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11 **IN THE UNITED STATES BANKRUPTCY COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 In re:
14 ARA MACAO HOLDINGS, L.P.,
15 Debtor.

Chapter 11 Proceedings
(Involuntary)

Case No. 3:18-bk-03615-PS

**OBJECTION TO PETITIONING
CREDITORS' MOTION FOR
IMMEDIATE APPOINTMENT OF A
CHAPTER 11 TRUSTEE AND JOINDER**

Date of Hearing: May 16, 2018

Time of Hearing: 1:30 p.m.

Courtroom No.: 601

16 Dr. Eugene Ingles ("**Ingles**"), by and through his counsel undersigned, hereby files this
17 Objection to the "Petitioning Creditors' Motion for Immediate Appointment of a Chapter 11
18 Trustee" ("**Trustee Motion**"). The Trustee Motion is a regurgitation of a failed attempt in
19 Illinois to wrest control of the Debtor's assets. Ingles has just retained undersigned counsel who
20 is in the process of starting to review the almost 1,000 pages of exhibits to the Trustee Motion.

21
22 In 2016, at least one of the Petitioning Creditors, Richard Umbach, filed a Motion for
23 Appointment of a Receiver in the Cook County, Illinois Circuit Court Chancery Department.
24 That case number in Cook County is 2016-CH-06345 ("**Illinois Motion**"). It is Ingles'
25 understanding virtually all of the same allegations made in the instant Motion were made in the
26 Illinois Motion. Ingles filed a Declaration opposing the Illinois Motion. A copy of that
27 Declaration is attached hereto and incorporated herein by this reference as **Exhibit A**.
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/s/ Sharon D. Kirby

EXHIBIT A

AFFIDAVIT

1. My name is Doctor Eugene Ingles, and I am resident of Long Grove, Illinois.

2. I am over the age of eighteen years old and made this Affidavit on my own free will.

3. I have been a Limited Partner in Ara Macao Holdings, LP (the "Project") since October 19, 2006.

4. Beginning with an initial investment of \$200,000, I have added to my stake from time to time such that, together with accrued interest, my total investment in the Project is now \$1,014,771. It is my understanding that this makes me the largest single investor in the project.

5. Since 2006, I have observed Paul Goguen ("Goguen") and his team manage the Project with skill and integrity. I have seen them successfully deal with many daunting challenges that inevitably arise in a new construction and development project, particularly in a foreign country. The purchase of the Ara Macao Property, the development of a master plan, the granting of entitlements by the Belize Government are just a few of the monumental achievements made by Paul and his team.

6. The accomplishments stated in Paragraph 5 of this Affidavit have added significant value to the Ara Macao property, such that it has recently been appraised at \$61 Million.

7. I understand the Project has taken longer than expected to complete. Although the Project was cleared by the Belize Government to begin construction in 2007, the financial crisis prohibited the securing of construction financing until recently.

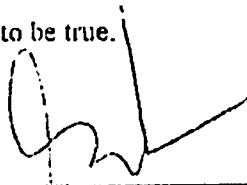
8. My understanding is that Paul has recently executed an agreement with an institutional investor that will bring up to \$31 Million of new capital to the Project along with a 300 room branded beachfront hotel. This deal is, in my opinion, pivotal to the Project, bringing much needed liquidity and the credibility that comes with a well recognized international hotel organization.

9. I also understand that Paul has recently launched a global marketing campaign to sell lots and condos, which are being developed by the Project, and that leads are coming in daily. Moreover, I have been told that ioVest is in the process of being underwritten by an investment fund for a \$40 Million construction and development loan. They are also in the middle of a process to expand entitlements with the Belize government along with numerous other initiatives, all contributing to the forward momentum of the Project.

10. I believe it would be catastrophic to appoint a receiver to the Project, because it would bring to an abrupt halt all of the many initiatives I have mentioned in this Affidavit. The continuous forward movement of the Project and its ultimate success will be dependent on the unique experience, skill and relationships that only Paul and his team understand. The Appointment of a receiver would cause irreparable harm to the Project and my investment.

11. I was provided a copy of the Complaint by the Plaintiffs in this matter and reviewed it. I believe the allegations of mismanagement made against the Defendants in this suit to be false and without merit.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

 5/27/16

Dr. Eugene Ingles
Dated: May 27, 2016
4039-0840-0034, v. 1