



A handwritten signature in black ink, reading "Ashley Austin Edwards".

Ashley Austin Edwards
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Shelby Division**

In re:

**Maple Ridge Property Owners Association,
Inc.,¹**

Debtor.

Case Number: 25-40271

Chapter 11, Subchapter V

**ORDER GRANTING DEBTOR'S EXPEDITED APPLICATION FOR
ENTRY OF ORDER AUTHORIZING DEBTOR TO EMPLOY AND
RETAIN OMNI AGENT SOLUTIONS, INC., AS NOTICE, CLAIMS,
AND SOLICITATION AGENT EFFECTIVE AS OF THE PETITION DATE**

Upon the *Debtor's Expedited Application for Entry of Order Authorizing Debtor to Employ and Retain Omni as Notice, Claims, and Solicitation Agent Effective as of the Petition Date* (Doc. No. 6) (the "Application")² filed by Debtor Maple Ridge Property Owners Association, Inc. ("Debtor") for entry of an order authorizing the employment of Omni Agent Solutions, Inc. ("Omni") as Debtor's notice, claims, and solicitation agent, as more fully set forth in the Application and having considered the Application, together with the representations made in the First Day Declaration and the Deutch Declaration, and having considered the representations of

¹ The last four digits of Debtor's tax identification number are 1171. Debtor's primary place of business is 747 Buffalo Creek Road, Lake Lure, North Carolina 28746.

² Capitalized terms used but not defined herein shall have the meanings ascribed in the Application.

the parties at the Hearing, and for the reasons stated on the record at the Hearing, the Court having found that notice of the Application and the Hearing thereon was sufficient under the circumstances and no other or further notice need be provided; the relief requested in the Application is in the best interests of Debtor, its estate, its creditors and other parties in interest; Omni does not hold or represent an interest adverse to Debtor's estate and therefore good and sufficient cause exists to grant the relief in the Application; the Court having found that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, and this is a core proceeding pursuant to 28 U.S.C. § 157(b), it is hereby:

ORDERED THAT:

1. The Application is approved.
2. Debtor is authorized to employ and retain Omni as its notice, claims, and solicitation agent in accordance with the terms and conditions set forth in the Application and the Engagement Agreement, effective as of the commencement of the Chapter 11 Case.
3. The terms of the Engagement Agreement are approved as provided herein subject to the terms of this Order.
4. Pursuant to 28 U.S.C. § 156(c) and Rule 2002 of the Federal Rules of Bankruptcy Procedure, Omni is authorized to provide noticing, claims processing, and balloting services as set forth in the Application and the Engagement Agreement, including, among others, as requested:
 - a. Preparing and serving required notices in the Chapter 11 Case, including:
 - i. notice of the commencement of the Chapter 11 Case and the initial meeting of creditors under Bankruptcy Code § 341(a);
 - ii. a notice of the claims bar date;
 - iii. notices of objections to claims and objections to transfers of claims;

- iv. notices of hearings on motions filed by the Bankruptcy Administrator for the Western District of North Carolina (the “Bankruptcy Administrator”);
 - v. notices of transfers of claims;
 - vi. notices of any hearings on confirmation of the Debtor’s plan of reorganization;
 - vii. notice of the effective date of any plan; and
 - viii. such other miscellaneous notices as Debtor or Court may deem necessary or appropriate for an orderly administration of the case.
- b. Maintaining an official copy of the Debtor’s schedules of assets and liabilities and statement of financial affairs (collectively the “Schedules”), listing the Debtor’s known creditors and the amounts owed thereto.
- c. Maintaining a: (i) list of all potential creditors, equity holders, and other parties in interest and (ii) “core” service list consisting of all parties described in Bankruptcy Rule 2002(i), (j), and (k), and those parties that have filed a notice of appearance pursuant to Bankruptcy Rule 9010 and updating said lists and making said lists available upon request by a party-in-interest or the Clerk.
- d. Furnishing a notice to all potential creditors of the last date for filing proofs of claim and a form for filing a proof of claim, after such notice and form are approved by the Court, and, if asked, notifying such potential creditors of the existence, amount, and classification of their respective claims as set forth in the Schedules, which may be effected by inclusion of such information (or the lack thereof, in cases where the Schedules indicate no debt due to the subject party) on a customized proof of claim form provided to potential creditors.
- e. Maintaining a post office box or address for the purpose of receiving claims and returned mail, and processing all mail received.
- f. Within three (3) days after the entry of a particular notice or order, preparing for filing with the Clerk’s Office a certificate or affidavit of service that includes (i) a copy of the notice or order served, (ii) an alphabetical list of persons on whom notice was served, along with their addresses, and (iii) the date and manner of service.
- g. Receiving, examining, and maintaining copies of all proofs of claim and proofs of interest filed in the Chapter 11 Case.
- h. Maintaining the official claims register in the Chapter 11 Case by docketing all proofs of claim and proofs of interest in a claims database that includes the following information for each such claim or interest asserted:

- i. the name and address of the claimant or interest holder and any agent thereof, if the proof of claim or proof of interest was filed by an agent;
 - ii. the date the proof of claim or proof of interest was received by Omni and/or the Court;
 - iii. the claim number assigned to the proof of claim or proof of interest; and
 - iv. the asserted amount and classification of the claim.
- i. Implementing necessary security measures to ensure the completeness and integrity of the claims register.
 - j. Recording all transfers of claims pursuant to Bankruptcy Rule 3001(e).
 - k. Revising the creditor matrix as appropriate.
 - l. Monitoring the Court's docket for all notices of appearance, address changes, and claims-related pleadings and orders filed and make necessary notations on or changes to the claims register and any service or mailing lists, including to identify and eliminate duplicative names and addresses from such lists.
 - m. Identifying and correcting any incomplete or incorrect addresses in any mailing or service lists.
 - n. Recording any order entered by the Court which may affect a claim by making a notation on the claims register.
 - o. Monitoring the Court's docket for any claims related pleading filed and making necessary notations on the claims register.
 - p. Filing quarterly an updated claims register with the Court in alphabetical and numerical order. If there was no claims activity, a certification of no claim activity may be filed.
 - q. Maintaining an up-to-date mailing list of all creditors and all entities who have filed proofs of claim or proofs of interest and/or request for notices in the cases and providing such list to the Court or any interested party upon request (within 48 hours).
 - r. Providing access to the public for examination of claims and the claims registers at no charge.
 - s. Establishing and maintaining a case website with case information, including key dates, service lists, and free access to the case docket.
 - t. Forwarding all claims, updated claims register, and updated mailing lists to the Court within 10 days of entry of an order converting a case or within 30 days of

entry of a final decree. The claims register and mailing list will be provided in both paper and on disc and in alphabetical and numerical order. The mailing list disc will be in .txt format.

- u. Assisting with, among other things, the preparation of the Debtor's schedules of assets and liabilities, schedules of executory contracts and unexpired leases, and statement of financial affairs.
- v. Assisting with, among other things, solicitation, balloting, tabulation and calculation of votes, as well as preparing any appropriate reports required in furtherance of confirmation of any chapter 11 plan.
- w. Generating an official ballot certification and testifying, if necessary, in support of the ballot tabulation results for any chapter 11 plan(s) in the Chapter 11 Case.
- x. Generating stipulated orders soliciting Interest Owners' consent to a sale of the Property under section 363(h) of the Bankruptcy Code, collecting and tabulating the same, and, if necessary, testifying in support of the results.
- y. Manage and coordinate any distributions pursuant to a chapter 11 plan.
- z. Generating, providing, and assisting with claims objections, exhibits, claims reconciliation, and related matters.
- aa. Complying with applicable federal, state, municipal, and local statutes, ordinances, rules, regulations, orders, and other requirements.
- bb. Providing temporary employees to process claims as necessary.
- cc. Promptly complying with such further conditions and requirements as the Clerk's Office or the Court may at any time prescribe.
- dd. Providing such other claims processing, noticing, and administrative services as may be requested from time to time by Debtor.

5. In addition to the services set forth in the Application and the Engagement Agreement, Omni is authorized to provide other noticing, claims processing, solicitation and administrative services Debtor may request from time to time, including, but not limited to: (a) maintaining and updating the Master Service List; (b) tracking and administration of claims; and (c) performing other administrative tasks pertaining to the administration of the Chapter 11 Case, as may be requested by the Debtor or the Clerk of this Court (the "Clerk's Office").

6. Omni is appointed as agent for the Clerk's Office and, as such, is designated as the authorized repository for all proofs of claims filed in the Chapter 11 Case and is authorized and directed to maintain the official claims register for the Debtor and to provide the Clerk's Office with a certified duplicate thereof as the Clerk's Office may direct. To the extent any government or non-government claimant files a proof of claim with the Court via CM/ECF or manually with the Clerk of the Court, as opposed to with Omni, such filings will be deemed timely if filed by the applicable bar date set by the Court.

7. Without further order of the Court, the Debtor is authorized to compensate Omni in accordance with the terms and conditions of the Engagement Agreement, upon Omni's submission to the Debtor of invoices summarizing in reasonable detail the services and expenses for which compensation is sought; *provided, however*, that Omni shall provide copies of such invoices to the Office of the Bankruptcy Administrator for the Western District of North Carolina and any official committee of creditors appointed in the Chapter 11 Case (if any).

8. Omni shall maintain records of all services showing dates, categories of services, fees charged, and expenses incurred. With respect to services provided prior to the effective date of a chapter 11 plan in this Chapter 11 Case, Omni shall serve monthly invoices on the Debtor, the Bankruptcy Administrator, the Subchapter V Trustee, counsel for the Debtor, and any party in interest who specifically requests service of the monthly invoices.

9. Omni shall not cease providing claims processing services during the Chapter 11 Case for any reason without prior order of this Court authorizing Omni to do so; *provided, however*, that Omni may seek such an order on expedited notice by filing a request with the Court with notice of such request to be served on the Debtor, the Bankruptcy Administrator, and any official committee of creditors appointed in this case (if any) by facsimile or overnight delivery;

provided further, that except as expressly provided herein, the Debtor and Omni may otherwise terminate or suspend other services as provided under the Engagement Agreement.

10. The Court and Omni will implement an Internet link on the Court's website that can direct parties in interest to the website maintained by Omni for the Chapter 11 Case.

11. Pursuant to section 503(b)(1)(A) of the Bankruptcy Code, the fees and expenses of Omni incurred pursuant to the Engagement Agreement shall be an administrative expense of the Debtor's estate.

12. Omni seeks to first apply its retainer to all prepetition invoices and, thereafter, to have the retainer replenished to the original retainer amount and, thereafter, to hold the retainer under the Engagement Agreement during the case as security for the payment of fees and expenses incurred under the Engagement Agreement.

13. Nothing herein obligates a successor chapter 7 trustee or chapter 11 trustee to employ Omni.

14. Debtor and Omni are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Application.

15. Notwithstanding any term in the Engagement Agreement to the contrary, the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

16. In the event of any inconsistency between the Engagement Agreement, the Application, and this Order, the terms of this Order shall govern and control.

17. Debtor is directed to serve this Order upon (i) the Office of the Bankruptcy Administrator for the Western District of North Carolina; (iii) the Subchapter V trustee; (iv) the holders of the 20 largest claims against Debtor; (v) the Office of the United States Attorney for the

Western District of North Carolina; (vi) the Internal Revenue Service; (vii) the Secretary of State for the State of North Carolina; (viii) all statutory committees appointed in the case (if any); and (ix) all parties requesting notice under Bankruptcy Rule 2002.

This ORDER has been signed electronically.
The Judge's signature and Court's seal
appear at the top of the Order.

United States Bankruptcy Court