

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:)
) **Case No. 23-02871-TOM11**
)
 PREMIER KINGS, INC., et al.,) **Chapter 11**
)
) **Substantively Consolidated**
 Debtors.¹)

ORDER GRANTING MOTION FOR EXAMINATION OF TRUIST BANK

Upon the motion² (the “Motion” – Doc. 819) of Mark Smith, as Plan Administrator, for entry of an order (the “Order”), (a) directing Truist Bank (“Truist”) to produce certain documents, (b) authorizing the Plan Administrator to issue subpoenas under Federal Rules of Bankruptcy Procedure 2004 and 9016 to Truist, and (c) granting related relief, all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the District Court’s General Order of Reference; and this Court having the power to enter a final order; and this Court having found that venue of these cases in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and this Court having found that the Plan Administrator’s notice of the Motion and opportunity for a hearing thereon were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion; 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

¹ The Debtors in these cases are Premier Kings, Inc., Premier Kings of Georgia, Inc., and Premier Kings of North Alabama, LLC.

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



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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**.
2. Truist shall comply with the document requests detailed on Exhibit A of the Motion within thirty (30) days of the entry of this Order.
3. To the extent necessary, the Plan Administrator's rights are reserved to request depositions and any additional documents under Bankruptcy Rule 2004 based on any other information that may be revealed as a result of the documents provided pursuant to this Order.
4. This Order is without prejudice to the Plan Administrator's rights to file further motions seeking additional documents and testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable law.
5. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any particular claim by or against the Debtors; (b) a waiver of the Plan Administrator's rights to dispute any particular claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Order or the Motion; (e) a waiver or limitation of the Plan Administrator's rights under the Bankruptcy Code or any other applicable law; or (f) a concession by the Plan Administrator that any liens (contractual, common law, statutory, or otherwise) satisfied pursuant to the Motion are valid, and the Plan Administrator expressly reserves his rights to contest the extent, validity, or perfection or seek avoidance of all such liens.
6. The Plan Administrator is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

7. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order, including, but not limited to, any discovery disputes that may arise between or among the parties and to interpret, implement and enforce the provisions of this Order.

Dated: September 11, 2024

/s/Tamara O. Mitchell
Tamara O. Mitchell,
United States Bankruptcy Judge

Notice Recipients

District/Off: 1126-2
Case: 23-02871-TOM11

User: admin
Form ID: pdf000

Date Created: 9/11/2024
Total: 121

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intp Tracey Scussell

TOTAL: 2

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| op | Kurtzman Carson Consultants LLC | 222 N. Pacific Coast Highway | Suite #300 El Segundo, CA 90245 |
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| cr | CB&S Bank | CB&S Bank P.O. Box 910 | Russellville, AL 35653 |
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| cr | M D Homes Alabama LLC | PO Box 6415 | East Brunswick, NJ 08816 |
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| mv | Willie J Butler | c/o The Evans Law Firm, P.C. | 1736 Oxmoor Road Birmingham, AL 35209 UNITED STATES |
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