

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

In re: § CASE NO. 09-37010-sgj11  
ERICKSON RETIREMENT §  
COMMUNITIES, LLC, *et al.* § CHAPTER 11  
Debtors. §

AFFIDAVIT OF DAN B. LAIN

STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Mr. Dan B. Lain, who after being by me duly sworn, stated as follows:

1. My name is Dan B. Lain. I am over the age of 18 years and I am fully competent and able to make this affidavit. I am the appointed Trustee under the Liquidating Creditor Trust Agreement (the "Trustee") and I have personal knowledge of the facts herein set forth, and they are true and correct.
2. The current deadline to object to claims is June 21, 2010. I was appointed as the Trustee on April 8, 2010. The June 21, 2010 deadline does not give me enough time to thoroughly evaluate which of the over 1850 claims currently filed are proper.
3. Before I can file objections to claims, I plan to evaluate and categorize all claims consistent with the three subclasses of unsecured claims described in section 6.4.9 of the Plan and section 3.2 of the Liquidating Creditor Trust Agreement. For instance, I will determine which holders of Tier A Interests have valid claims that should be paid subject to the \$7 million cap. I will then evaluate which distributions to holders of Tier B subject to that cap, and so forth down the described waterfall. Determining which claims are proper claims and should be paid will be a complex and lengthy process. Until I have had an opportunity to pursue the litigation transferred to the Trust, I cannot reasonably assess the amount of funds available to distribute to creditors. Thus, I am unable to determine the potential distribution percentage available to each Tier of creditors. Without that information, I cannot set reasonable scopes for analyzing claims and avoid unnecessary analysis.
4. Since I was appointed as the Trustee, I have also been working diligently with the Reorganized Debtors and their Chief Restructuring Officer to obtain access to relevant documents that may be needed to resolve claim objections. I just negotiated and finalized

EXHIBIT  
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a confidentiality agreement with the Reorganized Debtors' counsel on June 15, 2010 relating to the production of relevant documents. The Reorganized Debtors have transferred some documents to me and my professionals so far, but not many.

5. The Reorganized Debtors notified me on June 5, 2010 that they possess approximately 500 computer servers and 4500 personal computers which could include documents that need to be reviewed for relevancy to my claims objections. As of June 16, 2010, we still did not have access to these documents. My professionals also may need to review 8,600 boxes of hard-copy documents in the Reorganized Debtors' storage files, before we can accurately determine proper objections.
6. An extension of the claims objection deadline until at least January 21, 2012, would be in the best interest of the creditors.

Further, Affiant sayeth not.



Dan B. Lain

SUBSCRIBED AND SWORN TO (or affirmed) before me on the 17<sup>th</sup> of June, 2010, by Dan B. Lain, proved to me on the basis of satisfactory evidence to be the person who appeared before me.



Notary Public, State of Texas

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