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COUNSEL FOR CHAPTER 11 TRUSTEE

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re:

ARA MACAO HOLDINGS, L.P.,

Debtor.

Chapter 11

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

**TRUSTEE'S *EX PARTE* MOTION TO
SET BAR DATE FOR PROOFS OF
CLAIM**

S. Cary Forrester, as Chapter 11 Trustee for the estate of Ara Macao Holdings, L.P. ("**Trustee**") hereby moves the Court to fix October 1, 2018 as the bar date for filing proofs of claim. Establishing a bar date will assist the Trustee in accurately determining the nature and amount of all claims and identifying the claim holders. This Motion is supported by the following Memorandum of Points and Authorities and the entire record in the case.

MEMORANDUM OF POINTS AND AUTHORITIES

1. On April 6, 2018, six petitioning creditors filed an involuntary petition against Debtor under Chapter 11 of the United States Bankruptcy Code.
2. On the same day, the petitioning creditors filed a motion for the immediate appointment of a Chapter 11 trustee [DE 8];
3. On May 7, 2018, Debtor filed its motion to convert the case to a voluntary proceeding under Chapter 11 [DE 63];

4. On May 8, 2018, the Court entered its order converting the case to a voluntary proceeding under Chapter 11 [DE 68];

5. On June 12, 2018, the Court entered its order appointing a Chapter 11 trustee [DE 106];

6. On June 21, 2018, the Court entered its order approving the United States Trustee's appointment of Grant Lyon as Chapter 11 trustee [DE 112];

7. On July 2, 2018, the Official Committee of Unsecured Creditors filed a motion for election of trustee [DE 126]; and

8. On August 2, 2018, the United State Trustee held an election, at which time S. Cary Forrester was elected as Chapter 11 trustee, as reflected in the Report and Certification of Election of Trustee filed by the United States Trustee on August 6, 2018 [DE 196].

9. Among his other duties, the Trustee must evaluate whether claims should be allowed or disallowed and determine how they will be treated under a plan of reorganization.

10. In order to do so, the Trustee must be able to accurately determine the nature and amount of all claims and the identity of the claim holders.

11. Establishing a claims bar date will assist the Trustee in doing so.

12. The Court has authority to fix a bar date under Bankruptcy Rule 3003(c)(3).

13. The Court has the discretion to fix any bar date that gives creditors a reasonable time to file their claims. *In re Thomson McKinnon Securities Inc.*, 125 B.R. 88, 92 (Bankr. S.D.N.Y. 1991).

14. The Trustee proposes that October 1, 2018 be established as the bar date for filing proofs of claim. This is early enough to assist the Trustee in discharging his duties but distant enough to provide creditors with more than the 21-days' notice required by bankruptcy rule 2002(a)(7).

15. The Notice of Bar Date will be served via first class U.S. mail on all known creditors, interest holders, and other parties in interest on the master mailing list.

16. A proposed form of Order Setting Bar Date for Proofs of Claims (with Notice of Bar Date attached) is attached hereto as Exhibit "A".

WHEREFORE, the Trustee requests that the Court enter its order fixing October 1, 2018 as the bar date for filing proofs of claim, in substantially the form attached hereto as Exhibit "A".

Dated August 20, 2018.

FORRESTER & WORTH, PLLC

/s/ SCF (006342)

S. Cary Forrester

Byron H. Forrester

Counsel for Chapter 11 Trustee

Copy of the foregoing emailed or mailed on August 20, 2018, to the following:

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EXHIBIT "A"

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

**ORDER SETTING BAR DATE FOR
PROOFS OF CLAIM**

This matter having come before the court on the *Ex Parte* Motion to Set Bar Date for Proofs of Claim under Bankruptcy Rule 3003(c)(3), filed by S. Cary Forrester, as Chapter 11 Trustee for the estate of Ara Macao Holdings, L.P. ("**Trustee**"), and good cause appearing,

IT IS HEREBY ORDERED, that:

1. Pursuant to Bankruptcy Rule 3003(c)(3), October 1, 2018 is established as the deadline ("**Bar Date**") within which any and all individuals or entities asserting claims against the bankruptcy estate must file a Proof of Claim for: (a) claims not listed in the Schedules of Assets and Liabilities (the "**Schedules**"), as the same may be amended from time to time; (b) claims that are listed in the Schedules as disputed, contingent or unliquidated; (c) claims that differ in any respect from those listed in the Schedules, including, without limitation, the

assertion of any right to setoff under Bankruptcy Code Section 553 or otherwise and the assertion of any claim under Bankruptcy Code Section 503(b)(9).

2. Any claimant who fails to timely file a Proof of Claim, if required to do so by the terms of this Order, shall be forever barred from voting on any proposed plan of reorganization, receiving a distribution from the estates, or otherwise participating in the Chapter 11 case. Nonetheless, the holder of any such unfiled claim shall be bound by the terms of any confirmed plan of reorganization.

3. Anyone seeking to file a proof of claim must ensure that it is received by the Clerk of the United States Bankruptcy Court for the District of Arizona on or before the Bar Date. A copy of the proof of claim need not be forwarded to counsel for the Trustee.

5. Trustee's counsel shall promptly provide notice of this order to all creditors and interested parties, in the form attached hereto as Exhibit 1.

--SIGNED AND DATED ABOVE--

EXHIBIT 1

FORRESTER & WORTH, PLLC
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re:

ARA MACAO HOLDINGS, L.P.,

Debtor.

Chapter 11

Case No. 3:18-bk-03615-PS 4

**NOTICE OF BAR DATE FOR FILING
PROOFS OF CLAIM**

NOTICE IS HEREBY GIVEN that, on August 14, 2017, the Court entered an order providing as follows:

1. Pursuant to Bankruptcy Rule 3003(c)(3), **October 1, 2018** is established as the deadline ("**Bar Date**") within which any and all individuals or entities asserting claims against the bankruptcy estate must file a Proof of Claim for: (a) claims not listed in the Schedules of Assets and Liabilities (the "**Schedules**"), as the same may be amended from time to time; (b) claims that are listed in the Schedules as disputed, contingent or unliquidated; (c) claims that differ in any respect from those listed in the Schedules, including, without limitation, the assertion of any right to setoff under Bankruptcy Code Section 553 or otherwise and the assertion of any claim under Bankruptcy Code Section 503(b)(9).

2. Any claimant who fails to timely file a Proof of Claim, if required to do so by the terms of this Order, shall be forever barred from voting on any proposed plan of reorganization, receiving a distribution from the estate, or otherwise participating in the Chapter 11 case. Nonetheless, the holder of any such unfiled claim shall be bound by the terms of any confirmed plan of reorganization.

3. Anyone seeking to file a Proof of Claim must ensure that it is received by the Clerk of the United States Bankruptcy Court for the District of Arizona on or before the Bar Date. Such claims may be: (1) mailed or delivered to the Clerk at address set forth below; (2) filed online pursuant to the instruction on the court's website; or (3) faxed to the clerk at (602) 682-4004. For assistance you may contact the clerk's office at (602) 682-4000:

Clerk, United States Bankruptcy Court
230 North First Avenue, Suite 101
Phoenix, AZ 85003

4. Creditors are advised not to send copies of their proofs of claim to the Trustee or Trustee's counsel.

5. If you have already filed a Proof of Claim, it is not necessary to file another one in response to this notice.

6. **IT IS THE RESPONSIBILITY OF EACH CREDITOR TO REVIEW THE SCHEDULES, WHICH ARE ON FILE WITH THE CLERK OF THE BANKRUPTCY COURT AT THE ADDRESS SET FORTH ABOVE, TO DETERMINE WHETHER AND HOW ITS CLAIM IS SCHEDULED**

Dated August 20, 2018.

FORRESTER & WORTH, PLLC

/s/ SCF (006342)

S. Cary Forrester

Byron H. Forrester

Counsel for Chapter 11 Trustee

Copy of the foregoing emailed or mailed
on August 20, 2018, to all those
on the Master Mailing List

/s/ Matthew Burns

Matthew Burns