

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:

NEIGHBORS LEGACY HOLDINGS, INC.,
et al.,

Debtors.

§
§ Chapter 11
§
§ Case No. 18-33836
§
§ (Jointly Administered)
§

**LIQUIDATING TRUSTEE'S MOTION TO
EXTEND THE DEADLINE TO FILE CLAIMS OBJECTIONS**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.



**To the Honorable Marvin Isgur,
United States Bankruptcy Judge:**

Tensie Axton, Trustee (the “Liquidating Trustee”) of the Liquidating Trust (the “Liquidating Trust”) of Neighbors Legacy Holdings, Inc. and certain of its affiliates and subsidiaries (the “Debtors”), files her *Motion to Extend the Deadline to File Claims Objections* (the “Motion”).

PRELIMINARY STATEMENT

1. The Liquidating Trustee respectfully requests an extension of the Claims Objection Deadline to December 31, 2019.

JURISDICTION

2. This Court has jurisdiction over this Objection under 28 U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. § 1408.

BACKGROUND

3. On July 12, 2018 (the “Petition Date”), the Debtors filed these chapter 11 cases. On February 20, 2019, the Debtors filed their *First Amended Joint Plan of Liquidation of Neighbors Legacy Holdings, Inc. and its Debtor Affiliates Under Chapter 11 of the Bankruptcy Code* (the “Plan”). [Docket No. 772].

4. On March 22, 2019, the Court entered its *Order Approving Debtors’ Second Amended Disclosure Statement and Confirming Debtors’ First Amended Joint Plan of Liquidation of Neighbors Legacy Holdings, Inc. and its Debtor Affiliates Under Chapter 11 of the Bankruptcy Code* (the “Confirmation Order”). [Docket No. 847].

5. The Plan and the Confirmation Order established the Liquidating Trust and approved the Liquidating Trust Agreement, which appointed the Liquidating Trustee to, among

other things, object to claims filed as administrative, priority, or secured claims. *See* Liquidating Trust Agreement [Docket No. 802-1]. Pursuant to the Plan, the Debtors' estates are deemed consolidated for purposes of making distributions to claimants.

6. The Plan sets the deadline to file objections to claims for 180 days after the Effective Date. *See* Plan, Art. VIII.C. The Effective Date occurred on April 8, 2019. *See* Notice filed at Docket No. 862. Accordingly, current the deadline to object to claims is October 5, 2019 (the "Claims Objection Deadline").

RELIEF REQUESTED

7. The Liquidating Trustee respectfully requests an extension of the Claims Objection Deadline to December 31, 2019.

8. Pursuant to the Plan, the Liquidating Trustee is authorized to seek a 90-day extension to the Claims Objection Deadline, without prejudice to her request to seek additional time upon a showing of good cause. *See* Plan, Art. VIII.C. The requested extension to December 31, 2019, is an 87-day extension and therefore within the time contemplated by the Plan.

9. Bankruptcy Rule 9006(b)(1) further provides that "when an act is required or allowed to be done at or within a specified period . . . by order of the court, the court for cause may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefore is made before the expiration of the period originally prescribed" FED. R. BANKR. P. 9006(b)(1). Section 105(a) of the Bankruptcy Code provides that the Court may issue any order that is necessary or appropriate to carry out the provisions of the Bankruptcy Code. *See* 11 U.S.C. § 105(a).

10. Given the circumstances, the Liquidating Trustee respectfully submits that cause exists to extend the Claims Objection Deadline by approximately 90 days to December 31, 2019.

The Liquidating Trustee has filed several individual and omnibus claims objections and continues to review and analyze the remaining secured, priority, and administrative claims. The extension would ensure that the Liquidating Trustee neither expends resources in objecting to claims that could not be resolved consensually nor permits claims to be allowed in amounts that are not justified.

11. This extension is not sought for the purposes of delay and will not prejudice any claimants. Pursuant to the Plan, the Liquidating Trustee reserves the right to seek a further extension of the Claims Objection Deadline.

CONCLUSION

12. The Liquidating Trustee requests that the Court extend the Claims Objection Deadline to December 31, 2019, and grant the Liquidating Trustee any other relief to which she may be entitled.

Dated: Houston, Texas
September 13, 2019.

PORTER HEDGES LLP

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NLH LIQUIDATING TRUST**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

**NEIGHBORS LEGACY HOLDINGS, INC.,
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Debtors.

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Chapter 11

Case No. 18-33836

(Jointly Administered)

ORDER EXTENDING DEADLINE TO FILE CLAIMS OBJECTIONS

Upon consideration of the *Liquidating Trustee's Motion to Extend the Deadline to File Claims Objections* (the "Motion"),¹ and this Court having jurisdiction to consider the Motion, and venue being proper, and due and sufficient notice of the Motion having been given, the Court concludes that good cause exists to grant the Motion. It is therefore **ORDERED** that

1. The Claims Objection Deadline is extended December 31, 2019.
2. The relief granted herein is without prejudice to the Liquidating Trustee's right to request further extensions of the Claims Objection Deadline.

SIGNED:

**THE HONORABLE MARVIN ISGUR,
UNITED STATES BANKRUPTCY JUDGE**

¹ Capitalized terms not otherwise defined herein shall have the meaning given to them in the Motion.