


ORDERED.

Dated: April 14, 2022



Lori V. Vaughan
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

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| In re: |) | Case No.: 6:22-bk-01246-LVV |
| |) | |
| LEGACY LIFESTYLES DESTIN LP, <i>et al.</i> , ¹ |) | Chapter 15 |
| |) | |
| Debtor in a Foreign Proceeding |) | (Joint Administration Pending) |
| |) | |

ORDER GRANTING FOREIGN REPRESENTATIVE’S EMERGENCY MOTION FOR ORDER GRANTING PROVISIONAL RELIEF PENDING THE HEARING ON RECOGNITION PURSUANT TO SECTIONS 1519 AND 1521 OF THE BANKRUPTCY CODE

THIS CASE came on for hearing on April 13, 2022 at 1:15 p.m. (the “Hearing”), upon the Foreign Representative’s Emergency Motion for Order Granting Provisional Relief Pending the Hearing on Recognition Pursuant to Sections 1519 and 1521 of the Bankruptcy (the “Emergency Motion for Provisional Relief”)² [ECF No. 7], of Allan Rutman, in his capacity as the Foreign Representative of the Debtors (the “Foreign Representative”), as court-appointed receiver of the

¹ The Debtors in these Chapter 15 cases and the first four identifying digits (the last four digits are all the same for most Debtors) of the tax number in the jurisdictions in which they pay taxes are as follows: Legacy Lifestyles Destin LP (7741); Legacy Lifestyles Destin GP Inc. (7827); Legacy Lifestyles Summerlin LP (7592); Legacy Lifestyles Summerlin GP Inc. (7612); Legacy Lifestyles Trailwinds LP (7258); Legacy Lifestyles Trailwinds GP Inc. (7290); Legacy Lifestyles Ocoee LP (7931); Legacy Lifestyles Ocoee GP Inc. (7940); Legacy Lifestyles Longleaf LP (7828); Legacy Lifestyles Longleaf GP Inc. (7850); Legacy Lifestyles Destin Property LLC (N/A); Legacy Lifestyles Trailwinds Property LLC (N/A); Legacy Lifestyles Ft. Myers Property LLC (N/A); Legacy Lifestyles Ocoee Property LLC (N/A); and Legacy Lifestyles Longleaf Property LLC (N/A).

² Capitalized terms used herein but not otherwise defined shall have the meaning given to them in the Emergency Motion for Provisional Relief.

foreign bankruptcy estate of the Debtors, seeking an order granting certain provisional relief, including imposition of the stay pursuant to section 362 of the Bankruptcy Court. The Court, having considered the Emergency Motion for Provisional Relief, the argument of counsel, and being otherwise duly informed, the Court makes the following Order.

The Court finds:

- A. Due and timely notice of the filing of the Chapter 15 Petition and the Hearing was given by the Foreign Representative as directed by this Court.
- B. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and 11 U.S.C. §§ 109 and 1501.
- C. Venue of this proceeding is proper in this judicial district pursuant to 28 U.S.C. § 1410, because the Debtors have property in the United States within this judicial District.
- D. This is a core foreign proceeding under 28 U.S.C. § 157(b)(2)(P).
- E. There is substantial likelihood of success on the merits that the Foreign Representative will be able to demonstrate that the Canadian Proceeding is a foreign main proceeding entitled to recognition under 11 U.S.C. § 1517(b)(1)-(2), that the Foreign Representative is the duly appointed foreign representatives of the Debtors pursuant to 11 U.S.C. §§ 102(24) and 1509, and the Foreign Representative, in his capacity as foreign representatives of Debtors, is entitled to protections afforded by sections 1520 and 1521 of the Bankruptcy Code.
- F. Issuance of this Order is necessary to preserve the status quo, as the Foreign Representative has demonstrated that unless this Order is issued, there is a risk of irreparable injury to the value of the Debtors' real property interests to the detriment of the Debtors' creditors.

G. Given there are no opposing parties and the provisional relief requested is narrowly tailored in scope and duration, the threatened injury to the Debtors' estates outweighs whatever damage the requested relief may cause an opposing party.

H. The interest of the public will be served by this Court's entry of this Order.

Accordingly, it is **ORDERED** and **ADJUDGED**:

1. The Emergency Motion for Provisional Relief is **GRANTED**.
2. Pending entry of a recognition order pursuant to section 1517, the Foreign Representative and the Debtors shall be entitled to the full protections and rights under section 1519(a)(1), which protections shall be coextensive with the provisions of section 362 of the Bankruptcy Code, and this Order shall operate as a stay of any execution against the Debtors' assets within the territorial jurisdiction of the United States. Specifically, all persons and entities are hereby enjoined from (a) continuing any action or commencing any additional action involving the Debtors, their assets or the proceeds thereof, or their former, current or future directors and officers, (b) enforcing any judicial, quasijudicial, administrative or regulatory judgment, assessment or order or arbitration award against the Debtors or their assets, (c) commencing or continuing any action to create, perfect or enforce any lien, setoff or other claim against the Debtors or any of their property, or (d) managing or exercising control over the Debtors' assets located within the territorial jurisdiction of the United States except as expressly authorized by the Debtors in writing.
3. Pursuant to sections 1519(a)(3) and 1521(a)(7) of the Bankruptcy Code, section 362 of the Bankruptcy Code is hereby made applicable in this Chapter 15 case to the Debtors and the property of the Debtors within the territorial jurisdiction of the United States.

4. Notwithstanding anything to the contrary contained herein, this Order shall not be construed as (a) enjoining the police or regulatory act of a governmental unit, including a criminal action or proceeding, to the extent not stayed under section 362 of the Bankruptcy Code or (b) staying the exercise of any rights that section 362(o) of the Bankruptcy Code does not allow to be stayed.

5. This Order shall remain in effect pending the hearing on Foreign Representative's Motion for Order Granting Recognition of Foreign Main Proceeding Pursuant to Sections 1517 and 1520 of the Bankruptcy Code and Related Relief.

6. The Court shall retain jurisdiction with respect to the enforcement, amendment, or modification of this Order and any request by any person or entity for relief from the provisions of this Order.

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Submitted by:

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Local Counsel to the Foreign Representative

Attorney Erica Baines is directed to serve a copy of this Order on interested parties who do not receive service by CM/ECF and to file a proof of service within three days of entry of this Order.