

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

In re:

Hiawatha Manor Association, Inc.

Debtor.

Chapter 11

Case No. 25-01916

Judge Randal S. Mashburn

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: June 6, 2025
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: June 24, 2025 at 9:30 AM
CT in Courtroom 1, 701 Broadway, Nashville, TN 37203
(Virtual Hearing if allowed; See website for details)**

NOTICE OF DEBTOR'S MOTION TO EMPLOY REALTOR

Debtor, Hiawatha Manor Association, Inc., has asked the court for the following relief: Employ a commercial realtor for this case for the purpose of offering for sale (i) that certain 47-unit development located at 8005 Cherokee Trail, Crossville, Tennessee 37863, which is commonly known as the "Hiawatha Manor Resort" and (ii) that certain 70-unit development located at 8007 Cherokee Trail, Crossville, Tennessee 37863, which is commonly known as the "Hiawatha Manor West at Lake Tansi Village"

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>. You may also view the guidelines for when Virtual Participation is allowed on the court's website.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Dated: May 12, 2025.

Nashville, Tennessee

HOLLAND & KNIGHT LLP

/s/ Blake D. Roth

Blake D. Roth (Federal ID No. 2666808)

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Proposed Counsel for the Debtor and Debtor in Possession

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DEBTOR'S MOTION TO EMPLOY REALTOR

The above-captioned debtor (the “*Debtor*”), by and through their undersigned counsel, files this motion (the “*Motion*”) seeking entry of an order authorizing the employment of a commercial real estate broker and auctioneer pursuant to sections 327(a), 328(a) and 330 of title 11 of the United States Code (the “*Bankruptcy Code*”) and Rule 2014, 2016 and 6005 of the Federal Rules of Bankruptcy Procedure (the “*Bankruptcy Rules*”) and Rule 2014-1, 2016-1 and 6005-1 of the Bankruptcy Local Rules for the United States Bankruptcy Court for the Middle District of Tennessee (the “*Local Rules*”), and, in support of this motion, the Debtor respectfully states as follows:

JURISDICTION

1. The United States Bankruptcy Court for the Middle District of Tennessee (the “*Court*”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
2. The Debtor confirms its consent, pursuant to rule 7008 of the Bankruptcy Rules, to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.
3. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).
4. Venue is proper in this court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

5. On May 6, 2025 (the “***Petition Date***”), the Debtor filed a voluntary petition for relief pursuant to chapter 11 of the Bankruptcy Code.

6. On the Petition Date, the Debtor filed two complaints commencing adversary proceedings (Adv. Pro. No. 2:25-ap-90051 and Adv. Pro. No. 2:25-ap-90052) (the “***Adversary Proceedings***”) in which it seeks authority to sell the Properties (defined below), including the interests of all tenants in common, pursuant to section 363(h) of the Bankruptcy Code.

7. Upon consummation of the sale contemplated by the Adversary Proceedings, the Debtor intends to file a plan of liquidation proposing to distribute the net sales proceeds to the defendants in the Adversary Proceedings (the “***Defendants***”) and other creditors in accordance with the Bankruptcy Code, after payment of administrative claims, taxes, secured debts, and other obligations.

8. The Debtor continues to operate its business as a debtor in possession pursuant to sections 1107(a) and 1108 of title 11 of the Bankruptcy Code.

RELIEF REQUESTED

9. By this Motion the Debtor seeks entry of an order (the “***Order***”), substantially in the form attached hereto as **Exhibit A**, pursuant to sections 327(a), 328(a) and 330 of the Bankruptcy Code, Rule 2014 and 2016 of the Bankruptcy Rules and Rule 2014-1 and 2016-1 of the Local Rules authorizing the employment of Commercial Real Estate Exchange, Inc. (the “***Realtor***”) as a commercial real estate broker and auctioneer in this case for the purpose of offering for sale (i) that certain 47-unit development located at 8005 Cherokee Trail, Crossville, Tennessee 37863, which is commonly known as the “Hiawatha Manor Resort” (the “***Hiawatha East Property***”) and (ii) that certain 70-unit development located at 8007 Cherokee Trail, Crossville, Tennessee 37863, which is commonly known as the “Hiawatha Manor West at Lake Tansi

Village” (the “*Hiawatha West Property*”, together with Hiawatha East Property, collectively, the “*Properties*”).

10. The Realtor is nationally recognized company that assists companies with the process of selling commercial real estate.

11. The Realtor is well qualified and the services it will perform are necessary for the administration of the Debtor’s estate.

12. The Realtor is disinterested within the meaning of 11 U.S.C. § 101(1) and holds no interest adverse to the estate as supported by the declaration attached hereto as **Exhibit B**.

13. If the Properties are sold by the Realtor, the Debtor will compensate the Realtor only upon application to and approval by the Court and the turnover of the proceeds to the Debtor by the Realtor, in accordance with the provisions of Local Rule 6005-1. The Realtor shall make a separate application for reimbursement of any expenses.

NOTICE

14. The Debtor has provided notice of this Motion either by electronic mail, facsimile, or United States First Class mail to: (i) the Office of the United States Trustee for the Middle District of Tennessee; (ii) the Defendants; and (iii) all parties entitled to notice pursuant to Bankruptcy Rule 2002. Due to the nature of the relief requested herein, the Debtor submits that no other or further notice is required.

WHEREFORE, the Debtor respectfully submits that cause exists to grant the relief sought in this motion and request that this court enter orders granting the relief requested in the motion and such other and further relief as this court deems just and proper.

Dated: May 12, 2025
Nashville, Tennessee

Respectfully submitted,
HOLLAND & KNIGHT LLP

/s/ Blake D. Roth
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Proposed Counsel for the Debtor and Debtor in Possession

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ORDER AUTHORIZING EMPLOYMENT OF REALTOR

Upon consideration of the Motion¹; and upon finding that this court has jurisdiction over the matters set forth in the Motion; and upon finding that venue is proper in this court; and upon finding that due and sufficient notice has been given and that no other or further notice need be given; and upon finding that the relief sought in the Motion is in the best interest of the Debtor, its creditors, and other parties in interest; and after due consideration and finding other sufficient cause for the relief sought in the Motion, it is hereby

1. **ORDERED** that the Motion is GRANTED; and it is further
2. **ORDERED** that all objections are OVERRULED to the extent not otherwise resolved or withdrawn; and it is further

¹ Capitalized terms used in this order and not otherwise defined shall have the meanings ascribed to them in the Motion.

3. **ORDERED** that, notwithstanding any Bankruptcy Rule to the contrary, this order shall be immediately effective and enforceable upon its entry; and it is further

4. **ORDERED** that this court shall retain jurisdiction over any and all matters arising out of or related to this order.

APPROVED FOR ENTRY:

HOLLAND & KNIGHT LLP

/s/ Blake D. Roth

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UNSWORN DECLARATION

I, Sonya Bokano, hereby verify, under penalty of perjury under the laws of the United States of America, that I am VP of Crexi Transactions with Commercial Real Estate Exchange, Inc., located at 9 Executive Cir #225, Irvine CA and that neither I, nor any other employee or agents of Commercial Real Estate Exchange, Inc. have any interest adverse to the bankruptcy estate in connection with this proceeding, and that neither I nor any employees or agents have any connection with the Debtor, the creditors, or any other party in interest, their respective attorneys or accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

Executed on: May 9, 2025

Sonya Bokano
Sonya Bokano, VP Crexi Transactions