

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

IN RE:)	CHAPTER 11
)	
REGIONAL HOUSING & COMMUNITY SERVICES CORP., et al.,)	Jointly Administered Under
)	CASE NO. 21-41034-pwb
)	
Debtors.)	

**MOTION FOR EXTENSION OF TIME TO
ASSUME OR REJECT NONRESIDENTIAL REAL PROPERTY LEASES**

COME NOW the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”),¹ in the above-styled jointly administered case (the “**Case**”), by and through the undersigned counsel, and pursuant to 11 U.S.C. §365(d)(4) and Bankruptcy Rule 9006(b)(1), and make and file this their Motion for Extension of Time to Assume or Reject Nonresidential Real Property Leases (the “**Motion**”). In support of the Motion, the Debtors show the Court as follows:

1.

On August 26, 2021 (the “**Petition Date**”), the Debtors each filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “**Bankruptcy Code**”) with the United States Bankruptcy Court for the Northern District of Georgia, Rome Division (the “**Court**”). The Debtors are authorized to operate their businesses as debtors-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

¹ The Debtors in these chapter 11 cases include: Regional Housing & Community Services Corporation, RHCSC Columbus AL Holdings LLC, RHCSC Columbus Health Holdings LLC, RHCSC Douglas AL Holdings LLC, RHCSC Douglas Health Holdings LLC, RHCSC Gainesville AL Holdings LLC, RHCSC Gainesville Health Holdings LLC, RHCSC Montgomery I AL Holdings LLC, RHCSC Montgomery I Health Holdings LLC, RHCSC Montgomery II AL Holdings LLC, RHCSC Montgomery II Health Holdings LLC, RHCSC Rome AL Holdings LLC, RHCSC Rome Health Holdings LLC, RHCSC Savannah AL Holdings LLC, RHCSC Savannah Health Holdings LLC, RHCSC Social Circle AL Holdings LLC, and RHCSC Social Circle Health Holdings LLC.



2.

No committee, trustee or examiner has been requested or appointed in this Case.

3.

The Debtors own eight senior living facilities located in rural cities or towns in Georgia or Alabama (the “**Facilities**”). The Facilities collectively house approximately 218 senior residents. For each Facility, one Debtor owns the real property and leases the real property to an affiliated Debtor that operates the Facility.

4.

The Debtors are parties to several real property leases, including but not limited to those identified on Exhibit A attached hereto (the “**Leases**”). While the Leases may constitute residential real property leases due to the fact that the Facilities house numerous senior residents, out of an abundance of caution, the Debtors nonetheless seek the treatment requested herein as if the Leases were determined to be non-residential real property leases.

5.

The Bankruptcy Code provides an initial one hundred twenty (120) day period for a debtor to assume or reject non-residential real property leases. In this case, the initial 120 day period is scheduled to expire on December 24, 2021. Section 365(d)(4) provides that the Court may, for cause, extend the time for Debtors to assume or reject such Leases for a period up to an additional ninety (90) days, or for a longer period upon consent of the lessor.

6.

Since the commencement of the Case, the Debtors have worked diligently to maintain continuity in the everyday operation of their businesses, while simultaneously working to preserve and build the value of their assets. On or about October 15, 2021, the Court entered an *Order*

Granting Motion to Approve Release and Settlement Agreement By and Among the Debtors and Various Parties [Dkt. No. 78] pursuant to which the Court approved a settlement agreement (the “**Settlement Agreement**”) by and among (1) the Debtors, (2) UMB Bank, N.A., as successor trustee (the “**Bond Trustee**”), (3) Ecofin Direct Municipal Opportunities Fund, LP (f/k/a Tortoise Direct Municipal Opportunities Fund, LP) and Ecofin Tax-Advantaged Social Impact Fund, Inc. (together, the “**Bondholders**”), and (4) ALG Senior, LLC (“**ALG**”). Among other terms, the Settlement Agreement provided that management of the Debtors’ facilities would be transitioned from ALG to a new manager acceptable to the Bond Trustee and the Bondholders. HMP Senior Solutions, LLC (“**HMP**”) was selected as the new manager and has begun to evaluate alternative exit strategies to emerge from Chapter 11.

7.

The Debtors need more time to evaluate all potential exit strategies and determine the best course of action to propose in any Chapter 11 plan(s). The Debtors’ decision regarding assumption or rejection of the Leases will be dependent upon the proposed exit from Chapter 11. Thus, cause exists to extend the deadline to assume or reject non-residential real property Leases.

8.

Debtors request an extension through and including March 24, 2022, or such longer period as may be agreed upon by the Debtors and the applicable lessor, to assume or reject non-residential real property Leases.

WHEREFORE, Debtors pray that the Court grant this Motion and enter an Order extending the time within which to assume or reject non-residential real property Leases through and including March 24, 2022, or such longer period as may be agreed upon by the Debtors and the applicable lessor, and grant such other and further relief as the Court deems just and proper.

This 30th day of November, 2021.

SCROGGINS & WILLIAMSON, P.C.

4401 Northside Parkway
Suite 450
Atlanta, GA 30327
T: (404) 893-3880
F: (404) 893-3886
E: rwilliamson@swlawfirm.com
aray@swlawfirm.com
mlevin@swlawfirm.com

By: /s/ Ashley R. Ray
J. ROBERT WILLIAMSON
Georgia Bar No. 765214
ASHLEY REYNOLDS RAY
Georgia Bar No. 601559
MATTHEW W. LEVIN
Georgia Bar No. 448270

Counsel for the Debtors

EXHIBIT A

LESSOR	LESSEE	LEASE DESCRIPTION
RHCSC Rome Health Holdings LLC	RHCSC Rome AL Holdings LLC	Real property lease for facility located at The Gardens of Rome
RHCSC Columbus Health Holdings LLC	RHCSC Columbus AL Holdings LLC	Real property lease for facility located at The Landings at Columbus
RHSCS Douglas Health Holdings LLC	RHCSC Douglas AL Holdings LLC	Real property lease for facility located at The Landings at Douglas
RHSCS Montgomery I Health Holdings LLC	RHSCS Montgomery I AL Holdings LLC	Real property lease for facility located at The Gardens of Waterford
RHSCS Montgomery II Health Holdings LLC	RHSCS Montgomery II AL Holdings LLC	Real property lease for facility located at The Landings at Montgomery
RHSCS Savannah Health Holdings LLC	RHSCS Savannah AL Holdings, LLC	Real property lease for facility located at The Gardens of Savannah
RHSCS Social Circle Health Holdings LLC	RHSCS Social Circle AL Holdings LLC	Real property lease for facility located at The Gardens of Social Circle
RHCSC Gainesville Health Holdings LLC	RHSCS Gainesville AL Holdings LLC	Real property lease for facility located at The Landings at Gainesville

CERTIFICATE OF SERVICE

This is to certify that on this date a true and correct copy of the within and foregoing **Motion for Extension of Time to Assume or Reject Nonresidential Real Property Leases** was served by the Court's CM/ECF system on all counsel of record registered in this case through CM/ECF.

This 30th day of November, 2021.

SCROGGINS & WILLIAMSON, P.C.

4401 Northside Parkway
Suite 450
Atlanta, GA 30327
T: (404) 893-3880
F: (404) 893-3886
E: rwilliamson@swlawfirm.com
aray@swlawfirm.com
mlevin@swlawfirm.com

By: /s/ Ashley R. Ray
J. ROBERT WILLIAMSON
Georgia Bar No. 765214
ASHLEY REYNOLDS RAY
Georgia Bar No. 601559
MATTHEW W. LEVIN
Georgia Bar No. 448270

Counsel for the Debtors