

Jason R. Kennedy  
State Bar No. 24027100  
THOMAS, FELDMAN & WILSHUSEN, L.L.P.  
9400 North Central Expressway, Suite 900  
Dallas, Texas 75231  
Telephone: (214) 369-3008  
Facsimile: (214) 369-8393  
ATTORNEYS FOR SHERMAN MECHANICAL,  
INC., SERVICE DRYWALL & DECORATING,  
INC., AND SUPERIOR TRUSS & PANEL, INC.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:** § **CASE NO. 09-37010-sgj11**  
§  
**ERICKSON RETIREMENT** § **(Jointly Administered)**  
**COMMUNITIES, LLC., et al.** §  
§  
**DEBTORS.** §  
§  
§

**SHERMAN MECHANICAL, INC., SERVICE DRYWALL &  
DECORATING, INC., AND SUPERIOR TRUSS & PANEL, INC.’S MOTION TO  
APPROVE STIPULATION PROVIDING LIMITED RELIEF FROM INJUNCTION**

**NOTICE**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN  
RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES  
BANKRUPTCY COURT AT: EARLE CABELL BUILDING, U.S.  
COURTHOUSE, 1100 COMMERCE STREET, ROOM 1254, DALLAS,  
TEXAS 75242, BEFORE CLOSE OF BUSINESS ON                     , 2010,  
WHICH IS TWENTY (20) DAYS FROM THE DATE OF SERVICE  
HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE  
CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE  
MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH  
HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD  
WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY  
REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE**

**UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING  
THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

TO THE HONORABLE STACEY G. C. JERNIGAN,  
UNITED STATES BANKRUPTCY JUDGE:

COME NOW, Sherman Mechanical, Inc., Service Drywall & Decorating, Inc., and Superior Truss & Panel, Inc. (**“Lincolnshire Lien Claimants”**), and files this their Motion to Approve Stipulation Providing for Limited Relief from Injunction. In support of this Motion, Commercial Carpet respectfully states as follows:

1. Lincolnshire Lien Claimants request that the Court approve the “Stipulation and Order Providing Limited Relief from Injunction,” which is attached hereto as Exhibit “A” (**the “Stipulation”**) and which has been agreed to and signed by the Debtors. The Stipulation modifies the injunction provided by section 12.2 of the Plan and the Confirmation Order to permit the Lincolnshire Lien Claimants to prosecute their claims against the Debtor and a property owner (who is not a debtor) in a pending state court lawsuit in Illinois for the ultimate purpose of foreclosing their mechanic’s liens against the property owner. Lincolnshire Lien Claimants seek this relief because Illinois law requires that mechanic’s lien holders include the general contractor (who is the Debtor in this case) as a party in lien foreclosure actions against owners. Lincolnshire Lien Claimants seek to include the Debtor so that they may foreclose on the property of a non-debtor entity—the Stipulation does not permit Lincolnshire Lien Claimants to execute on or enforce any judgment against the Debtor or to foreclose on any property of the Debtor.

WHEREFORE, PREMISES CONSIDERED, Lincolnshire Lien Claimants pray that the Court sign the attached Stipulation and Order Providing Limited Relief from Injunction, and for all other relief to which Lincolnshire Lien Claimants are entitled.

Date: May 27, 2010

Respectfully submitted,

THOMAS, FELDMAN & WILSHUSEN, L.L.P.

By: /s/ Jason R. Kennedy

Jason R. Kennedy

State Bar No. 24027100

9400 North Central Expressway, Suite 900

Dallas, Texas 75231

Telephone: (214) 369-3008

Facsimile: (214) 369-8393

Email: jkennedy@tfandw.com

ATTORNEYS FOR SHERMAN MECHANICAL,  
INC., SERVICE DRYWALL & DECORATING,  
INC., AND SUPERIOR TRUSS & PANEL, INC.

#### **CERTIFICATE OF CONFERENCE**

I hereby certify that I have conferred with Debtors' counsel, Vincent Slusher, and Mr. Slusher advised that the Debtors are not opposed to the relief requested herein. The Debtors have approved and signed the Stipulation and Order attached hereto as Exhibit "A."

/s/ Jason R. Kennedy

Jason R. Kennedy

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of May 2010, a true and correct copy of this document was served via first-class mail, postage prepaid, or the Court's ECF service on all parties registered to received electronic notice in this case and on the following:

Vincent P. Slusher  
DLA Piper LLP  
1717 Main Street, Suite 4600  
Dallas, Texas 75201

Thomas R. Califano  
Jeremy R. Johnson  
DLA Piper LLP  
1251 Avenue of the Americas  
New York, New York 10020-1104

Samuel M. Stricklin  
Bracewell & Giuliani LLP  
1445 Ross Avenue, Suite 3800  
Dallas, Texas 75202-2711

Daniel S. Connolly  
Andrew J. Schouder  
Bracewell & Giuliani LLP  
1177 Avenue of the Americas, Suite 1900  
New York, New York 10036-2714

Erickson Retirement Communities, LLC  
701 Maiden Choice Lane  
Baltimore, MD 21228

Gary S. Bush  
BNY Mellon Corporate Trust  
Default Administration Group  
101 Barclay Street, 8W Floor  
New York, New York 10286

Evan S. Daimond  
W.H. Boyer  
2945 Route 97  
Glenwood, MA 21738

Sergio Luciani  
Regional Construction Resources, Inc.  
15460 Pin Oak Drive  
Conroe, Texas 77384

Stephen W. Porter  
Northwest Electric, Inc.  
12442 Owings Mills Boulevard  
P. O. Box 37  
Reisterstown, MA 21136

Matthew G. Summers  
Windsor OH Holdings, LLC  
7312 Parkway Drive  
Hanover, MA 21076

U.S. Trustee  
UST U.S. Trustee  
1100 Commerce Street, Room 976

Dallas, Texas 75242-1496

Nancy Sue Resnick  
Office of The United States Trustee  
1100 Commerce Street, Room 976  
Dallas, Texas 75242-1496

/s/ Jason R. Kennedy\_\_\_\_\_

Jason R. Kennedy