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*Proposed Attorneys for the Debtors and  
 Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SANTA ROSA DIVISION**

In re:

LEFEVER MATTSON, a California  
 corporation, *et al.*,<sup>1</sup>

Debtors.

Lead Case No. \_\_\_\_ - \_\_\_\_ (CN)

(Joint Administration Requested)

Chapter 11

**MOTION OF DEBTORS FOR ENTRY  
 OF AN ORDER EXTENDING TIME  
 TO FILE SCHEDULES OF ASSETS  
 AND LIABILITIES AND  
 STATEMENTS OF FINANCIAL  
 AFFAIRS**

**Date:** TBD

**Time:** TBD

**Place:** United States Bankruptcy Court  
 1300 Clay Street, Courtroom 215  
 Oakland, CA 94612

<sup>1</sup> The last four digits of LeFever Mattson's tax identification number are 7537. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors 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 Debtors' proposed claims and noticing agent at <https://veritaglobal.net/LM>. The address for service on the Debtors is 6359 Auburn Blvd., Suite B, Citrus Heights, CA 95621.



LeFever Mattson, a California corporation (“LeFever Mattson”), and certain of its affiliates that are debtors and debtors in possession (the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby move (the “Motion”) this Court pursuant to sections 105(a) and 521(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 1007(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for entry of an order extending the initial 14-day period to file their schedules of assets and liabilities, statements of financial affairs, and lists of equity security holders (collectively, the “Schedules and Statements”) by 30 days, to allow the Debtors a total of 44 days after the Petition Date (as defined below) to file its Schedules and Statements (the “Schedules and Statements Deadline”), without prejudice to the Debtors’ right to request additional time if necessary. A proposed form of order granting the relief requested herein is annexed hereto as **Exhibit A** (the “Proposed Order”).

The facts and circumstances supporting this Motion are set forth in the *Declaration of Bradley D. Sharp in Support of Chapter 11 Petitions and First Day Motions* (the “Sharp Declaration”), filed contemporaneously herewith and incorporated by reference herein. Capitalized terms used but not defined herein have the meanings given to them in the Sharp Declaration.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. JURISDICTION AND VENUE**

This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334, the *Order Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, General Order 24 (N.D. Cal.), and Rule 5011-1(a) of the Bankruptcy Local Rules. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

### **II. BACKGROUND**

#### **A. General Background**

On the date hereof (the “Petition Date”), LeFever Mattson and the other Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. 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. No trustee, examiner, or official committee of unsecured creditors has been appointed in any case of the Debtors.

**B. LeFever Mattson**

LeFever Mattson manages a large real estate portfolio. Timothy LeFever and Kenneth W. Mattson each own 50% of the equity in LeFever Mattson.

LeFever Mattson directly or indirectly controls or has ownership interests in 50 limited partnerships (collectively, the “LPs”) and eight limited liability companies (collectively, the “LLCs”), almost all of which are Debtors.<sup>2</sup> LeFever Mattson invests in real estate primarily through the LLCs and the LPs. LeFever Mattson also owns a small number of properties directly. This structure has allowed LeFever Mattson to pool capital by selling limited partnership or membership interests to outside investors, while typically reserving an ownership interest for itself as general partner or managing member.

LeFever Mattson also has ownership interests in four California corporations: Debtor Home Tax Service of America, Inc., dba LeFever Mattson Property Management (the “Property Manager”), which provides property management services, including to those properties owned by the LPs and the LLCs; Debtor California Investment Properties, a California corporation (a real estate brokerage), and non-debtors Pineapple Bear, a California corporation (which offers hospitality and catering services), and Harrow Cellars, a California corporation (which operates a winery and related businesses).

As of the Petition Date, Bradley D. Sharp has been appointed the Chief Restructuring Officer of the Debtors. Since Mr. Sharp’s engagement on July 18, 2024, he has worked closely with the Debtors in their efforts to maximize enterprise value in the wake of what, in retrospect and on information and belief, was a decade or more of financial misconduct by Mr. Mattson.

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<sup>2</sup> Two LPs have not yet filed chapter 11 petitions.

### C. The Debtors' Operational Staff

The Debtors are in possession of computerized records for all of the information required for the Schedules and Statements in the Chapter 11 Cases. However, these records require extensive work and time from experienced staff to analyze and consolidate into the Schedules and Statements required by Section 521 of the Bankruptcy Code. As detailed more fully in the First Day Declaration, there are nearly 60 Debtors in these Chapter 11 Cases, nearly all of which are operated and managed by the Property Manager's staff. These employees manage the day-to-day business of operating over 200 Properties with nearly 1,000 individual rental units. The individual Debtors do not have their own teams available to assist them with the reporting requirements of the Bankruptcy Code.

### III. RELIEF REQUESTED

The Debtors request entry of an order extending the Schedules and Statements Deadline by 32 days, to October 28, 2024, granting the Debtors a total of 46 days after the Petition Date to file their Schedules and Statements, without prejudice to the Debtors' right to request additional time if necessary. The requested extension will allow the Debtors time to prepare the Statements and Schedules properly given their limited number of employees.<sup>3</sup>

### IV. CAUSE EXISTS TO EXTEND TIME TO FILE SCHEDULES AND STATEMENTS

Section 521 of the Bankruptcy Code requires a debtor to file its schedules and statements of financial affairs unless the Court orders otherwise. 11 U.S.C. § 521(a)(1)(A)–(B). The Schedules and Statements must be filed within fourteen (14) days after the petition date unless the Bankruptcy Court grants an extension of time “on motion for cause shown.” Fed. R. Bankr. P. 1007(c). Additionally, section 105(a) of the Bankruptcy Code, which codifies the equitable powers of the Bankruptcy Court, authorizes the Court to “issue any order, process or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Similar

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<sup>3</sup> Windscape Apartments, LLC, which is a Debtor included in the relief sought herein, previously received an extension to September 19, 2024. The Debtors are requesting that it be extended further to October 28 so that all Schedules and Statements may be prepared together in an efficient uniform process.

relief has been granted in the Northern District of California in a number of cases, including *In re the Roman Catholic Bishop of Santa Rosa*, 23-10113 (CN), Dkt. No. 45 (Order Granting Debtor's Application to Extend Time to File Schedules and Statement of Financial Affairs) (Bankr. N.D. Cal. 2023); *In re Trinitas Advantaged Agriculture Partners IV, LP, et al.*, 24-50210 (DM), Dkt. No. 39 (Order Pursuant to 11 U.S.C. §§ 521(a) and 105(a) and Fed. R. Bankr. P. 1007(c) Extending Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs) (Bankr. N.D. Cal. 2024); and *In re Shift Technologies, Inc. et al.*, 23-30687 (HLB), Dkt. No. 24 (Order Granting Debtor's Motion for Order Extending Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs) (Bankr. N.D. Cal. 2023). In light of the facts and circumstances set forth herein, this Court has and should exercise its authority, consistent with sections 105(a) and 521(a) of the Bankruptcy Code, to grant the requested relief.

Collecting the necessary information to prepare the Schedules and Statements requires an enormous expenditure of time and effort on the part of the Debtors, their employees, and their professionals. The Court's grant of time extension to file the Schedules and Statements as requested in this Motion is appropriate in light of the circumstances. While the Debtors, with the assistance of their professional advisors, have mobilized their employees to work diligently and expeditiously to prepare the Schedules and Statements, the 14-day deadline is not achievable under the circumstances of these Chapter 11 Cases. As a practical matter, the Debtors are unable to properly and accurately complete the Schedules and Statements within the initial statutory period. The number of Debtors, the complexity of the Debtors' businesses, coupled with the limited time and staff available to the Debtors, necessitate an extension of the Schedules and Statements Deadline. Accordingly, the Debtors submit that ample cause exists to extend the time for filing the Schedules and Statements as requested in the Motion.

## V. NOTICE

Notice of this Motion will be provided to (i) the United States Trustee; (ii) the Secured Lenders; (iii) the parties listed on the Debtors' consolidated *List of Creditors Who Have the 30 Largest Unsecured Claims and Are Not Insiders*; and (iv) those persons who have formally appeared in these Chapter 11 Cases and requested service pursuant to Bankruptcy Rule 2002.

1 Based on the urgency of the circumstances surrounding this Motion and the nature of the relief  
2 requested herein, the Debtors respectfully submit that no further notice is required.

3 **WHEREFORE**, the Debtors respectfully request that the Court enter an order,  
4 substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein.

5 Dated: September 12, 2024

**KELLER BENVENUTTI KIM LLP**

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7 By: /s/ Thomas B. Rupp

8 Thomas B. Rupp

9 *Proposed Attorneys for the Debtors and*  
10 *Debtors in Possession*  
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**Exhibit A**  
**(Proposed Order)**

**KELLER BENVENUTTI KIM LLP**  
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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SANTA ROSA DIVISION**

In re:

LEFEVER MATTSON, a California  
corporation, *et al.*,<sup>1</sup>

Debtors.

Lead Case No. \_\_\_\_ - \_\_\_\_ (CN)

(Jointly Administered)

Chapter 11

**[PROPOSED] ORDER EXTENDING  
TIME TO FILE SCHEDULES OF  
ASSETS AND LIABILITIES AND  
STATEMENTS OF FINANCIAL  
AFFAIRS**

<sup>1</sup> The last four digits of LeFever Mattson's tax identification number are 7537. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors 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 Debtors' claims and noticing agent at <https://veritaglobal.net/LM>. The address for service on the Debtors is 6359 Auburn Blvd., Suite B, Citrus Heights, CA 95621.



Upon consideration of the *Motion of Debtors for Entry of an Order Extending Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs* (the “Motion”),<sup>2</sup> filed by the above-captioned debtors and debtors in possession (the “Debtors”) in these Chapter 11 Cases, pursuant to sections 105(a) and 521(a) of the Bankruptcy Code and Bankruptcy Rule 1007(c), for entry of an order extending the period to file their schedules of assets and liabilities and statements of financial affairs (collectively, the “Schedules and Statements”) to October 28, 2024, to allow the Debtors a total of 46 days after the Petition Date to file their Schedules and Statements without prejudice to the Debtors’ right to request additional time if necessary, all as more fully set forth in the Motion; the Court having reviewed the Motion and the Sharp Declaration and having considered the statements of counsel and the evidence adduced with respect to the Motion at a hearing before the Court (the “Hearing”); and the Court having found that (i) the Court has jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and the *Order Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, General Order 24 and Rule 5011-1(a) of the Bankruptcy Local Rules for the United States District Court for the Northern District of California; (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b); and (iv) notice of the Motion and the Hearing was sufficient under the circumstances; and it appearing that no other or further notice need be provided; and after due deliberation the Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, and their creditors; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is granted as provided herein.
2. The time by which the Debtors shall file their (a) Schedules of Assets and Liabilities, (b) Statements of Financial Affairs, and (c) List of Equity Security Holders is extended

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

1 to October 28, 2024, without prejudice to the Debtors' right to seek further extensions upon  
2 showing of cause therefor.

3 3. Nothing contained in the Motion or this Order is intended to be or shall be construed  
4 as (i) an admission as to the validity of any claim against the Debtors; (ii) a waiver of the Debtors'  
5 or any appropriate party in interest's rights to dispute the amount of, basis for, or validity of any  
6 claim against the Debtors; (iii) a waiver of any claims or cause s of action that may exist against  
7 any creditor or interest holder; or (iv) an approval, assumption, adoption, or rejection of any  
8 agreement, contract, lease, program, or policy between the Debtors and any third party under  
9 section 365 of the Bankruptcy Code.

10 4. The Debtors are hereby authorized to take such actions and to execute such  
11 documents as may be necessary to implement the relief granted by this Order.

12 5. The Court retains exclusive jurisdiction with respect to all matters arising from or  
13 related to the implementation, interpretation, and enforcement of this Order.

14 \*\* END OF ORDER \*\*  
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