

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

In re:)	
)	Case No. 15-02700-5-DMW
PEPPERTREE-ATLANTIC BEACH)	
ASSOCIATION, INC.,)	Chapter 11
)	
Debtor)	

MOTION TO ESTABLISH LIMITED NOTICE

NOW COMES Peppertree-Atlantic Beach Association, Inc. (the "Debtor"), by and through its undersigned counsel, pursuant to 11 U.S.C. § 105(a) and Rule 2002 and 9007 of the Federal Rules of Bankruptcy Procedure, and files this Motion to Establish Limited Notice (the "Motion"). The Motion seeks entry of an Order limiting notice in the above case.

In support of this Motion, the Debtor shows the Court the following:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. The Debtor filed its petition pursuant to Chapter 11 of the United States Bankruptcy Code on May 13, 2015 and currently operates as a debtor-in-possession.
3. The Debtor is a North Carolina non-profit corporation that is responsible for the operation and management of Phase 1 of the Peppertree Atlantic Beach resort, located in Atlantic Beach, North Carolina.
4. Phase 1 consists of 14 buildings which are comprised of condominiums which have been further divided into time share units of one week, resulting in over 3000 unit owners (the "Unit Owners"). The Debtor owns at least 96 of those units.
5. As a result of the significant number of Unit Owners in this case, copying, postage, and other expenses associated with mailing of notices as required by the Bankruptcy Code and Bankruptcy Rules would be impractical and would impose an enormous administrative and economic burden on the Estate.
6. Therefore, the Debtor seeks to establish a limited notice for the Unit Owners unless a Unit Owner specifically seeks to receive all documents filed in this case.
7. A Unit Owner can opt-in to receive all of the notices in this case in one of two ways:
 - a. A unit Owner can complete the form attached hereto as their consent to receipt of notice of all filings in the bankruptcy case via service by email.

- b. A Unit owner can file a notice of appearance and requests for notices with the Court and have the same recorded on the docket in the case.
8. A unit owner electing to opt-in to the electronic service contemplated in this motion must act promptly and must return the attached form to Debtor's counsel within twenty-one (21) days from the date of this Motion.
9. For those Unit Owners who do not opt-in to receive all of the filings in the case, those Unit owners will only be served with this pleading, the Chapter 11 Plan, Disclosure Statement, any amendments to the same, and the Order Confirming Plan and any other documents the Court directs the Debtor to specifically serve on each Unit Owner.
10. The Bankruptcy Court will otherwise make available, at no cost, the pleadings and other documents filed in this case on its website, <http://www.nceb.uscourts.gov>.
11. Otherwise, any notices required to be given and/or papers required to be served during the course of this case need only be given to or served upon (a) the Debtor; (b) the Debtors' attorney; (c) the Bankruptcy Administrator; (d) any committee subsequently formed; (e) any party directly affected by the motion, application, hearing notice or order; and (f) any other party in interest who specifically files with the Court a request that it receive all notices of such motions, applications, hearings or orders. The entities that are entitled to receive all notices pursuant an order allowing this motion shall be included on a shortened mailing matrix
12. The establishment of the above limited notice procedure is in the best interest of Debtor's estate as it will save time and expenses associated with giving notice of all matters to each creditor and other party in interest, while preserving the right to receive notice for any party who wishes to receive notices, and will not otherwise prejudice the right of any creditor or party in interest.

WHEREFORE, the Debtor prays unto the Court as follows:

1. For the entry of an order limiting the parties to whom notice is given as set forth herein; and
2. For such other and further relief as is just and proper.

This the 3rd day of August, 2015.

JORDAN PRICE WALL GRAY JONES & CARLTON, PLLC

By: s/ Philip W. Paine
Philip W. Paine
NC State Bar No. 31710
P.O. Box 10669
Raleigh, NC 27605
Telephone: (919) 828-2501
ppaine@jordanprice.com
Attorneys for the Debtor

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ASSOCIATION, INC.,)	Chapter 11
)	
Debtor)	

**PEPPERTREE ATLANTIC-BEACH ASSOCIATION, INC. UNIT OWNERS ELECTION
TO RECEIVE NOTICE OF PLEADINGS**

This notice is to be completed and returned to Debtor's counsel upon a Unit owner's election to receive all notices, pleadings and other documents filed by the Debtor in this case by electronic service at the email address provided below.

By providing an email address, the undersigned is consenting to and specifically authorizing their affirmative consent to service of documents filed in this case by electronic means only and that they will not be receiving a paper copy of the documents filed by the Debtor in this case. Emails will only be sent of filings made by the Debtor, Peppertree Atlantic-Beach Association, Inc. and will not be used for any other purpose. DO NOT FILE THIS DOCUMENT WITH THE BANKRUPTCY COURT

Name: _____

Email address: _____

Signature: _____

This document is to be returned to counsel for the Debtor, Philip W. Paine and can be returned either by email or regular mail, at the expense of the Unit Owner.

If by e-mail: peppertree@jordanprice.com

If by regular mail:

Philip W. Paine
Attn: Peppertree Bankruptcy
P.O. Box 10669
Raleigh, NC 27605

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NOTICE OF DEBTOR'S MOTION TO ESTABLISH LIMITED NOTICE

NOTICE IS HEREBY GIVEN that Philip W. Paine, Attorney for the above-captioned Debtor, has filed a MOTION TO ESTABLISH LIMITED NOTICE ("Motion"),

FURTHER NOTICE IS HEREBY GIVEN that the Motion filed by Philip W. Paine, may be allowed provided no responses and request for a hearing is made by a party in interest in writing to the Clerk, United States Bankruptcy Court, P.O. Box 791, Raleigh, NC 27602, within FOURTEEN (14) DAYS from the date of this notice, and,

FURTHER NOTICE IS HEREBY GIVEN that any responses to Motion should also be mailed to Philip W. Paine, Attorney for the Debtor, at the address given below.

FURTHER NOTICE IS HEREBY GIVEN, that if a response and request for a hearing is filed by a part in interest in writing within the time indicated, a hearing will be conducted on the Motion and Response thereto at a date, time and place to be later set by the Court and all interest parties will be notified accordingly. If no request for hearing is timely filed, the Court may rule on the Motion and Response thereto ex parte without further notice.

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DATE OF NOTICE: August 3, 2015

JORDAN PRICE WALL GRAY JONES & CARLTON, PLLC

By: s/ Philip W. Paine
Philip W. Paine
NC State Bar No. 31710
P.O. Box 10669
Raleigh, NC 27605
Telephone: (919) 828-2501
ppaine@jordanprice.com
Attorneys for the Debtor

CERTIFICATE OF SERVICE

I, Philip W. Paine, certify;

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 3rd of August, 2015 I caused to be served copies of the foregoing DEBTOR'S MOTION TO ESTABLISH LIMITED NOTICE and NOTICE OF MOTION on the parties listed below and to the parties listed on the attached Exhibit "A" as indicated.

I certify under penalty of perjury that the foregoing is true and correct.

DATED: July , 2015

JORDAN PRICE WALL GRAY JONES & CARLTON, PLLC

By: s/ Philip W. Paine
Philip W. Paine
NC State Bar No. 31710
P.O. Box 10669
Raleigh, NC 27605
Telephone: (919) 828-2501
ppaine@jordanprice.com
Attorneys for the Debtor

TO:
C. Scott Kirk
Office of the Bankruptcy Administrator
Via CM/ECF