

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

In re:

CBRM REALTY INC. *et al.*,

Debtors.¹

Chapter 11

Case No. 25-15343

(Jointly Administered)



Order Filed on June 13, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**INTERIM ORDER AUTHORIZING THE
DEBTORS TO CONTINUE THEIR PREPETITION
BUSINESS OPERATIONS, POLICIES, AND PRACTICES AND PAY RELATED
CLAIMS IN THE ORDINARY COURSE OF BUSINESS ON A POSTPETITION BASIS**

The relief set forth on the following pages, numbered 2 through 9, is hereby **ORDERED**.

DATED: June 13, 2025


Honorable Michael B. Kaplan
United States Bankruptcy Judge

¹ The Debtors in these chapter 11 cases, along with the last four number, are: CBRM Realty Inc. (2420), Crown Capital Holdings LLC (1411), Kelly Hamilton Apts LLC (1115), Kelly Hamilton Apts MM LLC (0765), RH Chenault Creek LLC (8987), RH Copper Creek LLC (0874), RH Lakewind East LLC (6963), RH Windrun LLC (0122), RH New Orleans Holdings LLC (7528), and RH New Orleans Holdings MM LLC (1951). The location of the Debtors' service address in these chapter 11 cases is: In re CBRM Realty Inc., et al., c/o White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020.



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Upon the motion (the “**Motion**”)² of the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”) for entry of an order (this “**Interim Order**”) authorizing the Debtors to the continue their prepetition business operations, policies, and programs and to pay Specified Claims, on a postpetition basis in the ordinary course of business, all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.) and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the Debtors’ notice of the Motion was appropriate under the circumstances and no other notice need be provided; and the Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED on an interim basis as set forth herein.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

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2. The final hearing (the “**Final Hearing**”) on the Motion shall be held on June 26, 2025, at **1:00pm**, prevailing Eastern Time. Objections or responses to entry of a final order on the Motion shall be filed on or before 4:00 p.m., prevailing Eastern Time, on June 19, 2025. If no objections are filed to the Motion, this Court may enter an order approving the relief requested in the Motion on a final basis without further notice or hearing.

3. The Debtors are authorized, but not directed, on an interim basis, in their sole discretion, to maintain their Insurance Obligations, and to pay the Insurance Obligations arising under or in connection with the Insurance Policies as such Insurance Obligations become due, in an amount not to exceed \$180,000 prior to entry of a Final Order.

4. Without further order of this Court, the Debtors are authorized, but not directed, to renew, revise, extend, supplement, change or enter into new insurance coverage as needed in their business judgment. However, if the Debtors seek to enter into any insurance financing agreements, such insurance financing agreements must be brought pursuant to section 364 of the Bankruptcy Code and approved by the Court.

5. The Debtors will provide notice of any material changes to their Insurance Obligations, policies, or programs to counsel for any statutory committees appointed in these chapter 11 cases, and the U.S. Trustee within five (5) business days before such changes are made.

6. To the extent the Debtors subsequently become aware of additional Insurance Obligations, policies, or programs that have not previously been disclosed, or to the extent the Debtors enter into new or renew any Insurance Obligations, policies, or programs, the Debtors

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shall disclose such Insurance Obligations, policies, or programs to the U.S. Trustee and any statutory committees appointed in these chapter 11 cases.

7. The Debtors are authorized, but not directed, on an interim basis, in their sole discretion, to pay the Taxes and Fees due and owing prepetition, including, without limitation, in an amount not to exceed \$1,150,000 prior to entry of a Final Order.

8. Nothing herein shall impair any rights of the Debtors to dispute or object to any taxes asserted as owing to any taxing authorities or those parties who ordinarily collect the Taxes and Fees as to amount, liability, priority, classification, or otherwise.

9. To the extent that the Debtors have overpaid any Taxes and Fees, the Debtors are authorized to seek a refund or credit.

10. The Debtors are authorized but not directed, on an interim basis, in their sole discretion, to (i) pay or otherwise honor all Employee Compensation Claims in an amount not to exceed \$58,000 prior to entry of a Final Order; (ii) honor and continue its programs, policies, and practices with respect to the Employee Compensation Claims that were in effect as of the Petition Date, in the ordinary course of business, and in the same manner and on the same basis as the Debtors honored and continued such programs, policies, and practices before the Petition Date; *provided, however*, that the Debtors shall seek court approval, upon a motion on notice, of any modification or change that would implicate any portion of section 503(c) of the Bankruptcy Code; and (iii) withhold all federal, state, and local taxes relating to the Employee Compensation Claims as required by applicable law. The Independent Fiduciary Fees shall not be paid except pursuant to the entry of a Final Order.

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11. Notwithstanding any other provision of this Interim Order, no payments to or on behalf of any Employee on account of prepetition obligations shall exceed the amounts set forth in 11 U.S.C. §§ 507(a)(4) and 507(a)(5). Nothing herein shall be deemed to (1) authorize the payment of any amounts in satisfaction of bonus, retention, incentive, or severance payments or obligations, or which violate, implicate, or are otherwise subject to section 503(c) of the Bankruptcy Code; or (2) authorize the Debtors to cash out unpaid vacation/leave time except upon termination of an employee, if applicable state law requires such payment.

12. The Debtors will provide seven (7) days' notice of any material changes to employee compensation programs and benefits, and any other programs described in the Motion to the U.S. Trustee, the Ad Hoc Group of Holders of Crown Capital Notes, and any statutory committees appointed in these cases in accordance with the Debtors' prepetition policies and practices.

13. If the Debtors seek to pay any amounts that are subject to section 503(c) of the Bankruptcy Code, the Debtors will seek approval of such payments, if any, by separate motion under section 503(c) of the Bankruptcy Code. Nothing in the Motion or this Interim Order shall be deemed to violate or permit a violation of section 503(c) of the Bankruptcy Code.

14. Nothing herein shall be deemed to authorize the payment of any amounts in satisfaction of any bonus obligations, incentive obligations, severance obligations, or other obligations covered by section 503(c) of the Bankruptcy Code.

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15. Nothing in the Motion or this Interim Order shall constitute a determination by the Court as to whether any individual seeking payment pursuant to this Interim Order is or is not an “insider” as that term is defined in section 101(31) of the Bankruptcy Code.

16. This Interim Order does not implicitly or explicitly approve any bonus plan, incentive plan, severance plan or other plan covered by section 503(c) of the Bankruptcy Code.

17. Nothing contained in the Motion or this Interim Order is intended to create an administrative priority claim on account of the Employee Compensation Claims.

18. The Debtors are authorized, but not directed, on an interim basis, in their sole discretion, to pay Vendor Claims in the ordinary course of business, or as otherwise agreed by the holders of such claims, in an aggregate amount not to exceed \$25,000; *provided, however*, that the Debtors shall be entitled to condition payments on receiving trade terms from the holders of Vendor Claims, which terms must be at least as favorable to the Debtors as those in place during the twelve months prior to the Petition Date, or as otherwise agreed by the Debtors in their reasonable business judgment.

19. The Debtors shall maintain a matrix/schedule of amounts directly or indirectly paid, subject to the terms and conditions of this Interim Order including the following information: (a) the names of the payee; (b) the amount of the payment; (c) the category, nature or type of payment; (d) the payment due, and (e) the Debtor or Debtors that made the payment. The Debtors shall provide a copy of such matrix/schedule to the U.S. Trustee, the Ad Hoc Group of Holders of Crown Capital Notes, and the advisors to any statutory committees that may be appointed in these chapter 11 cases weekly beginning upon entry of this Interim Order.

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20. Prior to entry of a Final Order, the Debtors shall not pay any obligations under this Interim Order unless they are due or deemed necessary to be paid in the Debtors' reasonable business judgment to ensure ongoing provision of goods or services or otherwise to avoid an adverse effect on operations.

21. Subject to the modifications set forth in this Interim Order, the Debtors are authorized to pay the Taxes and Fees, Vendor Claims, and Insurance Obligations in the ordinary course of business, on a postpetition basis.

22. Subject to the modifications set forth in this Interim Order, the Debtors are authorized to pay the Employee Compensation Claims in the ordinary course of business, on a postpetition basis.

23. Nothing contained in the Motion or this Interim Order, and no action taken pursuant to the relief requested or granted (including any payment made in accordance with this Interim Order), is intended as or shall be construed or deemed to be: (a) an admission as to the amount of, basis for, or validity of any claim against the Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Debtors' or any other party in interest's right to dispute any claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication, admission or finding that any particular claim is an administrative expense claim, other priority claim or otherwise of a type specified or defined in the Motion or this Interim Order except as otherwise provided for in this Interim Order; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) an admission as to the validity, priority, enforceability or perfection of any lien on, security

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interest in, or other encumbrance on property of the Debtors' estates; or (g) a waiver or limitation of any claims, causes of action or other rights of the Debtors or any other party in interest against any person or entity under the Bankruptcy Code or any other applicable law.

24. The banks and financial institutions on which checks were drawn or electronic payment requests made in payment of the prepetition obligations approved herein are authorized and directed to receive, process, honor, and pay all such checks and electronic payment requests when presented for payment, and all such banks and financial institutions are authorized to rely on the Debtors' designation of any particular check or electronic payment request as approved by this Interim Order.

25. The Debtors are authorized, on an interim basis, to issue postpetition checks, or to effect postpetition fund transfer requests, in replacement of any checks or fund transfer requests that are dishonored as a consequence of these chapter 11 cases with respect to prepetition amounts owed in connection with any of the Specified Claims.

26. The contents of the Motion satisfy the requirements of Bankruptcy Rule 6003(b).

27. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Interim Order are immediately effective and enforceable upon its entry.

28. The Debtors and the Independent Fiduciary are authorized to take all actions necessary to effectuate the relief granted pursuant to this Interim Order in accordance with the Motion.

29. Any relief granted to the Debtors pursuant to this Interim Order shall mean the Debtors, acting at the direction of the Independent Fiduciary.

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30. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the Bankruptcy Rules and Local Rules are satisfied by such notice.

31. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

32. The Debtors shall serve by regular mail or email a copy of this Interim Order and the Motion on all parties required to receive such service pursuant to Local Rule 9013-5(f).

33. Any party may move for modification of this Interim Order in accordance with Local Rule 9013-5(e).

34. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Interim Order.