

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

TUESDAY, OCTOBER 26, 2021

9:30 a.m. (In-Person)

- 1) Adv Matthew W. Smith, 20-03012 Hearing on Plaintiff's Motion to  
Sole Manager for Ch. 11 Compel (31)  
BK Racing, LLC 18-30241  
v.  
Race Engines Plus, LLC

HOUSTON / BROWN  
DANTINNE

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- 2) Adv Matthew W. Smith, 20-03016 Continued for Status and Scheduling  
Sole Manager for Ch. 11 Conference (33)  
BK Racing, LLC 18-30241  
v.  
Brian Castel

HOUSTON  
DiMATTEO / WOODMAN

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- 3) 11 Daniel Business 20-30298 6th continued status hearing (86/80)  
Enterprises, LLC  
Hearing on Interim and Final  
Application for Compensation to  
Michael T. Bowers, Subchapter V  
Trustee (113)

DiMATTEO/WOODMAN

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4) 11 Sein Divine, LLC 21-30468 Hearing on Motion of First National Bank of Pennsylvania (1) to Determine Proceeding Single Asset Real Estate Case, (2) to Enjoin Use of Cash Collateral, and (3) Alternatively for Relief from Stay (19)

WOODMAN  
PETTIT

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5) 11 Aarna Hotels, LLC 21-30249 9th continued hearing on Debtor's Motion to Use Cash Collateral (6); Eighth Interim Order Authorizing Use of Cash Collateral (141)

Continued hearing on Motion of M2 Charlotte Airport, LLC for Relief from Stay, Including the Application of 11 USC § 362(e) (89)

Final Sale Hearing (134)

Hearing on Debtor's Motion to Extend Exclusivity (154)

Confirmation hearing (156/82)

WRIGHT  
EDWARDS  
MAY

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- 6) 11 Sri Vari CRE Development LLC 21-30250 9th continued hearing on Debtor's Motion to Use Cash Collateral (6); Eighth Interim Order Authorizing Use of Cash Collateral (142)
- Continued hearing on Motion of M2 Steele Creek CY LLC for Relief from Stay, Including the Application of 11 USC § 362(e) (89)
- Final sale hearing (135)
- Hearing on Debtor's Motion to Extend Exclusivity (156)
- Confirmation hearing (159/82)

WRIGHT  
EDWARDS  
MAY

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- 7) 11 Avivar Hospitality, LLC 20-30789 11th continued hearing on Amendment to Motion of Access Point Financial for Adequate Protection or, in the Alternative, Relief from Stay, Including the Application of 11 USC 362(e) (49/Exhibits 66); Debtor's Response (61); Response of American Lending Center (62); Declaration of Dilip Petigara (64); Reply in Support of Motion of Access Point Financial for Adequate Protection (106); Order Granting Adequate Protection and Temporarily Staying Guaranty Litigation (123); Amendment of Access Point Financial to (1) American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay and (2) Access Point Financial's Motion for Adequate Protection or, in the Alternative, Relief from Stay, Including the Application of 11 USC 362(e) (185)

11th continued hearing on Amendment to Motion of American Lending Center for Adequate Protection or, in the Alternative, Relief from Stay (104); Debtor's Objection (121); Limited Objection of Live Oak Banking Company (122); Substitution of Access Point Financial as Party in Interest to American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay and Clarification / Amendment to Motion (137); Amended Objection to American Lending Center's (Now Access Point Financial) Motion for Adequate Protection or, in the Alternative, Relief from Stay (140); Debtor's Memorandum in Opposition to American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay (141); Access Point Financial's Amendment to (1) American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay and (2) Access Point Financial's Motion for Adequate Protection or, in the Alternative, Relief from Stay, Including the Application of 11 USC 362(e) (185)

7th continued hearing on Debtor's Motion to Extend Exclusivity (139/98)

6th continued hearing on Disclosure Statement (98); First Amended Disclosure Statement (167); Second Amended Disclosure Statement (260); Limited Objection and Reservation of Rights of Marriott International, Inc. to the Debtor's (I) Second Amended Disclosure Statement and (II) Second Amended Plan of Reorganization (265); Objection of Access Point Financial, LLC to Second Amended Disclosure Statement of Debtor (266)

6th continued hearing on Motion of Access Point Financial for Appointment of Chapter 11 Trustee (188); Response of the U.S. Bankruptcy Administrator to Motion for Appointment of Chapter 11 Trustee and Request for Alternative Relief (203); Debtor's Objection to Motion for Appointment of Chapter 11 Trustee (205)

6th continued hearing on Motion of Sterling Holdings for Ex Parte Order to Extend Time to File Response to Claim Objection and to Continue Hearing Thereon (162); Memorandum Regarding Pending Objection to Claim of Sterling Holdings and Appropriate Procedure to Address Objection (168)

6th continued hearing on Objection of Access Point Financial to Claim/Motion to Disallow Asserted Claim of Sterling Holdings (149/35); Amended Motion of Access Point Financial to Equitably Recharacterize Asserted Claim of Sterling Holdings (237); Objection of Sterling Holdings to Amended Motion of Access Point Financial to Equitably Recharacterize Asserted Claim of Sterling Holdings (267)

6th continued hearing on Debtor's Motion for Authority to Sell Real Property Free and Clear (254); Objection of Access Point Financial (262)

4th continued hearing on Debtor's Motion to Designate Votes Under 11 U.S.C. § 1126 (e) (202); Response of Access Point Financial in Opposition to Debtor's Motion to Designate Votes (263); Debtor's Amendment to Motion to Designate Votes Under 11 U.S.C. § 1126 (e) (269)

4th continued hearing on Debtor's Motion for Ruling on Admissibility of Evidence (273)

ESSER / FAJGENBAUM  
ABEL, BA  
WRIGHT  
WHELEHAN  
TARR  
GARDNER

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2:00 p.m. (Microsoft Teams)

8)	Adv Carol Black v. Russell Schmit, et al.	20-03061 Ch. 11 18-40169	Continued hearing on Motion of Defendant Dennis Brice to Dismiss the First Amended Adversary Complaint (39/40); Plan Administrator's Opposition to the Motion to Dismiss the First Amended Adversary Complaint filed by Dennis Brice (50)
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Hearing on Motion of Defendant Russell Schmit to Dismiss First Amended Adversary Complaint (44/45); Plan Administrator's Opposition to the Motion to Dismiss the First Amended Adversary Complaint filed by Russell Schmit (50); Reply in Support of Defendant Russell Schmit's Motion to Dismiss First Amended Adversary Complaint (52)

CRABTREE / OEBKER / FAWKES  
LINNARTZ  
MUEHLHAUSEN/SIMS

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