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

IN RE:

**ERICKSON RETIREMENT
COMMUNITIES, LLC, et al.¹
Debtor.**

§
§ Case No. 09-37010-SGJ-11
§
§ Chapter 11
§
§ (Jointly Administered)

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND'S MOTION
TO APPROVE ORDER AND STIPULATION RELATING TO DISPOSITION
OF ISSUED BONDS**

NOTICE

**NOTICE 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 JULY
7, 2010, WHICH IS TWENTY ONE (21) 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**

¹ The Debtors in these chapter 11 cases are Erickson Retirement Communities, LLC, Ashburn Campus, LLC, Columbus Campus, LLC, Concord Campus GP, LLC, Concord Campus, LP, Dallas Campus GP, LLC, Erickson Construction, LLC, Erickson Group, LLC, Houston Campus, LP, Kansas Campus, LLC, Littleton Campus, LLC, Novi Campus, LLC, Senior Campus Services, LLC, Warminster Campus GP, LLC, Warminster Campus, LP.

**RESPONSE IS FILED A HEARING WILL BE HELD WITH
NOTICE ONLY TO THE OBJECTION 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 COURT:

Fidelity and Deposit Company of Maryland ("F&D") request that this Court approve the Order and Stipulation between F&D and the captioned Debtors providing for the disposition of certain bonds issued by F&D and in support would respectively show:

1. The Debtors executed a General Agreement of Indemnity dated April 26, 2005 in favor of F&D ("Agreement of Indemnity"). At the request of the Debtors and in consideration for the execution of the Agreement of Indemnity, F&D issued certain commercial, subdivision and payment and performance bonds naming the Debtors as principals on various projects ("Bonds").

2. Under the terms of the Debtors' Fourth Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code, dated March 8, 2010, the Debtors agreed to assume the Agreement of Indemnity and certain bonds identified in the Fourth Amended Contract Assumption List filed in the bankruptcy case. Additionally the Debtors did not assume all of the open bonds issued by F&D to the Debtors and those bonds not specifically assumed were deemed rejected under the Plan.

2. The Debtors and F&D entered into the attached Order and Stipulation by Fidelity and Deposit Company of Maryland and the Debtors Relating to the Disposition of Issued Bonds which specifically provides for the Debtors' agreement to assume the Agreement of Indemnity and authorization of F&D to cancel those bonds not specifically

assumed by the Debtors under their Plan. A copy of the Order and Stipulation is attached hereto as Exhibit A. The Order and Stipulation does not affect the rights of any non-debtor parties to bonds issued to affiliated non-debtor entities.

WHEREFORE, Fidelity and Deposit Company of Maryland prays that the Court sign the attached Order and Stipulation by Fidelity and Deposit Company of Maryland and the Debtors Relating to the Disposition of Issued Bonds, and for such other relief to which F&D may show itself justly entitled.

Dated: June 16, 2010.

Respectfully Submitted,

/s/ Robert P. Franke
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ATTORNEYS FOR FIDELITY AND DEPOSIT
COMPANY OF MARYLAND

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/ Robert P. Franke
Robert P. Franke

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 16th day of June, 2010, a true and correct copy of the foregoing pleading was served via first-class mail, postage prepaid, or the Court's ECF service on all parties registered to receive electronic notice in this case and on the following:

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