty-one days from the mailing of the Notice on the Motion. Such notice period, however, could jeopardize the sale of the property, as the initial proposed closing date has already passed, and the proposed buyer has indicated that it requires the sale to close at the earliest possible date.

RELIEF REQUESTED

8. Accordingly, the Trustee requests that the Court conduct a hearing on the Motion on January 3, 2019 at 1:00 p.m. (Mountain Time).

² As set forth in the Motion.

9. The Trustee proposes that all objections or responses to the Motion must be filed and served by January 2, 2019 at 4:00 p.m.

10. The Trustee will serve a Notice of Hearing relating to the Motion to all parties required to receive such notice, with the Notice containing the above proposed dates, by no later than December 19, 2018. In the event the Court does not grant this Motion for Order Shortening Time, or modifies the dates proposed by the Trustee herein, the Trustee will mail an amended Notice of Hearing to all parties informing them of the Court's Order.

Dated this 18th of December, 2018.

/s/ Peggy Hunt

Michael F. Thomson

Peggy Hunt

Megan K. Baker

DORSEY & WHITNEY LLP

Attorneys for Chapter 11 Trustee

CERTIFICATE OF SERVICE – BY NOTICE OF ELECTRONIC FILING (CM/ECF)

I hereby certify that on this 18th of December, 2018, I electronically filed the foregoing **EX PARTE MOTION FOR ORDER SHORTENING TIME FOR NOTICE AND HEARING REGARDING CHAPTER 11 TRUSTEE’S MOTION PURSUANT TO 11 U.S.C. § 363(b)(1) TO AUTHORIZE TRUSTEE TO (1) EFFECTUATE THE SALE OF PROPERTY OF THE DEBTOR’S WHOLLY OWNED, NON-DEBTOR SUBSIDIARY, THE FALLS AT CEDAR PARK, LLC, TO A THIRD PARTY BUYER, AND (2) RELEASE LIEN IN FAVOR OF THE DEBTOR AGAINST THE PROPERTY IN EXCHANGE FOR AGREEMENT WITH SECURED CREDITOR ON ALLOCATION OF SALE PROCEEDS** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

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/s/ Michelle Montoya