

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

In re:

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

**Debtors.**

The Cliffs at Mountain Park Golf & Country Club, LLC

**Movant,**

v.

Wall to Wall Golf,

**Respondent**

**CHAPTER 11**

**Case No. 12-01220**

**Jointly Administered**

**Contested Matter**

**DEBTORS' OMNIBUS OBJECTION TO THE ALLOWANCE OF CLAIM NOS. 519, 557, 994, 1108 AND 1111 FILED BY WALL TO WALL GOLF AS DUPLICATIVE OF CLAIM NO. 993**

COME NOW The Cliffs Club & Hospitality Group, Inc, The Cliffs at Mountain Park Golf & Country Club, LLC, and Cliffs Club & Hospitality Service Company, LLC, three of the jointly administered debtors (the "Debtors"), and file an Omnibus Objection to the Allowance of Claim Nos. 519, 557, 994, 1108 and 1111 filed by Wall to Wall Golf as duplicative of Secured

<sup>1</sup> The Debtors, followed by the last four digits of their respective taxpayer identification numbers and Chapter 11 case numbers, are as follows: The Cliffs Club & Hospitality Group, Inc. (6338) (12-01220); CCHG Holdings, Inc. (1356) (12-01223); The Cliffs at Mountain Park Golf & Country Club, LLC (2842) (12-01225); The Cliffs at Keowee Vineyards Golf & Country Club, LLC (5319) (12-01226); The Cliffs at Walnut Cove Golf & Country Club, LLC (9879) (12-01227); The Cliffs at Keowee Falls Golf & Country Club, LLC (3230) (12-01229); The Cliffs at Keowee Springs Golf & Country Club, LLC (2898) (12-01230); The Cliffs at High Carolina Golf & Country Club, LLC (7576) (12-01231); The Cliffs at Glassy Golf & Country Club, LLC (6559) (12-01234); The Cliffs Valley Golf & Country Club, LLC (6486) (12-01236); and Cliffs Club & Hospitality Service Company, LLC (9665) (12-01237).

Claim No. 993 filed by Wall to Wall Golf (the "Objection"). In support of this Objection, the Debtors show the Court as follows:

### **I. Relief Requested**

1. By this Objection, the Debtors respectfully request the entry of an order, pursuant to Section 502 of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 3007, (i) disallowing Claim Nos. 519, 557, 994, 1108 and 1111 filed by Wall to Wall Golf as secured claims in Chapter 11 Case Nos. 12-01220, 12-01225, 12-01237, which are three of the cases being jointly administered in the above-styled case, all as being duplicative of Claim No. 993 filed by Wall to Wall Golf in Chapter 11 Case No. 12-01225.

### **II. Jurisdiction**

2. This Court has jurisdiction over this Objection under 28 U.S.C. § 1334. Venue of this proceeding is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). The statutory basis for the relief requested is 28 U.S.C. § 502.

### **III. Background**

3. On February 28, 2012 (the "Petition Date"), the Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code.

4. On March 12, 2012, the United States Trustee appointed the Official Committee of Unsecured Creditors (the "Committee") in these Chapter 11 cases pursuant to that certain Fourth Amended Appointment of Committee of Unsecured Creditors [Docket Entry No. 141]. No trustee or examiner has been appointed in these Chapter 11 cases.

5. The Debtors are authorized to operate their businesses as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

6. On April 10, 2012, the Court established May 31, 2012 as the deadline for non-governmental-entity creditors wishing to assert pre-petition claims against the Debtors to file their proofs of claim with BMC Group, the Debtors' claims and noticing agent (the "Claims Bar Date") [Docket Entry No. 278].

7. On various days in May 2012, Wall to Wall Golf filed six proofs of claim that were assigned numbers 519, 557, 993, 994, 1108 and 1111 by BMC Group, the Debtor's claims agent, each as a secured claim in the amount of \$259,200.00 (the ("Wall to Wall Golf Claims"). Wall to Wall Golf subsequently assigned its claims to Sonar Credit Partners II, LLC, as evidenced by the assignments of claims filed on June 6, 2012 [Docket Entry Nos. 389, 390, 391, 392, and 393]. Claim Nos. 993 and 1108 both indicate that they amend Claim Nos. 519 and 557.

8. The holder of the Wall to Wall Golf Claims is entitled to only one secured mechanics lien claim and the Debtors consider Claim No. 993 against The Cliffs at Mountain Park Golf & Country Club, LLC as such claim. Unless claims that duplicate Claim No. 993 are disallowed, the holder of the Wall to Wall Golf Claims will receive a larger recovery than that to which is entitled. The duplicative claims are unenforceable against the Debtors. To the extent that any of the claims are filed against any of the Debtors other than The Cliffs at Mountain Park Golf & Country Club, LLC, because such debtors are not obligated to pay such claims, the claims are likewise unenforceable against such Debtors.

9. Accordingly, the Debtors' seek to disallow Claim Nos. 519, 557, 994, 1108 and 1111 as being duplicative of Claim No. 993.

10. The Debtors have reviewed proofs of claim filed in these cases. This Objection is the result of the Debtors' review.

**IV. Basis for Relief Requested**

11. Under Section 502(b) of the Bankruptcy Code, each of the duplicative claims should be disallowed and expunged.

12. Only Claim No. 993 in the amount of \$259,200.00 should be considered as Wall to Wall Golf's secured claim and, pursuant to the assignment, that claim is now held by Sonar Credit Partners II, LLC.

**V. Reservation of Rights**

13. The Debtors reserve the right to supplement this Objection and to subsequently object to the Wall to Wall Golf Claims on any other appropriate ground, whether or not stated herein. In addition, the Debtors reserve the right to object to any and all other claims filed or scheduled in the Debtors' cases, and any other claims asserted by Wall to Wall Golf.

**VI. Notice**

14. Notice of this Objection has been provided to Wall to Wall Golf, Sonar Credit Partners II, LLC and each other party entitled to notice, as listed in the certificate of service filed in connection herewith. In light of the nature of the relief requested, the Debtors submit that no other or further notice is necessary.

**WHEREFORE**, the Debtors respectfully request that this Court:

1. enter the proposed order attached hereto as Exhibit "A";
2. disallow as duplicative and expunge Claim Nos. 519, 557, 994, 1108 and 1111 filed by Wall to Wall Golf;
3. consider the Wall to Wall Golf claim No. 993 a secured claim of a mechanic's lien claimant in the amount of \$259,200.00 as the sole surviving claim of Wall to Wall Golf in these Chapter 11 cases; and

4. grant the Debtors such other and further relief as is just and proper.

Dated: July 13, 2012

Respectfully submitted,

/s/ Däna Wilkinson

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/s/ J. Michael Levensgood

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**EXHIBIT A**

**PROPOSED ORDER**

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

Case No. 12-01220

**ORDER GRANTING DEBTORS' OMNIBUS OBJECTION TO THE ALLOWANCE OF  
CLAIM NOS. 519, 557, 994, 1108 AND 1111 FILED BY  
WALL TO WALL GOLF AS DUPLICATIVE OF CLAIM NO. 993**

The relief set forth on the following pages, for a total of 4 pages including this page, is hereby **ORDERED**.

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

**In re:**

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

**Debtors.**

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CLAIM NOS. 519, 557, 994, 1108 AND 1111 FILED BY  
WALL TO WALL GOLF AS DUPLICATIVE OF CLAIM NO. 993**

Upon the Omnibus Objection (Docket Entry # \_\_\_\_\_) (the "Objection") of The Cliffs Club & Hospitality Group, Inc, The Cliffs at Mountain Park Golf & Country Club, LLC, and Cliffs Club & Hospitality Service Company, LLC, three of the jointly administered debtors (the "Debtors"), requesting the entry of an order disallowing as duplicative Claim Nos. 519, 557, 994,

<sup>1</sup> The Debtors, followed by the last four digits of their respective taxpayer identification numbers and Chapter 11 case numbers, are as follows: The Cliffs Club & Hospitality Group, Inc. (6338) (12-01220); CCHG Holdings, Inc. (1356) (12-01223); The Cliffs at Mountain Park Golf & Country Club, LLC (2842) (12-01225); The Cliffs at Keowee Vineyards Golf & Country Club, LLC (5319) (12-01226); The Cliffs at Walnut Cove Golf & Country Club, LLC (9879) (12-01227); The Cliffs at Keowee Falls Golf & Country Club, LLC (3230) (12-01229); The Cliffs at Keowee Springs Golf & Country Club, LLC (2898) (12-01230); The Cliffs at High Carolina Golf & Country Club, LLC (7576) (12-01231); The Cliffs at Glassy Golf & Country Club, LLC (6559) (12-01234); The Cliffs Valley Golf & Country Club, LLC (6486) (12-01236); and Cliffs Club & Hospitality Service Company, LLC (9665) (12-01237).



1108 and 1111 filed by Wall to Wall Golf, the Court having jurisdiction to consider the Objection and the relief requested therein; a hearing having been held on \_\_\_\_\_, 2012 to consider the Objection; due notice of the Objection and hearing having been given to all parties entitled thereto and all parties who have appeared in the case and requested notice, as listed in the certificate of service attached to Objection and filed with the Court; it appearing that no other or further notice need be provided; no objections having been filed or asserted; the Court having determined that the relief sought in the Objection is in the best interests of the bankruptcy estates, their creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED as follows:

1. The Objection is GRANTED.
2. Claim numbers 519, 557, 994, 1108 and 1111 filed by Wall to Wall Golf as secured claims in three of the above-styled cases are disallowed as duplicative of Claim No. 993 and are expunged.
3. Claim number 993 in the amount of \$259,200.00 filed by Wall to Wall Golf as a secured mechanic's lien claim is considered as the only claim of Wall to Wall Golf in these Chapter 11 cases.
4. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

AND IT IS SO ORDERED.

**PREPARED AND PRESENTED BY:**

/s/ Dána Wilkinson  
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