

Entered: January 6th, 2025

Signed: January 6th, 2025

SO ORDERED*Maria Elena Chavez-Ruark***MARIA ELLENA CHAVEZ-RUARK**
U.S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In re:**ELDERHOME LAND, LLC, *et al.*,****Debtors.****Case Number: 21-10492-MCR
(Chapter 11)
Jointly Administered**

**ORDER GRANTING MOTION TO APPROVE AUCTION
AND SCHEDULING HEARING TO APPROVE BUYER**

On January 25, 2021, Elderhome Land, LLC (“Elderhome”) and Burtonsville Crossing, LLC (jointly with Elderhome, the “Debtors”) filed separate petitions for relief under Chapter 11 of the Bankruptcy Code. On March 2, 2021, the Court entered an Order [Dkt. No. 39] providing for the joint administration of the Debtors’ bankruptcy cases.

On June 4, 2024, Millenium Investment Group, LLC (“MIG”) filed a Motion to Approve Auction [Dkt. No. 316] (the “Motion”), which requests that the Court approve an auction of the Debtors’ properties, schedule a hearing on approval of the successful bidder as the buyer, and direct the Debtors’ manager to execute all documents required to convey title and close the sale. On December 23, 2024, the Court held an evidentiary hearing on the

Motion, and on January 2, 2025, the Court announced its oral ruling on the Motion. This Order documents the Court's ruling.

For the reasons stated on the record at the January 2, 2025 hearing, the Court finds as follows:

1. Elderhome owns all entitlements, conditional use rights, and other rights described and approved in the Hearing Examiner's Report and Decision issued by the Montgomery County Office of Zoning and Administrative Hearings on March 28, 2024 (collectively, the "Entitlements").
2. The Entitlements are included in the definition of "Elderhome Land Property" as that term is used in the Second Amended Joint Plan of Reorganization (the "Plan") filed on July 1, 2022, which the Court confirmed on September 8, 2022 and modified on October 26, 2023, June 12, 2024, September 12, 2024, and September 30, 2024. *See* Dkt. Nos. 217, 239, 305, 319, 329, and 337 (plan, confirmation order, and four modification orders).
3. The confirmed Plan, as modified, permits MIG to auction the Debtors' properties (including the Elderhome Land Property with the Entitlements) free and clear of all liens, claims, and encumbrances as described in the Plan, confirmation order, and orders modifying the Plan if the Debtors do not fully satisfy MIG's claim in cleared funds prior to the beginning of the auction.
4. MIG may immediately proceed with the auction, and it would be inequitable, unjust, and unfairly prejudicial to creditors if the Court were to delay the auction any further.
5. It is both necessary and appropriate for the Court to authorize Thomas Kokolis and Alan Perlman, co-counsel for MIG, to execute any documents required to consummate the sale if a representative of the Debtors does not timely execute such documents after reasonable request by MIG.

Now, therefore, it is, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that all objections to the Motion are overruled and the Motion is granted as set forth herein; and it is further

ORDERED, that MIG may immediately proceed with an auction of the Debtors' properties (including the Elderhome Land Property with the Entitlements) free and clear of all

liens, claims, and encumbrances as described in the Plan, confirmation order, and orders modifying the Plan if the Debtors do not fully satisfy MIG's claim in cleared funds prior to the beginning of the auction; and it is further

ORDERED, that if a representative of the Debtors does not timely execute the documents required to consummate the sale upon reasonable request by MIG, then Thomas Kokolis and Alan Perlman, co-counsel for MIG, are authorized to execute such documents on behalf of the Debtors; and it is further

ORDERED, that if Mr. Kokolis and/or Mr. Perlman execute any documents on behalf of the Debtors as authorized in the preceding paragraph, they shall promptly file a copy of the executed document(s) with the Court; and it is further

ORDERED, that the Court will hold a hearing on approval of the successful bidder as the buyer on **March 27, 2025 at 2:00 p.m.** at the United States Courthouse, Courtroom 3-C, 6500 Cherrywood Lane, Greenbelt, Maryland.

cc: Debtors
Debtors' Counsel (none at this time)
Interested Party – Thomas Norris
Interested Party – Elizabeth Norris
Counsel for Thomas and Elizabeth Norris – John D. Burns
Office of the United States Trustee – Lisa Yonka Stevens
All creditors and parties in interest

END OF ORDER