

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

Case No. 12-01220

**ORDER AUTHORIZING RETENTION OF BMC GROUP, INC. AS CLAIMS,
NOTICING, AND BALLOTING
AGENT NUNC PRO TUNC TO THE PETITION DATE**

The relief set forth on the following pages, for a total of 5 pages including this page is hereby **ORDERED**.

**FILED BY THE COURT
03/06/2012**



Entered: 03/06/2012

Chief US Bankruptcy Judge
District of South Carolina

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re:

**The Cliffs Club & Hospitality Group, Inc., et
al.,¹ d/b/a The Cliffs Golf & Country Club,**

Debtors.

CHAPTER 11

Case No. 12-01220

Joint Administration

**ORDER AUTHORIZING RETENTION OF BMC GROUP, INC. AS CLAIMS,
NOTICING, AND BALLOTING
AGENT NUNC PRO TUNC TO THE PETITION DATE**

Upon consideration of the application [Docket Entry No. 14] (the "Application")² of the above-captioned debtors (the "Debtors") for entry of an order authorizing and approving the retention of BMC Group, Inc. ("BMC") as claims, noticing, and balloting agent for the Debtors *nunc pro tunc* to the Petition Date; and it appearing that the relief requested is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and upon consideration of the Cherry Declaration and the Declaration of Tinamarie Feil in support of the Application; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this Application is a core proceeding pursuant to 28 U.S.C. § 157; and adequate notice of the Application and opportunity for objection having

¹ The Debtors, followed by the last four digits of their respective taxpayer identification numbers, are as follows: The Cliffs Club & Hospitality Group, Inc. (6338); CCHG Holdings, Inc. (1356); The Cliffs at Mountain Park Golf & Country Club, LLC (2842); The Cliffs at Keowee Vineyards Golf & Country Club, LLC (5319); The Cliffs at Walnut Cove Golf & Country Club, LLC (9879); The Cliffs at Keowee Falls Golf & Country Club, LLC (3230); The Cliffs at Keowee Springs Golf & Country Club, LLC (2898); The Cliffs at High Carolina Golf & Country Club, LLC (4293); The Cliffs at Glassy Golf & Country Club, LLC (6559); The Cliffs Valley Golf & Country Club, LLC (6486); Cliffs Club & Hospitality Service Company, LLC (9665).

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

been given; and it appearing that no other notice need be given; and the Court having determined that the relief sought in the Application is in the best interests of the Debtors, their creditors, and all parties in interest; and after due deliberation and sufficient cause therefore, it is hereby:

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Application is granted subject to further order of the Court.
2. In accordance with 28 U.S.C. § 156(c), the Debtors are authorized and empowered to employ BMC as the claims, noticing and balloting agent (the “Claims Agent”) in these Chapter 11 cases according to the terms of the Services Agreement entered into between the Debtors and BMC attached to the Application as Exhibit B.
3. The retention of BMC as Claims Agent by the Debtors shall be *nunc pro tunc* to the Petition Date.
4. The Debtors are authorized to pay and reimburse BMC according to the terms of the Services Agreement as an administrative expense, subject to terms of the DIP Budget. Accordingly, at this time, no submission or approval of any formal fee application is required for any payment to BMC pursuant to the Services Agreement. Monthly expenses paid to BMC shall be reported to the United States Trustee in monthly reports or otherwise.
5. In the event that these Chapter 11 cases are converted to Chapter 7 cases, and if claims agent services are necessary in the converted Chapter 7 cases, BMC shall continue to be authorized to perform services to, and be paid by, the estates in accordance with 28 U.S.C. §156(c) under the terms approved herein until BMC’s services are terminated, if requested by the Chapter 7 trustee.
6. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

7. The Debtors shall, within three (3) business days hereof, serve a copy of this Order on all parties that received notice of the Application, as well as all parties that have appeared in these cases and requested notice since the Debtors filed the Application, and file a certificate of service evidencing such service.

AND IT IS SO ORDERED.

Prepared and presented by:

/s/ Däna Wilkinson

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