UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS AT KANSAS CITY

In re:	)	
	)	
JOHN Q. HAMMONS FALL 2006, LLC, *et al.*,	)	**Case No. 16-21142**
	)	
Debtors.	)	**(Jointly Administered)**
	)	

MOTION FOR EXPEDITED HEARING ON DEBTORS' MOTION FOR AN ORDER PURSUANT TO §§ 105 AND 365 OF THE BANKRUPTCY CODE AUTHORIZING THE DEBTORS TO ASSUME A CERTAIN UNEXPIRED NON-RESIDENTIAL REAL PROPERTY LEASE AND RELATED RELIEF

NOW COME the above-captioned Debtors, by and through their counsel of record, and hereby request, pursuant to Fed. R. Bankr. P. 9006 and 9013, an expedited hearing on the Debtors' Motion for an Order Pursuant to §§ 105 and 365 of the Bankruptcy Code Authorizing the Debtors to Assume a Certain Unexpired Non-Residential Real Property Lease and Related Relief (ECF Doc. 1175) (the "Motion to Assume"). In support thereof, the Debtors state the following:

1. On June 26, 2016 and July 5, 2016 (the "Commencement Dates") the Debtors commenced chapter 11 bankruptcy cases by filing their bankruptcy petitions.

2. Since the Commencement Dates, the Debtors have continued in possession of their property and control of their operations pursuant to §§ 1107 and 1108 of title 11 of the United States Code (the "Bankruptcy Code").

3. The Court has jurisdiction of this motion pursuant to 28 U.S.C. § 1334(a) and (b). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(A) in that it concerns the administration of the Debtors' estates.

4. On August 14, 2017, the Debtors filed the Motion to Assume, requesting that the Court authorize the Revocable Trust of John Q. Hammons, Dated December 28, 1989 as

Amended and Restated (the "Trust") to assume a lease entered into by the Trust and the City of Springfield, Missouri for the baseball stadium located at 955 E. Trafficway St., Springfield, MO and more fully described in the Motion to Assume (the "Lease").[1]

5. To the extent that the Lease is a true lease subject to assumption or rejection under § 365 of the Bankruptcy Code, the deadline to assume the Lease is August 24, 2017. If the Lease is a true lease and not a disguised mortgage, if the Trust is not permitted to assume the City Lease by August 24, 2017, absent an extension consented to by the City in writing, the Lease will be deemed rejected under § 365(d)(4)(B) of the Bankruptcy Code. Accordingly, cause exists to hold an expedited hearing on the Motion to Assume.

6. The Debtors request that the Court set the Motion to Assume for an expedited telephonic hearing prior to August 24, 2017 to avoid the potentially negative consequences described herein.

WHEREFORE, Debtors respectfully request that this Court enter an Order granting this motion in full, setting the Motion for an expedited telephonic hearing prior to August 24, 2017, and granting any other relief at equity or law this Court deems necessary.

[1] As set forth in the Motion to Assume, the Debtors believe that the Lease is likely not a true lease, but is a disguised mortgage under applicable law. Accordingly, the Motion to Assume seeks assumption of the Lease only to the extent that the Lease is a true lease and without prejudice to the Debtors' right to later treat the Lease as a disguised mortgage and to seek a determination from the Court (if necessary) that the Lease is a disguised mortgage.

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