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Proposed Counsel for the Debtor in Possession

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>In re:</p> <p>THE FALLS AT MCMINNVILLE, a Utah limited liability company,</p> <p>Address: 9067 S 1300 W, #301 West Jordan, UT 84088,</p> <p>Debtor in Possession.</p>	<p>Bankruptcy Case No. 18-25492</p> <p>Chapter 11</p> <p>Honorable R. Kimball Mosier</p> <p>[Filed Electronically]</p>
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**DEBTOR'S MOTION TO EXTEND THE DEADLINE
TO FILE STATEMENTS AND SCHEDULES**

Pursuant to 11 U.S.C. § 105, Federal Rule of Bankruptcy Procedure 1007(a)(5), and Local Rule 1007-1, The Falls at McMinnville, LLC, which is the Chapter 11 debtor-in-possession (the “**Debtor**”), hereby moves this Court for entry of an Order, in the form submitted herewith, extending the deadline by and additional four business days for the Debtor to file its

Schedules, Statements, and Other Documents (collectively, the “**Statements and Schedules**”) required by Federal Rule of Bankruptcy Procedure 1007(b), such that the Statements and Schedules shall be due by no later than Thursday, August 16, 2018.

In support of this Motion, the Debtor represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).
2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory predicates for this Motion are 11 U.S.C. § 105, Federal Rule of Bankruptcy Procedure 1007(a)(5), and Local Rule 1007-1.

BACKGROUND

4. The Debtor commenced this case on July 27, 2018 (the “**Petition Date**”), by filing a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “**Bankruptcy Code**”) with this Court.
5. Between the Petition Date and the current date the Debtor has continued to operate as a debtor-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.
6. The United States Trustee has currently scheduled the Section 341 meeting of creditors for the Debtor’s case for Tuesday, August 28, 2018.
7. Pursuant to Federal Rule of Bankruptcy Procedure 1007(c), Statements and Schedules were originally due to be filed with the Court within fourteen (14) days of the Petition Date, or on or before August 10, 2018.

8. The Debtor's Statements and Schedules are nearly complete but the Manager of the Debtor, Brooks Pickering, would like to consult with Nate Larsen who is the Debtor's controller about some matters prior to completing the Statements and Schedules. Mr. Larsen has been out of the office this week on a pre-scheduled vacation.

9. The completion of the Statements and Schedules has also been made more complicated by the fact that three other Falls entities have filed bankruptcy petitions and as a result there have been numerous items to be completed in all of the debtor cases, and significant time spent keeping interested parties up to date and informed about the bankruptcy filings.

10. The Debtor believes it can have Statements and Schedules prepared and filed by Thursday, August 16, 2018, or twelve (12) days prior to the scheduled 341 meeting of creditors for the Debtor.

RELIEF REQUESTED

11. Based upon the foregoing, the Debtor has determined it needs additional time in order to file its Statements and Schedules.

12. The Debtor has consulted with the Office of the United States Trustee (the "UST") regarding the foregoing matter. The UST has indicated it has no objection to the Debtor's current Motion.

13. As noted above, Federal Rule of Bankruptcy Procedure 1007(c) generally requires that the Statements and Schedules be filed within fourteen (14) days after the Petition Date. Federal Rule of Bankruptcy Procedure 1007(c) also provides, however, that the Court can extend the deadline to file the Statements and Schedules, "for cause shown and on notice to the United

States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct.”

14. The Debtor has proposed that it file its consolidated Statements and Schedules by no later than Thursday, August 16, 2018, or twelve (12) days prior to the scheduled 341 meeting of creditors for the Debtor.

15. The Debtor believes good cause exists for granting the relief requested in this Motion, as set forth more fully herein. Further, as noted above, the Debtor understands that the UST has no objection to the relief requested in this Motion.

WHEREFORE, based upon the foregoing, the Debtor respectfully requests that this Court enter an Order extending the deadline for the Debtor to file its Statements and Schedules, such that the Statements and Schedules will be considered timely filed if they are filed by the Debtor by no later than Thursday, August 16, 2018.

DATED this 10th day of August, 2018.

RAY QUINNEY & NEBEKER P.C.

/s/ Elaine A. Monson
Elaine A. Monson
*Proposed General Bankruptcy and Litigation
Counsel for the Debtor in Possession*

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CERTIFICATE OF SERVICE

I hereby certify that August 10, 2018 I electronically filed the foregoing **DEBTOR'S MOTION TO EXTEND THE DEADLINE TO FILE STATEMENTS AND SCHEDULES** 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, including the United States Trustee, are registered CM/ECF users and will be served through the CM/ECF system:

- **James W. Anderson** jwa@clydesnow.com, jritchie@clydesnow.com
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- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **Brent D. Wride** bwride@rqn.com, docket@rqn.com;pbrown@rqn.com

In addition, a copy of the foregoing motion was sent by **electronic mail** on August 10, 2018, to:

The U.S. Trustee
Laurie Cayton, Laurie.Cayton@usdoj.gov.

/s/ Patricia Brown