UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:	)	
	)	Case No. 18-07762-JJG-11
FAYETTE MEMORIAL HOSPITAL ASSOCIATION, INC. d/b/a FAYETTE REGIONAL HEALTH SYSTEMS,	)	
Debtor.	)	

MOTION TO LIMIT NOTICE ON MOTION TO AUTHORIZE PRIVATE SALE OF 3135 VIRGINIA AVENUE FREE AND CLEAR OF LIENS, CLAIMS, AND ENCUMBRANCES

Fayette Memorial Hospital Association, Inc., d/b/a Fayette Regional Health Systems ("**Fayette**" or the "**Debtor**"), acting through the Plan Administrator and by and through the undersigned counsel, hereby files this Motion to Limit Notice with regard to the *Motion to Authorize Private Sale of 3135 Virginia Avenue Free and Clear of Liens, Claims, and Encumbrances* [DN 1176] (the "**Sale Motion**"), and respectfully states as follows:

1. On October 10, 2018 (the "**Petition Date**"), the Debtor filed a voluntary petition in this Court for reorganization relief under Chapter 11 of Title 11 of the United States Code (the "**Bankruptcy Code**").

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this case and this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

3. At all times relevant, the Debtor has acted as a debtor-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

4. The official committee of unsecured creditors was appointed on December 5, 2018 (the "**Committee**") [DN 136].

5. On February 19, 2021, the Court entered its *Order Confirming Joint Plan of Liquidation* [DN 1134] (the "**Confirmation Order**") by which the Court approved confirmation of the *Immaterially Modified Joint Chapter 11 Plan of Liquidation* [DN 1067] (the "**Plan**").

6. Pursuant to the Confirmation Order and the Plan, the Committee was dissolved, and Bernadette Barron of Barron Business Consulting, Inc., was appointed as the Plan Administrator for the Debtor (the "**Plan Administrator**") with the authority to take such actions on behalf of the Debtor as necessary to consummate and implement the Plan, including but not limited to the authority to liquidate the remaining assets of the Debtor's estate [Plan, Article V].

7. By the Sale Motion, the Debtor seeks entry of an order authorizing the private sale of 3135 Virginia Avenue, Connersville, Indiana 47331 to Woda Cooper Development, Inc. or its assignee ("**Woda Cooper**") free and clear of all claims, liens, rights, interests and encumbrances.

RELIEF REQUESTED IN THIS MOTION

8. By this Motion, the Debtor seeks to limit notice to: (a) the Bank of New York Mellon Trust Company, N.A., as trustee ("**BNYM**"), as the lienholder on the subject property; (b) the Office of the United States Trustee; (c) the prospective purchaser, Woda Cooper Development, Inc.; and (d) all intervenors of record (together the "**Limited Notice Parties**").

BASIS FOR RELIEF REQUESTED

9. Rule 2002(a)(2) of the Federal Rules of Bankruptcy Procedure provides that "unless the court for cause shown shortens the time or directs another method of giving notice" the Debtor is required to provide a twenty-one (21) day notice of the Sale Motion to "the debtor, the trustee, all creditors and indenture trustees."

10. Additionally, in accordance with Rule 2002(m), "[t]he court may from time to time enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules."

11. In this case, there are over 800 parties are included in the "all creditors" noticing list maintained by the Debtor's Claims and Noticing Agent, BMC Group, Inc., many of which have multiple addresses.

12. Additionally, the confirmed Plan is a plan of liquidation that contemplates the sale of the "Retained Real Estate" (as defined in the Plan and the *Disclosure Statement with Respect to Immaterially Modified Joint Chapter 11 Plan of Liquidation* (the "**Disclosure Statement**") [DN 1068] to include the subject property). See Plan Sections 1.1(nnn) and 5.3, and Disclosure Statement Section V.B., Exhibits A & B.

13. Based on the foregoing, the Debtor respectfully requests the Court enter an Order limiting notice to the Limited Notice Parties.

WHEREFORE, based on the foregoing, the Debtor respectfully requests that the Court enter an Order limiting notice to the Limited Notice Parties. A proposed form of Order is attached hereto as Exhibit A.

Respectfully submitted this 13th day of April 2021,

/s/ Wendy D. Brewer

Wendy D. Brewer (#22669-49)
FULTZ MADDOX DICKENS PLC
333 N. Alabama Street, Ste. 350
Indianapolis, IN 46204
Telephone: (317) 215-6220
wbrewer@fmdlegal.com

and

Laura M. Brymer
FULTZ MADDOX DICKENS, PLC
101 South Fifth Street, 27th Floor
Louisville, Kentucky 40202
Telephone: (502) 588-2000
lbrymer@fmdlegal.com
Attorneys for the Debtor

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion* was filed electronically this 13th day of April, 2021. Notice of this filing will be sent to all parties registered to receive such notice by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system.

/s/ Wendy D. Brewer
Wendy D. Brewer (#22669-49)