

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 11
)
HOMELIFE PCE,) Case No. 01-2412 (JWV)
) (Jointly Administered)
Post Confirmation Estate.)
) **Hearing Date: TBD (case is being assigned to a**
) **new judge)**
) **Response Due: October 6, 2003 at 4:00 p.m.**

SIXTEENTH OMNIBUS OBJECTION TO CLAIMS (NON-SUBSTANTIVE)

The above-captioned Post Confirmation Estate (the “Estate”), by and through their undersigned counsel of record, files this Sixteenth Omnibus Objection to Claims (Non-Substantive) (the “Sixteenth Omnibus Objection”). In support of this Sixteenth Omnibus Objection, the Estate states the following:

JURISDICTION

1. This Court has jurisdiction over the subject matter of this Motion pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2)(A) and (O).

2. The bases for the relief requested are 11 U.S.C. §§ 105(a), 502 and Federal Rule of Bankruptcy Procedure 3007.

BACKGROUND

3. On July 16, 2001 (the “Petition Date”), each of the Debtors¹ filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code.

¹ The Debtors consisted of the following entities: HomeLife Corporation, HL Holding Corporation, HomeLife de Puerto Rico, Inc., Furniture Holding LLC, and HLC 1 LLC.

4. On March 5, 2003, this Court entered an Order confirming the Liquidating Debtors'² Third Amended Joint Liquidating Plan of Reorganization (the "Plan").

5. Pursuant to Article VII, Paragraph B of the Plan, the Plan Administrator³, on behalf of the Estate, among other things, is responsible for making and filing objections to Administrative Claims, Secured Claims, Priority Claims, Unsecured Claims, and Equity Interests (collectively, the "Claims") and ultimately making distributions on account of Allowed Claims.

6. On December 19, 2001, the Court entered an order fixing the bar date for filing proofs of claim (the "Bar Date Order"). Under the Bar Date Order, all entities, other than governmental units, were required to file prepetition claims no later than January 28, 2002 (the "Bar Date"). All governmental units were required to file prepetition claims no later than January 14, 2002 (the "Governmental Bar Date").

7. An Order Establishing Deadline for Filing Requests for Allowance of Certain Administrative Expense Claims and Approving Form and Manner of Notice Thereof (the "Administrative Bar Date Order") was entered by the Court on November 30, 2001. Under the terms of the Administrative Bar Date Order, all entities holding claims that constituted Administrative Claims (as defined in the Administrative Bar Date Order) arising on or after the Petition Date through and including November 21, 2001 were required to file a request for allowance of that Administrative Claim on or before January 28, 2002. All claims for unpaid Administrative Expense arising after November 22, 2001 through the Confirmation Date must be filed on or before the twentieth day following the Confirmation Date.

² The Liquidating Debtors consist of HomeLife Corporation, Furniture Holding LLC and HLC 1 LLC.

³ Capitalized terms not defined herein are as defined in the Plan.

8. Pursuant to Section IV, Paragraph D-2 of the Plan, Distributions are to be made to all Holders of Allowed Administrative Claims, Allowed Priority Claims and Allowed Secured Claims and to the extent the Liquidated Debtors have sufficient assets to do so, to Allowed Unsecured Claims called for by the Plan.

9. The Claims objected to in this Sixteenth Omnibus Objection are Claims which are late-filed, amended or duplicated. As such, these Claims are Disputed Claims as defined in Section I, paragraph 29 of the Plan.

THE OBJECTION AND REQUEST FOR RELIEF

10. By this Sixteenth Omnibus Objection, the Estate seeks disallowance and expungement of the claims set forth in the attached exhibits for the reasons described:

- (a) The Claims set forth in **Exhibit A**, attached as “Duplicate,” are Claims that are duplicates of claims previously filed (the “Duplicate Claims”).
- (b) The Claims set forth in **Exhibit B**, attached hereto as “Late Filed” are claims for which a proof of claim was not timely filed (the “Late Filed Claims”);
- (c) The Claims set for in **Exhibit C**, attached as “Amended” are Claims that subsequently amended the initial proof of claim (the “Surviving Claims”).

THE DUPLICATE CLAIMS

11. The Estate objects to the Duplicate Claims listed on **Exhibit A**, pursuant to § 502(b)(1) of the Bankruptcy Code, because the claims duplicate another claim previously filed. The Estate proposes that each initial Claim Number noted as a “Claim to be Expunged” on **Exhibit A** be replaced by the Surviving Claim Number, also noted on **Exhibit A**. The Estate requests that the Duplicate Claims be disallowed and expunged for all purposes.

THE LATE FILED CLAIMS

12. The Estate objects to the Late Filed Claims listed on **Exhibit B** pursuant to section 502(b)(9) of the Bankruptcy Code because such claims (1) were not timely filed before

the January 28, 2002 Bar Date or the January 14, 2002 Governmental Bar Date, as appropriate; and (2) neither subparagraphs (1), (2) or (3) of section 726(a) of the Bankruptcy Code nor the Federal Rules of Bankruptcy Procedure permit tardy filing of these claims. Therefore, the Late Filed Claims should be disallowed and expunged for all purposes.

THE AMENDED CLAIMS

13. The Estate objects to the Claims listed on **Exhibit C**, pursuant to § 502(b)(1) of the Bankruptcy Code, because these claims are replaced by later-filed amendments to the initial claims. The Estate proposes that the Surviving Claims noted on **Exhibit C** replace the Claims noted on **Exhibit C** and that the initially-filed claims be disallowed and expunged for all purposes.

DECLARATION IN SUPPORT

14. The Declaration of Patrick Regan, the Plan Administrator of the Estate, attesting that the information contained in **Exhibits A, B and C** is true and correct to the best of his knowledge and belief, is attached in further support of this Sixteenth Omnibus Objection to Claims.

RESERVATION

15. The Estate hereby reserves the right to object in the future to any of the Claims listed in this Sixteenth Omnibus Objection or on the attached Exhibits on any ground, and to amend, modify and/or supplement this Sixteenth Omnibus Objection, including without limitation, to object to amended claims and newly-filed claims. Separate notice and hearing will be scheduled for any such objection.

COMPLIANCE WITH LOCAL RULE 3007-1

16. The Estate, by and through its counsel, affirmatively states that the Sixteenth Omnibus Objection to Claims complies with the requirements of Del. Bankr. LR 3007-1.

NOTICE

17. The Estate will serve copies of this Sixteenth Omnibus Objection (with all exhibits) on: (i) the Plan Oversight Committee, (ii) counsel to the Official Committee of Unsecured Creditors, (iii) counsel to Congress Financial (Central), (iv) counsel to the Sears Entities, and (v) the Office of the United States Trustee. The Estate will serve copies of this Sixteenth Omnibus Objection (without exhibits) on all parties that have requested that they be served with all pleadings filed in these cases pursuant to Federal Rule of Bankruptcy Procedure 2002 (the “2002 List”). Any party that is on the 2002 List may obtain a copy of the Sixteenth Omnibus Objection with all Exhibits by requesting the same from Bankruptcy Management Corporation (“BMC”) at (888) 909-0100 or by going onto the BMC website at <http://www.bmccorp.net>.

18. The Estate’s claims agent, BMC, has served a copy of the Sixteenth Omnibus Objection and customized notice summarizing claim specific detail exactly as reflected in the Exhibit on which such creditor is listed upon those creditors that have filed claims that are affected by the Sixteenth Omnibus Objection in lieu of serving all Exhibits.

19. The Estate submits that notice of this Sixteenth Omnibus Objection is sufficient under Federal Rule of Bankruptcy Procedure 3007 and Del. Bankr. LR 3007-1 and that no further notice is necessary.

NO PREVIOUS REQUEST

20. No previous request for the relief set forth herein has been made to this or any other court.

WHEREFORE, the Estate respectfully requests that the Court enter an order disallowing and expunging each of the Claims more fully described in this Sixteenth Omnibus Objection and/or shown on the attached **Exhibits A, B and C**.

Dated: September 5, 2003

Respectfully submitted,

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EXHIBIT A

EXHIBIT B

EXHIBIT C