

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

**IN RE:**

**CCHG Liquidation Co.,**

**Debtor**

**CHAPTER 11**

**Case No. 12-01220**

**Substantively Consolidated**

**CCHG Liquidation Co.,**

**Movant,**

**v.**

**Contested Matter**

**JACABB Utilities, LLC, - Claim No. 671**

**Respondent**

**DEBTOR'S OBJECTION TO THE ALLOWANCE OF CLAIM NO. 671 FILED BY  
JACABB UTILITIES, LLC**

COMES NOW CCHG Liquidation Co., the above-captioned substantively consolidated debtor (the "Debtor"), and hereby objects (this "Objection") to the allowance of a claim filed by JACABB Utilities, LLC ("JACABB") in the chapter 11 cases of The Cliffs Club & Hospitality Group, Inc. and its affiliated debtors.<sup>1</sup> In support of this Objection, the Debtor shows the Court as follows:

<sup>1</sup> The debtors (now substantively consolidated as the single Debtor), 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. n/k/a CCHG Liquidation Co. (6338) (12-01220); CCHG Holdings, Inc. (1356) (12-01223); The Cliffs at Mountain Park Golf & Country Club, LLC n/k/a CCHG Liquidation Co. II, LLC (2842) (12-01225); The Cliffs at Keowee Vineyards Golf & Country Club, LLC n/k/a CCHG Liquidation Co. III, LLC (5319) (12-01226); The Cliffs at Walnut Cove Golf & Country Club, LLC n/k/a CCHG Liquidation Co. IV, LLC (9879) (12-01227); The Cliffs at Keowee Falls Golf & Country Club, LLC n/k/a CCHG Liquidation Co. V, LLC (3230) (12-

*(footnote continued on next page)*

### **I. Relief Requested**

1. By this Objection, the Debtor respectfully requests the entry of an order, pursuant to Section 502 of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 3007, disallowing the claim filed by JACABB.

### **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).

### **III. Background**

3. On February 28, 2012 (the “Petition Date”), The Cliffs Club & Hospitality Group, Inc. and its above-shown affiliated 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”) pursuant to that certain Fourth Amended Appointment of Committee of Unsecured Creditors [Docket Entry No. 141]. No trustee or examiner has been appointed.

5. On April 10, 2012, the Court established May 31, 2012 (the “Claims Bar Date”) as the deadline for non-governmental-entity creditors wishing to assert pre-petition claims

---

*(footnote continued from previous page)*

01229); The Cliffs at Keowee Springs Golf & Country Club, LLC n/k/a CCHG Liquidation Co. VI, LLC (2898) (12-01230); The Cliffs at High Carolina Golf & Country Club, LLC n/k/a CCHG Liquidation Co. VII, LLC (7576) (12-01231); The Cliffs at Glassy Golf & Country Club, LLC n/k/a CCHG Liquidation Co. VIII, LLC (6559) (12-01234); The Cliffs Valley Golf & Country Club, LLC n/k/a CCHG Liquidation Co. IX, LLC (6486) (12-01236); and Cliffs Club & Hospitality Service Company, LLC n/k/a CCHG Liquidation Co. X, LLC (9665) (12-01237).

against the debtors to file their proofs of claim with BMC Group, Inc., the claims and noticing agent (the “Claims Agent”) [Docket Entry No. 278].

6. On or about May 14, 2012, JACABB filed an unsecured non-priority claim against the debtors in the amount of \$2,836.67 (the “JACABB Claim”). The JACABB Claim was assigned as claim number 671 by the Claims Agent.

7. On July 2, 2012, the debtors filed their First Amended and Restated Joint Chapter 11 Plan filed by the Debtors and the Plan Sponsor dated June 30, 2012, as amended [Docket Entry No. 616, Ex. A] (the “Plan”) and the First Amended and Restated Disclosure Statement to Accompany the First Amended and Restated Joint Chapter 11 Plan filed by the Debtors and the Plan Sponsor [Docket Entry No. 480] (the “Disclosure Statement”).

8. On August 17, 2012, this Court entered that certain Order Confirming First Amended and Restated Joint Chapter 11 Plan filed by the Debtors and the Plan Sponsor (the “Confirmation Order”).

9. On August 31, 2012, the Debtors filed that certain Notice of Occurrence of Effective Date of Chapter 11 Plan; Limitation of Notice; and Related Matters, reflecting that the Effective Date of the Plan occurred on August 23, 2012.

10. On October 1, 2012, this Court entered that certain Order Pursuant To Confirmed Plan Amending Case Dockets To Reflect Amended Corporate Names Of Debtors And Closing Substantively Consolidated Cases.

11. The Debtor has the authority to pursue claims litigation with respect to claims filed in the debtors' bankruptcy cases. The Debtor has reviewed proofs of claim filed in the debtors' bankruptcy cases. This Objection is the result of the Debtor's review.

#### **IV. Basis for Relief Requested**

12. The documents and materials submitted with the JACABB Claim reflect that none of the debtors is liable to the claimant with respect to the asserted claim, and that, at best, a third party non-debtor entity may be liable to the claimant. The books and records of the debtors do not reflect any such obligation owing to the claimant. Accordingly, the claim is unenforceable against the debtors, and should be disallowed. Unless the claim is disallowed, JACABB will receive a larger recovery than that to which it is entitled.

#### **V. Reservation of Rights**

13. The Debtor reserves the right to supplement this Objection and to subsequently object to the JACABB Claim on any other appropriate ground, whether or not stated herein. In addition, the Debtor reserves the right to object to any and all other claims filed in the debtors' cases, and any other claims asserted by JACABB.

#### **VI. Notice**

14. Notice of this Objection has been provided to JACABB 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 Debtor submits that no other or further notice is necessary.

**WHEREFORE**, the Debtor respectfully requests that this Court:

1. enter the proposed order attached hereto as Exhibit "A";
2. disallow the JACABB Claim; and

3. grant the Debtor such other and further relief as is just and proper.

*[signature follows]*

This 29<sup>th</sup> day of March, 2013.

/s/ Däna Wilkinson  
Däna Wilkinson  
LAW OFFICE OF DÄNA WILKINSON  
365-C East Blackstock Road  
Spartanburg, SC 29301  
Telephone: (864) 574-7944  
Facsimile: (864) 574-7531  
danawilkinson@danawilkinsonlaw.com

and

/s/ Gary W. Marsh  
Gary W. Marsh  
Georgia Bar No. 471290  
J. Michael Levensgood  
Georgia Bar No. 447934  
Bryan E. Bates  
Georgia Bar No. 140856  
MCKENNA LONG & ALDRIDGE LLP  
303 Peachtree Street, Suite 5300  
Atlanta, Georgia 30308  
404-527-4000 (phone)  
404-527-4198 (fax)  
gmarsh@mckennalong.com  
mlevengood@mckennalong.com  
bbates@mckennalong.com

*Counsel for the Debtor*

**EXHIBIT "A"**

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

Case No. 12-01220

**ORDER APPROVING DEBTOR'S OBJECTION  
TO THE ALLOWANCE OF CLAIM NO. 671 FILED BY JACABB UTILITIES, LLC**

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:**

**CCHG Liquidation Co.,**

**Debtor**

**CHAPTER 11**

**Case No. 12-01220**

**Substantively Consolidated**

**CCHG Liquidation Co.,**

**Movant,**

**v.**

**Contested Matter**

**JACABB Utilities, LLC, - Claim No. 671**

**Respondent**

**ORDER APPROVING DEBTOR'S OBJECTION  
TO THE ALLOWANCE OF CLAIM NO. 671 FILED BY JACABB UTILITIES, LLC**

Upon the Objection [Docket Entry # \_\_\_\_] (the "Objection") of CCHG Liquidation Co., the above-captioned substantively consolidated debtor (the "Debtor"), requesting the entry of an order disallowing a claim filed by JACABB Utilities, LLC in the chapter 11 cases of The Cliffs Club & Hospitality Group, Inc. and its affiliated debtors;<sup>1</sup> the Court having jurisdiction to

<sup>1</sup> The debtors (now substantively consolidated as the single Debtor), 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. n/k/a CCHG Liquidation Co. (6338) (12-01220); CCHG Holdings, Inc. (1356) (12-01223); The Cliffs at Mountain Park Golf & Country Club, LLC n/k/a CCHG Liquidation Co. II, LLC (2842) (12-01225); The Cliffs at Keowee Vineyards Golf & Country Club, LLC n/k/a CCHG Liquidation Co. III, LLC (5319) (12-01226); The Cliffs at Walnut Cove Golf & Country Club, LLC n/k/a CCHG Liquidation Co. IV, LLC (9879) (12-01227); The Cliffs at Keowee Falls Golf & Country Club, LLC n/k/a CCHG Liquidation Co. V, LLC (3230) (12-01229); The Cliffs at Keowee Springs Golf & Country Club, LLC n/k/a CCHG Liquidation Co. VI, LLC (2898) (12-01230); The Cliffs at High Carolina Golf & Country Club, LLC n/k/a CCHG Liquidation Co. VII, LLC (7576) (12-01231); The Cliffs at Glassy Golf & Country Club, LLC n/k/a CCHG Liquidation Co. VIII, LLC (6559) (12-

*(footnote continued on next page)*

consider the Objection and the relief requested therein; a hearing having been held on \_\_\_\_\_, 2013 to consider the Objection; due notice of the Objection and hearing having been given to all parties entitled thereto, as listed in the certificate of service attached to the 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 Debtor's substantively consolidated bankruptcy estate, its 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 number 671 filed by JACABB Utilities, LLC in the debtors' bankruptcy cases is disallowed.
3. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

AND IT IS SO ORDERED.

---

*(footnote continued from previous page)*

01234); The Cliffs Valley Golf & Country Club, LLC n/k/a CCHG Liquidation Co. IX, LLC (6486) (12-01236); and Cliffs Club & Hospitality Service Company, LLC n/k/a CCHG Liquidation Co. X, LLC (9665) (12-01237).

**PREPARED AND PRESENTED BY:**

/s/ Däna Wilkinson  
Däna Wilkinson  
District Court I.D. No. 4663  
LAW OFFICE OF DÄNA WILKINSON  
365-C East Blackstock Road  
Spartanburg, SC 29301  
864.574.7944 (Telephone)  
864.574.7531 (Facsimile)  
danawilkinson@danawilkinsonlaw.com

-and-

/s/ Gary W. Marsh  
Gary W. Marsh  
Georgia Bar No. 471290  
J. Michael Levensgood  
Georgia Bar No. 447934  
Bryan E. Bates  
Georgia Bar No. 140856  
MCKENNA LONG & ALDRIDGE LLP  
303 Peachtree Street, Suite 5300  
Atlanta, Georgia 30308  
404-527-4000 (phone)  
404-527-4198 (fax)  
gmarsh@mckennalong.com  
mlevengood@mckennalong.com  
bbates@mckennalong.com

*Counsel for the Debtor*