

**SO ORDERED**



**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
Greenbelt Division**

In re:

THE CONDOMINIUM ASSOCIATION OF  
THE LYNNHILL CONDOMINIUM,

Debtor.<sup>1</sup>

Case No. 18-10334

Chapter 11

**ORDER ESTABLISHING DEADLINES  
FOR FILING AND OBJECTING TO UNIT LIENHOLDER CLAIMS  
AND APPROVING FORM AND MANNER OF NOTICE THEREOF**

Upon the Debtor's motion for entry of an order (a) establishing deadlines and requirements for filing and objecting to claims that were secured by residential units of the property located at 3103 and 3107 Good Hope Avenue, Temple Hills, Maryland 20748 (the "Property") immediately prior to the sale of the Property to Dragone Realty, LLC ("Dragone), and (b) approving the form and manner of notice thereof (the "Motion");<sup>2</sup> and the Court having reviewed the Motion and finding that (a) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C.

<sup>1</sup> The Debtor's federal identification number is 52-0993760.

<sup>2</sup> Capitalized terms used but not defined in this Order have the meaning given such terms in the Motion.



§§ 157 and 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) adequate notice of the Motion and the hearing thereon was given under the circumstances and that no other or further notice is necessary; and (d) the legal and factual bases set forth in the Motion and on the record establish just cause for the relief granted herein, and it appearing that the relief requested is in the best interest of the Debtor's estate, creditors and other parties-in-interest; and after due deliberation, and good and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is granted.
2. Except as otherwise provided herein, any person or entity asserting a claim that was secured by a Residential Unit immediately prior to the sale of the Property must file and serve by **August 10, 2018 at 5:00 p.m. (ET)** (the "Unit Lienholder Bar Date") a proof of claim substantially in the form of Official Form B410, together with an addendum identifying (together with (i)–(iv) below, a "Claim Form"):
  - i. the obligor (*i.e.*, the party against whom the claim is held);
  - ii. the applicable Residential Unit number;
  - iii. the date the obligation arose; and
  - iv. evidence of the claim, including copies of the document(s) granting the security interest (*e.g.*, deed of trust, judgment, invoice (for mechanics liens) or other security instrument) and of the document(s) evidencing perfection and recordation of the security interest.
3. The Debtor may agree, by written stipulation in advance of the Unit Lienholder Bar Date, to extend the Unit Lienholder Bar Date on behalf of any Unit Lienholder, but shall not be required to do so.
4. Claim Forms must be submitted either (i) electronically on the Court's website at <http://www.mdb.uscourts.gov/content/electronic-filing-claims> or (ii) by mailing or delivering an

original Claim Form to the Office of the Clerk, 6500 Cherrywood Lane, Greenbelt, Maryland 20770. Additionally, any party filing a Claim Form must serve, by certified mail, a copy of the Claim Form on the applicable Former Resident and any other party that had an interest in the applicable Residential Unit immediately prior to the sale of the Property.<sup>3</sup>

5. Unit Lienholder Claims will be deemed timely filed only if actually (a) posted on the Court's electronic claims register by the Unit Lienholder Bar Date, or (b) received by the Court at the address listed in the Unit Lienholder Bar Date Notice (defined below) by one of the approved methods of delivery by the Unit Lienholder Bar Date. The Court will not accept Claim Forms by facsimile, telecopy, or e-mail.

6. The following persons or entities are not required to file Claim Forms:

- a. The Debtor on account of any unpaid condominium fees and assessments;<sup>4</sup>  
and
- b. Any person or entity whose claim previously has been allowed by, or paid pursuant to, an order of the Court.

7. Any person or entity required to file and serve a claim pursuant to this Order, but that fails to do so by the Unit Lienholder Bar Date or fails to include the information required by the Claim Form, including the information identified in paragraph 2 of this Order:

- a. will be forever barred, estopped, and enjoined from asserting any claim that the person or entity has against the Fractional Sale Proceeds, the applicable Former Resident(s), or the Debtor;

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<sup>3</sup> Service shall be at the last known address as set forth on (a) a proof of claim or Claim Form filed with the Court in this case, (b) any subsequent notice of change of address filed with the Court in this case, or (c) any written instructions of the Former Resident or other party that had an interest in the Residential Unit.

<sup>4</sup> The Debtor will file and serve a notice that identifies the amount of unpaid condominium fees and assessments, if any, for each Residential Unit.

b. will be barred from participating in any distribution under the Plan with respect to such claim; and

c. will have all of their liens, claims, encumbrances, and interests on account of such claim discharged.

8. The Unit Lienholder Bar Date Notice, substantially in the form attached to the Motion as Exhibit 1, is approved in all respects.

9. The Unit Lienholder Bar Date Notice shall be good, adequate, and sufficient notice of the relief granted by this Order if it is served, together with Official Form B410, within three business days after entry of this Order by first-class U.S. mail, postage prepaid, on all Unit Lienholders and any other known persons and entities that may hold claims that were secured by the Residential Units immediately prior to the sale of the Property to Dragone. If the address on file for a particular party is invalid because prior notices have been returned to the Debtor as undeliverable, the Debtor will provide electronic PDF copies of the Unit Lienholder Bar Date Notice and Official Form B410 to any email address on file with ECF (in this case) or on the Debtor's records for the applicable party.

10. The deadline for Former Residents and other parties in interest to object to Unit Lienholder Claims (the "Unit Lienholder Claim Objection Deadline") is **September 12, 2018 at 5:00 p.m. (ET)**. If no objections are filed to a Unit Lienholder Claim by the Unit Lienholder Claim Objection Deadline, then the holder of that Unit Lienholder Claim shall participate in the distribution of the Fractional Sale Proceeds in accordance with the terms of the Plan.

11. The Court will hold a hearing on any disputed and unresolved objections to Unit Lienholder Claims on **October 3, 2018 at 11:00 a.m. (ET)**.

12. Nothing in this Order shall prejudice the rights of the Debtor or any other party in interest to dispute, or to assert offsets or defenses to, any claim as to amount, liability, characterization, or otherwise.

13. The Debtor is immediately authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

14. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation or implementation of this Order.

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All Parties Requesting Notice

**END OF ORDER**