

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

In re:

TELLICO LANDING, LLC,

Debtor.

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)
)

Case No. 11-33018
Chapter 11

MOTION TO EXTEND TIME FOR FILING CLAIMS

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held October 24, 2011 at 9:30 a.m. in Courtroom 1-B, at 800 Market Street, Knoxville, TN 37902, on the Motion to Extend Time for Filing Claims.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Comes now Pamela Snider, Bobby L. and JoAn Toney, Kenneth L. and Leyanne A. Harper, George A. and Brenda P. Fisher, Dennis M. and Patricia R. Terry, Sheryl Thomson, Stephen H. and Kaye T. Maynard, Gary W. and Nancy M. Scott, Premier Trust of Nevada, Trustee (for benefit of Bill and Ann Addison), Keith A. and Nancy McGarr, William H. and Stacey D. Baumhauer, James E. and Boni Head, Stanley E. and Sheila C. Goehring, Trustees, Dana C. and Betsy V. Christensen ("the Resident Group"), through counsel, and move the Court pursuant to Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure for an Order extending the claim bar date in the instant matter. In support of its Motion, the Resident Group would show unto the Court as follows:

1. That Tellico Landing, LLC ("debtor") filed a Chapter 11 Petition on June 27, 2011. The debtor has operated as a debtor in possession since that time.

2. Movants are property owners and residents in the Rarity Pointe community.

Upon information and belief, there are approximately 250 residential lots sold in the Rarity Pointe community. Each such property owner, including the Resident Group, was required

to pay a social membership deposit of \$10,000.00 to \$20,000.00 to or for the benefit of the debtor at the time their lot(s) were purchased. The Resident Group and other property owners have asserted claims and intend to seek validation of said claims and also equitable relief from the Court in the form of a lien or constructive trust upon the property of the debtor.

3. Movants were not scheduled by the debtor as creditors in the bankruptcy case. Similarly situated property owners with potential claims against the debtor were not scheduled nor provided notice by the debtor of the instant bankruptcy case.

4. Currently, the bar date for filing claims is October 25, 2011. Movants contend that property owners have not been given adequate notice or appropriate opportunity to file claims and to be recognized in the instant case by the debtor.

5. Movants respectfully request that the Court extend the bar date such that property owners may be given proper notice of the instant bankruptcy case and an opportunity to file claims. In the alternative, movants are in the process of filing an adversary proceeding to validate their claims and seek the equitable relief described above. Movants intend to ask the Court for certification of a class of property owners and recognition of said claims and any equitable relief to which they may be entitled.

6. Movants respectfully request that the Court extend the bar date for similarly situated property owners and/or permit them to assert their claims for themselves and all property owners and have the Court determine the validity of such claims and any equitable relief to which all property owners may be entitled.

WHEREFORE, movants respectfully request that the bar date for filing claims be extended for cause and/or that all property owners in Rarity Pointe be given notice and opportunity to file such claims in the instant case.

Respectfully submitted, this 12th day of October, 2011.

/s/ F. Scott Milligan
F. Scott Milligan, B.P.R. 13886
Little & Milligan, P.L.L.C.
900 East Hill Avenue, Suite 130
Knoxville, TN 37915
865-522-3311
Attorney for Rarity Pointe Resident Group

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2011, a true and correct copy of the foregoing Notice of Appearance has been served upon the following by electronic mail (ECF).

Patricia C. Foster, Office of the US Trustee
Thomas Lynn Tarp, Attorney for Debtor
W. Morris Kizer, Attorney for WindRiver Investments, LLC
Thomas M. Leveille
Jesse D. Overbay
William F. McCormick
James M. Moore, Attorney for Robert Stooksbury

The following have been upon the persons listed below by placing a copy thereof, first class postage prepaid, hand delivery, or facsimile.

Tellico Landing, LLC
PO Box 4187
Maryville, TN 37802

Ward Whelchel
3003 River Haven Point
Knoxville, TN 37922

APAC Atlantic, Inc.
Harrison Construction
4817 Rutledge Pike
PO Box 6357
Knoxville, TN 37914

Long, Ragsdale & Waters, PC
1111 Northshore Drive, NW, Suite S-700
Knoxville, TN 37919

Loudon County Trustee
PO Box 351
Loudon, TN 37774

LTR Properties
PO Box 4187
Maryville, TN 37802

LTR Properties, Inc.
100 Rarity Bay Parkway
Vonore, TN 37885

Michael Ross
2624 Carpenters Grade Rd.
Maryville, TN 37803

Rarity Point Comm. Assoc., Inc.
100 Rarity Bay Parkway
Vonore, TN 37885

Sun Sign Graphics
1503 N. 6th Avenue
Knoxville, TN 37917

/s/ F. Scott Milligan
F. Scott Milligan

APPROVED FOR ENTRY:

/s/ F. Scott Milligan
F. Scott Milligan, BPR. No. 13886
LITTLE & MILLIGAN, P.L.L.C.
900 E. Hill Avenue, Suite 130
Knoxville, TN 37915
865-522-3311
Counsel for Rarity Pointe Resident Group

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2011, a true and correct copy of the foregoing Order has been served upon the following by electronic mail (ECF).

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Thomas Lynn Tarpy, Attorney for Debtor
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Thomas M. Leveille
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