

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

In re:

AFH AIR PROS, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 25-10356 (PMB)

(Jointly Administered)

Response Deadline: October 27, 2025, at 4:00 p.m. ET

Hearing Date: November 5, 2025, at 9:30 a.m. ET

**DEBTORS' OBJECTION TO CLAIM NO. 145  
FILED BY LINCOLN AUTOMOTIVE FINANCIAL SERVICES**

*(Disallowance)*

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) submit this motion (the “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), pursuant to sections 105 and 502 of title 11 of the United States Code (the “Bankruptcy Code”), Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 3007-1 of the Local Rules of the United States Bankruptcy Court for the Northern District of Georgia (the “Local Rules”), (i) disallowing and expunging Claim No. 145 filed by Lincoln Automotive Financial Services (“Lincoln”) and (ii) granting related relief. In support of this Objection, the Debtors respectfully state as follows:

<sup>1</sup> The last four digits of AFH Air Pros, LLC’s tax identification number are 1228. Due to the large number of debtor entities in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the claims and noticing agent at <https://www.veritaglobal.net/AirPros>. The mailing address for the debtor entities for purposes of these chapter 11 cases is: 150 S. Pine Island Road, Suite 200, Plantation, Florida 33324.



## **JURISDICTION AND VENUE**

1. The United States Bankruptcy Court for the Northern District of Georgia (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2. Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory and legal predicates for the relief requested herein are sections 105(a) and 502 of the Bankruptcy Code, Bankruptcy Rule 3007, Local Rule 3007-1, and the *Second Amended and Restated General Order 26-2019, Procedures for Complex Chapter 11 Cases*, dated February 6, 2023 (the “Complex Case Procedures”).

## **BACKGROUND**

### **A. The Chapter 11 Cases**

4. On March 16, 2025 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code with this Court.

5. The Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

6. On March 31, 2025, the United States Trustee for Region 21 (the “U.S. Trustee”) appointed an official committee of unsecured creditors (the “Committee”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”). *See Appointment and Notice of Committee of Creditors Holding Unsecured Claims* [Docket No. 111].

7. No request has been made for the appointment of a trustee or an examiner.

8. On April 29, 2025, the Court entered the *Order (I) Fixing Deadlines for Filing Proofs of Claim and (II) Approving the Form and Manner of Notice Thereof* [Docket No. 283] (the “Bar Date Order”). The Bar Date Order (a) established June 23, 2025 at 11:59 p.m. (prevailing Eastern Time) (the “General Bar Date”) as the last day for creditors that are not

governmental units to file proofs of claim, proofs of interest, and requests for payment of administrative expense claims under Bankruptcy Code section 503(b)(9); (b) established September 12, 2025 at 11:59 p.m. (prevailing Eastern Time) (the “Governmental Bar Date”) as the last day for creditors that are governmental units to file proofs of claim, proofs of interest; and (c) approved a form of bar date notice, proof of claim form, and other procedures.

9. Additional information regarding the Debtors’ businesses, capital structure, and the circumstances leading to the filing of these Chapter 11 Cases is set forth in the *Declaration of Andrew D.J. Hede in Support of Chapter 11 Petitions and First Day Pleadings* [Docket No. 8].

#### **B. The Plan**

10. On September 4, 2025, the Court entered the *Findings of Fact, Conclusions of Law, and Order (I) Approving the Second Amended Disclosure Statement for the Second Amended Chapter 11 Plan of Liquidation of AFH Air Pros, LLC and Its Debtor Affiliates on a Final Basis; and (II) Confirming Second Amended Chapter 11 Plan of Liquidation of AFH Air Pros, LLC and Its Debtor Affiliates* [Docket No. 691] (the “Confirmation Order”), which confirmed the *Second Amended Plan of Liquidation of AFH Air Pros, LLC and its Debtor Affiliates* [Docket No. 479] (as may be further amended, supplemented, or otherwise modified from time to time, and including all exhibits thereto, the “Plan”).

11. As of the filing of this Objection, the Effective Date under the Plan has not yet occurred.

#### **C. Claim No. 145 Filed by Lincoln Automotive Financial Services**

12. On June 20, 2025, Lincoln filed a proof of claim, designated Claim No. 145, asserting a claim against AFH Air Pros, LLC in the amount of \$8,933.16 (the “Lincoln Claim”). The Lincoln Claim asserts a secured claim on account of financing provided by Lincoln to a non-Debtor, C & P Hansen Heating and Cooling, Inc. (the “C&P”), for an automobile owned by C&P.

The Retail Instalment Sale Contract and Certificate of Title attached to the Lincoln Claim reflect C&P as the Buyer and Owner, respectively.

13. For the reasons set forth below, the Lincoln Claim should be disallowed and expunged.

### **RELIEF REQUESTED**

14. By this Objection, the Debtors request that the Court enter the Proposed Order, pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007-1, disallowing the Lincoln Claim.

### **BASIS FOR RELIEF REQUESTED**

15. Bankruptcy Code section 502 provides, in pertinent part, that “[a] claim or interest, proof of which is filed under section 501 of [the Bankruptcy Code], is deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a). The debtor has a duty to object to the allowance of any claim that is improper. See 11 U.S.C. § 1107(a).

16. When asserting a proof of claim against a bankrupt estate, a claimant must allege facts that, if true, would support a finding that the debtor is legally liable to the claimant. *See In re Allegheny Int’l, Inc.*, 954 F.2d 167, 173 (3d Cir. 1992). Where the claimant alleges sufficient facts to support its claim, its claim is afforded prima facie validity. *See id.*; *see also* Bankruptcy Rule 3001(f) (a properly executed and filed proof of claim “constitute[s] prima facie evidence of the validity and amount of the claim”).

17. A party wishing to dispute a claim’s validity must produce evidence sufficient to negate the claim’s prima facie validity. *See Allegheny*, 954 F.2d at 173–74. Once an objecting party produces such evidence, the burden shifts back to the claimant to prove the validity of his or her claim by a preponderance of the evidence. *Id.* at 174; *see also Dollinger v. BV Retail, LLC (In re S&Q Shack, LLC)*, 2015 Bankr. LEXIS 1166, at \*6-7 (N.D. Ga. Feb. 13, 2015); *Chambliss v.*

*Oakwood Acceptance Corp. (In re Chambliss)*, 315 B.R. 166, 169 (Bankr. S.D. Ga. 2004). Ultimately, the burden of persuasion is on the claimant. *See In re Moss*, No. 94- 11959, 1995 WL 17005342, at \*1 (Bankr. S.D. Ga. Sept. 28, 1995).

18. The Debtors and their professionals have reviewed the Lincoln Claim, including the supporting documentation, and their books and records maintained in the ordinary course of business. Based on that review, the Debtors have determined that the Lincoln Claim should be disallowed in its entirety.

19. The Lincoln Claim reflects that C&P is the (i) contract counterparty to the financing agreement with Lincoln and (ii) titleholder of the vehicle securing the claim, as reflected on the Retail Installment Sale Contract and the Certificate of Title. C&P, however, is not a debtor in these Chapter 11 Cases. The Lincoln Claim does not establish any entitlement to a claim against any of the Debtors. Moreover, the Debtors reviewed their records and inventory and were unable to locate the vehicle purporting to secure the Lincoln Claim. Thus, the Lincoln Claim does not establish a claim against the Debtors' estates and should be disallowed and expunged.

### **RESERVATION OF RIGHTS**

20. The Debtors reserve all rights to amend, modify, or supplement this Objection and the Proposed Order, and to file additional objections to any claims filed in these Chapter 11 Cases. The Debtors further reserve all rights, claims, and defenses with respect to all claims, including the claim addressed herein. Nothing in this Objection or the Proposed Order shall be deemed to impair, waive, or otherwise limit any such rights, claims, or defenses, all of which are expressly preserved.

### **NOTICE**

21. The Debtors will provide notice of this Motion to the following parties or their respective counsel, if known: (a) the Office of the U.S. Trustee for the Northern District of

Georgia, (b) the Committee; (c) the Debtors' prepetition and postpetition lenders and collateral agent; (d) the Limited Service List; (e) Lincoln; and (f) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

**CONCLUSION**

**WHEREFORE**, the Debtors request that the Court enter the Proposed Order granting the relief requested herein and such other relief as is just and proper under the circumstances.

Dated: September 26, 2025

Respectfully submitted,

**GREENBERG TRAURIG, LLP**

/s/ David B. Kurzweil

David B. Kurzweil (Ga. Bar No. 430492)

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*Counsel for the Debtors and Debtors in Possession*

**Exhibit A**

**Proposed Order**

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION**

In re:

AFH AIR PROS, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 25-10356 (PMB)

(Jointly Administered)

**Re: Docket No. \_\_**

**ORDER SUSTAINING DEBTORS' OBJECTION TO CLAIM  
NO. 145 FILED BY LINCOLN AUTOMOTIVE FINANCIAL SERVICES**

Upon the *Debtors' Objection to Claim No. 145 filed by Lincoln Automotive Financial Services*, dated September 26, 2025 [Docket No. •] (the "Objection")<sup>2</sup> filed by the above-captioned debtors and debtors in possession (collectively, the "Debtors"), for entry of an order (this "Order") disallowing and expunging the Lincoln Claim; and the Court having jurisdiction over this matter

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Objection.

pursuant to 28 U.S.C. §§ 157 and 1334; and the matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and venue of this proceeding and the Motion in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court being able to issue a final order consistent with Article III of the United States Constitution; and it appearing that due and adequate notice of the Objection has been given under the circumstances; and the Court having reviewed the Objection and having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”); and the Court having determined that the legal and factual bases set forth in the Objection and at the Hearing establish just cause for the relief granted herein; and upon the record of the Hearing, this Court having determined that there is good and sufficient cause for the relief set forth in this Order; and after due deliberation thereon, it is hereby **ORDERED** that:

1. The Objection is SUSTAINED, as set forth herein.
2. Claim No. 145 filed by Lincoln Automotive Financial Services is disallowed and expunged.
3. Nothing set forth in this Order shall be construed as, or shall in any way constitute, a waiver of the Debtors’ or any successor’s rights to assert objections to the Lincoln Claim on any additional grounds whatsoever.
4. Debtors’ counsel will promptly cause a copy of this Order to be served on the parties listed on the Debtors’ Limited Service List for these chapter 11 cases and any parties that were served with the Objection. Debtors’ counsel shall cause a Certificate of Service evidencing such service to be filed within three (3) days of service.

5. The Debtors and their claims and noticing agent, Kurtzman Carson Consultants, LLC d/b/a Verita, as well as the Clerk of the Court, are authorized to take all such actions as are necessary and appropriate to effectuate the terms of this Order.

6. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

END OF DOCUMENT

*Prepared and presented by:*

**GREENBERG TRAURIG, LLP**

/s/ David B. Kurzweil

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*Counsel for the Debtors and Debtors in Possession*

IN THE UNITED STATES BANKRUPTCY COURT  
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Chapter 11

Case No. 25-10356 (PMB)

(Jointly Administered)

Response Deadline: October 27, 2025, at 4:00 p.m. ET

Hearing Date: November 5, 2025, at 9:30 a.m. ET

**NOTICE OF DEBTORS' OBJECTION TO CLAIM NO. 145  
FILED BY LINCOLN AUTOMOTIVE FINANCIAL SERVICES,  
DEADLINE TO RESPOND AND HEARING**

On September 26, 2025, the above-captioned debtors and debtors in possession (collectively the "Debtors") filed the *Debtors' Objection to Claim No. 145 Filed by Lincoln Automotive Financial Services* (the "Objection") with the Court.

Pursuant to the Fourth Amended and Restated General Order No. 24-2018, the Court may consider this matter without further notice or a hearing if no party-in-interest files a response or objection within 30 days from the date of service of this notice. **If you object to the relief requested in this pleading, you must timely file your objection with the Bankruptcy Clerk at the United States Bankruptcy Court for the Northern District of Georgia, Newnan Division, 18 Greenville Street, Newnan, Georgia 30263, and serve a copy of your response on counsel for the Debtors, Greenberg Traurig, LLP, Terminus 200, 3333 Piedmont Road, NE, Suite 2500, Atlanta, Georgia 30305, Attn: David B. Kurzweil, Esq. (KurzweilD@gtlaw.com) and Matthew A. Petrie (PetrieM@gtlaw.com) and any other appropriate persons by the objection deadline. The response or objection must explain your position and be actually received by the Bankruptcy Clerk on or prior to October 27, 2025, at 4:00 p.m. (prevailing Eastern Time).**

A hearing on the Objection has been scheduled for **November 5, 2025, at 9:30 a.m. (prevailing Eastern Time)** in **Courtroom 1202, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303**, which may be attended in person or via the Court's Virtual Hearing Room. The link for the Virtual Hearing Room can be found on Judge Baisier's webpage at <https://www.ganb.uscourts.gov/content/honorable-paul-m-baisier> and is best used on a desktop or laptop computer but may be used on a phone or tablet. Participants' devices must have a camera

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and audio. You may also join the Virtual Hearing Room through the “Dial-In and Virtual Bankruptcy Hearing Information” link at the top of the homepage of the Court’s website, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov). Please review “Instructions for Appearing by Telephone and Video Conference” located under the “Hearing Information” tab on the judge’s webpage prior to the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position unless you are speaking or until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge’s webpage.

If a response to the Objection is timely filed and served, the hearing will proceed as scheduled. **If you do not file a response within the time permitted, the Court may grant the relief requested without further notice and without holding the scheduled hearing** provided that an order approving the relief requested is entered at least one business day prior to the scheduled hearing. If no response is timely filed, but no order is entered granting the relief requested at least one business day prior to the scheduled hearing, the hearing will be held as scheduled.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

Dated: September 26, 2025

Respectfully submitted,

**GREENBERG TRAURIG, LLP**

/s/ David B. Kurzweil

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*Counsel for the Debtors and Debtors in Possession*

**CERTIFICATE OF SERVICE**

I hereby certify that all ECF participants registered in these cases were served electronically with the foregoing Objection through the Court's ECF system at their respective email addresses registered with this Court. The Debtors' claims and noticing agent will be filing a supplemental certificate of service on the docket to reflect any additional service of the foregoing document via first-class mail, including the notice parties enumerated in the Objection.

Dated: September 26, 2025

**GREENBERG TRAURIG, LLP**

/s/ David B. Kurzweil

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Possession*