

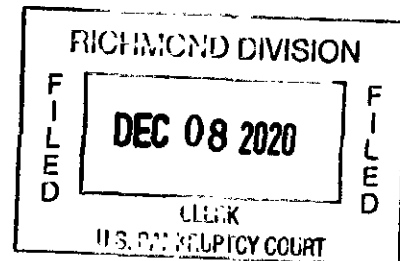
1 **IN THE UNITED STATES BANKRUPTCY COURT**
2 **FOR THE EASTERN DISTRICT OF VIRGINIA**
3 **RICHMOND DIVISION**

4 In Re:	Chapter 11 Proceedings
5 Guitar Center, Inc., et al.,	Case No. 20-34656-KRH
6 Debtors.	(Jointly Administered)
	Hearing Date: December 17, 2020
	Hearing Time: 9:00 a.m. (ET)
	[Related to Docket Nos. 30 and 81]

8 **MARICOPA COUNTY TREASURER'S OBJECTION TO INTERIM ORDER**
9 **PURSUANT TO 11 U.S.C. §§ 105, 361, 362, 363, 364, 503, 506, AND 507: (I)**
10 **AUTHORIZING THE DEBTORS TO OBTAIN SENIOR SECURED PRIMING**
11 **SUPERPRIORITY POSTPETITION FINANCING; (II) AUTHORIZING USE OF CASH**
12 **COLLATERAL; (III) GRANTING LIENS AND PROVIDING CLAIMS WITH**
13 **SUPERPRIORITY ADMINISTRATIVE EXPENSE STATUS; (IV) GRANTING**
14 **ADEQUATE PROTECTION; (V) MODIFYING THE AUTOMATIC STAY; (VI)**
15 **SCHEDULING A FINAL HEARING; AND (VII) GRANTING RELATED RELIEF**

16 Maricopa County Treasurer ("MCT"), a secured tax lien creditor, by and through
17 its undersigned counsel, hereby objects to the *Interim Order Pursuant To 11 U.S.C. §§*
18 *105, 361, 362, 363, 364, 503, 506, And 507: (I) Authorizing The Debtors To Obtain Senior*
19 *Secured Priming Superpriority Postpetition Financing; (II) Authorizing Use Of Cash*
20 *Collateral; (III) Granting Liens And Providing Claims With Superpriority Administrative*
21 *Expense Status; (IV) Granting Adequate Protection; (V) Modifying The Automatic Stay;*
22 *(VI) Scheduling A Final Hearing; And (VII) Granting Related Relief.* (DE 81) (the "Interim
23 Order"). MCT objects to the Interim Order to the extent that it seeks to prime any secured
24 personal property tax liens of Maricopa County.

21 ///
22 ///
23 ///
24 ///



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1. MCT's Claims:

MCT will be filing its Secured Proof of Claim (the "MCT Claim") in the amount of \$18,052.57 for the 2020 personal property taxes owed to MCT. Interest accrues at the statutory rate of 16% per year simple, if not timely paid, until paid in full. See 11 U.S.C. § 511 and A.R.S. § 42-18053.

2. Objection:

MCT objects to the Interim Order and the related Motion to the extent that they seek to prime MCT's tax liens on Debtors' personal property located in Maricopa County, Arizona. Arizona law provides the following.

- a. The personal property tax liens attached on January 1 of the respective tax year and the taxes are not discharged until the taxes and interest are paid in full or title to the property vests in a purchaser of the property for taxes. A.R.S. §§ 42-17153 and 42-19106. Accordingly, the liens for personal property taxes encumbering the property cannot be removed until the personal property taxes are paid in full.
- b. The tax liens are "prior and superior to any other liens of every kind and description regardless of when another lien attached." A.R.S. § 42-19106¹.
- c. Interest accrues at the statutory rate of 16% per annum until the taxes are paid in full. 11 U.S.C. § 511 and A.R.S. § 42-18053.

WHEREFORE, MCT objects to the Interim Order and the related Motion to the extent that they seek to prime any MCT tax liens.

///

¹ See also A.R.S. § 42-17153.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

RESPECTFULLY SUBMITTED this 8th day of December, 2020.

ALLISTER ADEL
MARICOPA COUNTY ATTORNEY

BY: /s/ Peter Muthig
PETER MUTHIG
Deputy County Attorney
Attorney for Maricopa County Treasurer

ORIGINAL of the foregoing E-FILED
this 8th day of December, 2020, with:

Clerk, United States Bankruptcy Court
Eastern District of Virginia
701 East Broad Street
Richmond, VA 23219

COPY of the foregoing mailed/e-mailed,
this 8th day of December, 2020, to:

John P. Fitzgerald, III
Office of the US Trustee - Region 4 -R
701 E. Broad Street, Ste. 4304
Richmond, VA 23219
Email: USTPRegion04.RH.ECF@usdoj.gov

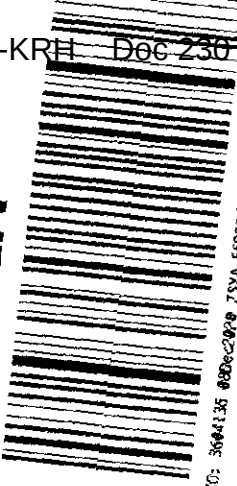
Tyler P. Brown
Justin F. Paget
Jennifer Ellen Wuebker
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
Email: tpbrown@huntonak.com
Email: jpaget@huntonAK.com
Email: iwuebker@huntonak.com
Attorneys for Debtors

/s/ Marcy Delgado

TDK# **3906 7716**

STANBAR

XH GVEA



F10: 3644136 820e-2020 JSYA 56002/0196/0610



FedEx Express Package US Airbill 8135 3906 7716

1 From Date 12/9/2020
 Sender's Name Marcy P. E Phone 603 500 8541
 Company Marcos 16:30
 Address 17106 Fric - Civil Division
 City Alto State AK ZIP 99503

2 Your Internal Billing Information
 3 To Recipient's Name Clark, US BK Court Phone 804 916 3400
 Company Eastern District of Virginia
 Address 701 East Broad Street We cannot deliver to P.O. boxes or P.O. ZIP codes.
 City Richmond State VA ZIP 23219

4 Express Package Service

- Next Business Day
- FedEx First Overnight
- FedEx Priority Overnight
- FedEx Standard Overnight

5 Packaging

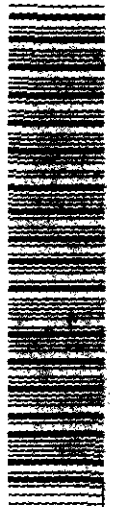
- FedEx Envelope*
- FedEx Pak*
- FedEx Tube
- FedEx Box
- FedEx Saver

6 Special Handling and Delivery Signature Options

- Saturday Delivery
- No Signature Required
- Direct Signature
- Indirect Signature

7 Payment Bill to:

- Sender
- Recipient
- Third Party
- Credit Card
- Cash/Check



8135 3906 7716

644