UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS AT KANSAS CITY

In re JOHN Q. HAMMONS FALL 2006, LLC, *et al.*, Debtors[1]	BAP No. KS-17-36 Case No. 16-21142 (RDB) *Jointly administered*
JD Holdings, L.L.C., Appellant, v. JOHN Q. HAMMONS FALL 2006, LLC, *et al.*, Appellees,	

STATEMENT OF ISSUES TO BE PRESENTED

Appellant JD Holdings, L.L.C. ("JD Holdings"), pursuant to Federal Rule of Bankruptcy Procedure 8009(a), hereby states the issues to be presented on appeal of this Court's Order and Findings of Fact and Conclusions of Law Granting Debtors' Motion

[1] The Debtors and Appellees in this case are: ACLOST, LLC, Bricktown Residence Catering Co., Inc., Chateau Catering Co., Inc., Chateau Lake, LLC, City Centre Hotel Corp., Civic Center Redevelopment Corp., Concord Golf Catering Co., Inc., Concord Hotel Catering Co., Inc., East Peoria Catering Co., Inc., Fort Smith Catering Co., Inc., Franklin/Crescent Catering Co., Inc., Glendale Coyotes Catering Co., Inc., Glendale Coyotes Hotel Catering Co., Inc., Hammons, Inc., Hammons of Arkansas, LLC, Hammons of Colorado, LLC, Hammons of Franklin, LLC, Hammons of Frisco, LLC, Hammons of Huntsville, LLC, Hammons of Lincoln, LLC, Hammons of New Mexico, LLC, Hammons of Oklahoma City, LLC, Hammons of Richardson, LLC, Hammons of Rogers, Inc., Hammons of Sioux Falls, LLC, Hammons of South Carolina, LLC, Hammons of Tulsa, LLC, Hampton Catering Co., Inc., Hot Springs Catering Co., Inc., Huntsville Catering, LLC, International Catering Co., Inc., John Q. Hammons 2015 Loan Holdings, LLC, John Q. Hammons Center, LLC, John Q. Hammons Fall 2006, LLC, John Q. Hammons Hotels Development, LLC, John Q. Hammons Hotels Management I Corporation, John Q. Hammons Hotels Management II, LP, John Q. Hammons Hotels Management, LLC, Joplin Residence Catering Co., Inc., JQH – Allen Development, LLC, JQH – Concord Development, LLC, JQH – East Peoria Development, LLC, JQH - Ft. Smith Development, LLC, JQH – Glendale AZ Development, LLC, JQH - Kansas City Development, LLC, JQH - La Vista Conference Center Development, LLC, JQH - La Vista CY Development, LLC, JQH - La Vista III Development, LLC, JQH - Lake of the Ozarks Development, LLC , JQH – Murfreesboro Development, LLC, JQH – Normal Development, LLC, JQH – Norman Development, LLC, JQH – Oklahoma City Bricktown Development, LLC, JQH – Olathe Development, LLC, JQH – Pleasant Grove Development, LLC, JQH – Rogers Convention Center Development, LLC, JQH – San Marcos Development, LLC, Junction City Catering Co., Inc., KC Residence Catering Co., Inc., La Vista CY Catering Co., Inc., La Vista ES Catering Co., Inc., Lincoln P Street Catering Co., Inc., Loveland Catering Co., Inc., Manzano Catering Co., Inc., Murfreesboro Catering Co., Inc., Normal Catering Co., Inc., OKC Courtyard Catering Co., Inc., R-2 Operating Co., Inc., Revocable Trust of John Q. Hammons Dated December 28, 1989 as Amended and Restated, Richardson Hammons, LP, Rogers ES Catering Co., Inc., SGF – Courtyard Catering Co., Inc., Sioux Falls Convention/Arena Catering Co., Inc., St Charles Catering Co., Inc., Tulsa/169 Catering Co., Inc., and U.P. Catering Co., Inc.

(No. 6) To Approve (A) Sale of Certain Real Property Free and Clear of All Liens, Interests, Claims and Encumbrances, and (B) Related Relief Pursuant To 11 U.S.C. §§ 102, 105 and 363, dated July 28, 2017 [ECF No. 1148] (the "Final Order"), which granted the Motion (No. 6) To Approve (A) Sale of Certain Real Property Free and Clear of All Liens, Interests, Claims and Encumbrances, and (B) Related Relief Pursuant To 11 U.S.C. §§ 102, 105 and 363, dated June 27, 2017 [ECF No. 1098] (the "Sale Motion") of the putative Debtor Revocable Trust of John Q. Hammons, dated December 28, 1989, as amended and restated (the "JQH Trust"):

The bankruptcy court erred when it:

1. granted the JQH Trust's Sale Motion when the JQH Trust is not a debtor within the meaning of the Bankruptcy Code;
2. granted the JQH Trust's Sale Motion when the bankruptcy court lacks subject matter jurisdiction of the bankruptcy case commenced by the JQH Trust;
3. granted the Sale Motion without first resolving JD Holdings' pending motion to dismiss the JQH Trust's bankruptcy case (and related cross-motions for summary judgment filed by the JQH Trust and JD Holdings, which were fully briefed and argued) on, among other grounds, that the JQH Trust is not a debtor within the meaning of the Bankruptcy Code and the bankruptcy court lacks subject matter jurisdiction over the bankruptcy case commenced by the JQH Trust, each of which is an independent ground for dismissal.

Dated: August 23, 2017

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CERTIFICATE OF SERVICE

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Pursuant to Federal Rule of Bankruptcy Procedure 8011(d)(1)(B), undersigned counsel for JD Holdings, L.L.C. ("JD Holdings") certifies that on August 23, 2017, true and correct copies of JD Holdings' Statement of Issues to Be Presented were served upon counsel for each party to the appeal via the email addresses set forth below:

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Respectfully submitted,

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