



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
April 03, 2012

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[Proposed] Counsel for American West Development, Inc.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

AMERICAN WEST DEVELOPMENT,
INC., a Nevada corporation,

- fdba Castlebay 1, Inc.
- fdba Development Management, Inc.
- fdba Fairmont 1, Inc.
- fdba Glen Eagles 3, Inc.
- fdba Heritage 1, Inc.
- fdba Inverness 5, Inc.
- fdba Kensington 1, Inc.
- fdba Kingsbridge 1, Inc.
- fdba Promontory Estates, LLC
- fdba Promontory Point 4, Inc.
- fdba Silverado Springs 1, Inc.
- fdba Silverado Springs 2, Inc.
- fdba Tradition, Inc.
- fdba Windsor 1, Inc.

Debtor.

Case No. BK-S-12-12349-MKN

Chapter 11

**ORDER (A) SETTING BAR DATES
FOR FILING PROOFS OF CLAIM,
(B) APPROVING THE FORM AND
MANNER FOR FILING PROOFS OF
CLAIM, AND (C) APPROVING NOTICE
THEREOF**

Hearing Date: March 27, 2012

Hearing Time: 3:00 p.m.

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1 The Court, having reviewed and considered the Amended Motion (the “Motion”)¹ filed on
2 March 20, 2012, by American West Development, Inc. (“AWDI” or “Debtor”), for entry of an order (a)
3 establishing the deadline for filing claims in the above-captioned case (the “Chapter 11 Case”), (b)
4 approving the form and manner for filing such claims, and (c) approving notice thereof; and it
5 appearing that the relief requested is in the best interests of Debtor’s estate, its creditors and all other
6 parties in interest; and the Court having jurisdiction to consider the Motion and the relief requested
7 therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested
8 therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper in this Court
9 pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed and considered all other
10 pleadings and evidence submitted by the parties in connection with the Motion; and due and proper
11 notice of the Motion having been provided under the circumstances; and it appearing that no other or
12 further notice need be provided; and the Court having determined that the legal and factual bases set
13 forth in the Motion establish just cause for the relief granted herein; and the Court having considered
14 the oral arguments of counsel at the hearing held on March 27, 2012, and having made findings of fact
15 and conclusions of law on the record, which are incorporated herein pursuant to Rule 52 of the Federal
16 Rules of Civil Procedure, made applicable to these proceedings by Bankruptcy Rule 7052; and good
17 and sufficient cause appearing therefor,

18 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

- 19 1. The Motion is GRANTED.

20 **The Bar Date and Claim Filing Procedures.**

- 21 2. Each person or entity that asserts against Debtor a claim (as defined in Bankruptcy Code
22 section 101(5), including any claims arising prepetition that may be entitled to administrative priority
23 pursuant to Bankruptcy Code section 503(b)(9)) that arose before March 1, 2012 (the “Petition Date”)
24 (such person or entity, a “Claimant” and such claim, a “Claim”), to the extent such Claimant disagrees
25 with the treatment of its claim in Debtor’s bankruptcy schedules and statements filed with this Court on

26 _____
27 ¹ All capitalized words and phrases not otherwise defined hearing shall have the meanings given to
28 them in the Motion.

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1 the Petition Date (the “Schedules”), shall file an original, written proof of that claim (a “Proof of
2 Claim”), substantially in the form of the Proof of Claim Form attached hereto as **Exhibit A** or Official
3 Form No. 10 (“Official Form 10”). **All Proofs of Claim are required to be received on or before**
4 **June 29, 2012, at 5:00 p.m. (prevailing Pacific Time) (the “Bar Date”) at the addresses and in the**
5 **form set forth in the following paragraph.**

6 3. All Proofs of Claim must be received on or before the Bar Date by The Garden City
7 Group, Inc. (“GCG”), Debtor’s claims, noticing and balloting agent in this Chapter 11 Case. If Proofs
8 of Claim are not received by GCG by the Bar Date, with certain exceptions as explicitly set forth herein,
9 the Holders of the underlying Claims shall be barred from asserting such Claims against Debtor, as
10 more fully discussed at paragraph 16 below. All Proofs of Claim must be delivered to GCG by
11 first-class mail, overnight delivery or hand delivery at the following addresses:²

By First Class Mail:
AW Bankruptcy Administration
c/o GCG
PO Box 9748
Dublin, OH 43017- 5648

By Overnight or Hand Delivery:
AW Bankruptcy Administration
c/o GCG
5151 Blazer Parkway, Suite A
Dublin, OH 43017-9306

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19 4. Only original Proofs of Claim will be deemed acceptable for purposes of claims
20 administration, such that GCG will *not* accept Proofs of Claim sent by facsimile or telecopy, and that
21 Proofs of Claim will be deemed timely filed only if the original is *actually received* by GCG on or
22 before the Bar Date. A Claimant who wishes to receive acknowledgment of GCG’s receipt of its Proof
23 of Claim may submit a copy of the Proof of Claim and a self-addressed, stamped envelope to GCG
24 along with the original Proof of Claim.

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27 _____
28 ² Proofs of Claim timely filed with the Clerk of this Court will be deemed timely filed for purposes
of the Bar Dates.

Substantive Requirements for Proofs of Claim.

5. The following requirements shall apply with respect to filing and preparing each Proof of Claim:

- (a) Each Proof of Claim must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) state a Claim against Debtor or any or all of the appropriate entities Debtor formerly did business as; and (iv) be signed by the Claimant or, if the Claimant is not an individual, by an authorized agent of the Claimant; and
- (b) The Proof of Claim for each owner of a home built or sold by Debtor or one of the entities Debtor formerly did business as, must include, consistent with Bankruptcy Rule 3001(c), a description of the legal basis of the claim, supporting documentation (or, if such documentation is voluminous, a summary of such documentation) or an explanation as to why such documentation is not available; and
- (c) Each non-homeowner Proof of Claim must include, consistent with Bankruptcy Rule 3001(c), a description of the legal basis of the claim, supporting documentation (or, if such documentation is voluminous, a summary of such documentation) or an explanation as to why such documentation is not available; *provided, however*, that a Proof of Claim may be filed without supporting documentation upon the prior written consent of Debtor’s counsel; and *provided, further*, that any creditor that receives such written consent shall be required to transmit such writings to Debtor or any other party in interest upon request no later than 10 days from the date of such request.

Parties Exempted from the Bar Date.

6. Several categories of Claimants, as a matter of law, procedure or case administration, shall not be required to file a Proof of Claim by the Bar Date. Specifically, the Bar Dates shall not apply to:

- (a) Holders of Claims that were listed in the Schedules, but only if (i) the Schedules did *not* list those Claims as “contingent,” “unliquidated” or “disputed,” *and* (ii) the Holder of the Claim does not dispute the Schedules’ description of the amount or classification of the Claim;
- (b) Claimants who already filed a Proof of Claim against Debtor with the Clerk of the Bankruptcy Court for the District of Nevada (the “Clerk”) in a form substantially similar to Official Form 10;
- (c) Claims against Debtor that have been paid in full, whether by Debtor pursuant to an order of the Court or by any other party;

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- 1 (d) Claims of any direct or indirect non-debtor subsidiary of AWDI
2 against Debtor;
- 3 (e) Claims of any current employee of Debtor, to the extent that Debtor
4 was authorized by the Court to honor those claims in the ordinary
5 course of its business, such as claims for wages, commissions or
6 benefits, or any claims for deferred compensation; *provided,*
7 *however,* that current employees must file Proofs of Claim by the Bar
8 Date for all other Claims arising before the Petition Date against
9 Debtor, including, but not limited to, Claims for wrongful
10 termination, discrimination, harassment, hostile work environment,
11 retaliation, overtime and Claims covered by Debtor's workers'
12 compensation insurance;
- 13 (f) Any Claim that is limited exclusively to the repayment of principal,
14 interest and/or other applicable fees and charges owed under that
15 certain Term Loan Credit Agreement dated as of December 31, 2009,
16 and all related documents (such documents collectively, and as
17 amended from time to time, including the exhibits attached thereto,
18 the "Term Loan Documents"), by and among Debtor as borrower
19 thereunder, certain of its non-debtor affiliates as co-borrowers and/or
20 guarantors thereunder, and California Bank & Trust, (individually
21 and as Administrative Agent and as Lead Arranger), Wells Fargo
22 Bank, National Association (individually and as Syndication Agent),
23 and certain other lenders;
- 24 (g) Any Claim that is limited exclusively to the repayment of principal,
25 interest and/or other applicable fees and charges owed under any
26 bond or note issued by Debtor (a "Debt Instrument"); *provided,*
27 *however,* that: (i) this exclusion will not apply to the designated
28 agent under any of the Debt Instruments or related documents,
(ii) a designated agent under a Debt Instrument must file one Proof of
Claim, on or before the General Bar Date, with respect to the
repayment by Debtor of principal, interest and other applicable
fees, charges or other Claims on or under the Debt Instruments,
(iii) any person or entity that wishes to assert a Claim arising out of or
relating to a Debt Instrument, other than a Claim for the repayment
by Debtor of principal, interest and other applicable fees and charges
on or under the Debt Instrument, will be required to file a Proof of
Claim, unless another exception in this paragraph applies, and
(iv) any designated agent under any of the Debt Instruments or
related documents will only be required to file a Proof of Claim
against Debtor's estate if it is the primary obligor on the underlying
debt, and if such Proof of Claim identifies Debtor as a guarantor or
otherwise secondary obligor under the applicable Debt Instruments,
that Proof of Claim will be deemed to have been filed against the
chapter 11 estate of Debtor as guarantor or secondary obligor;

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- (h) Equity interests, which interests are based exclusively upon an interest in the equity ownership of Debtor (any such interest being referred to as an “Interest”); *provided, however*, that Holders of Interests who wish to assert a Claim against Debtor that arises out of or relates to the ownership or purchase of an Interest, including Claims arising out of or relating to the sale, issuance or distribution of the Interest, must file a Proof of Claim on or before the Bar Date, unless another exception set forth herein applies; and
- (i) Claims allowable under Bankruptcy Code sections 503(b) and 507(a)(1) as administrative expenses of this Chapter 11 Case, with the exception of Claims allowable under Bankruptcy Code section 503(b)(9), which are subject to the Bar Date.

Identification of Known Creditors.

7. Debtor shall mail notice of the Bar Date only to its known creditors to the last known mailing address for each such creditor and may rely on publication to give notice to its unknown creditors. The Court is not making any factual findings at this time as to which creditors are known and unknown. The Court is not otherwise excusing compliance with Bankruptcy Code section 342 or any other applicable law governing notice in this proceeding.

Procedures for Providing Notice of the Bar Date.

8. Debtor shall use the following procedures for providing mailing and publication notice of the Bar Date:

Mailing of Bar Date Notices.

9. Debtor shall mail on or before April 6, 2012, written notice of the Bar Date, substantially in the form attached hereto as **Exhibit B** (the “Bar Date Notice”), and a Proof of Claim Form (including instructions), substantially in the form attached hereto as **Exhibit A** (collectively, with the Bar Date Notice, the “Bar Date Package”), to the following entities:

- The Office of the United States Trustee for the District of Nevada (the “U.S. Trustee”);
- Counsel to any statutory Committee of Unsecured Creditors that may be appointed in this Chapter 11 Case (the “Creditors’ Committee”);
- The entities listed on the List of Creditors Holding the 20 Largest Unsecured Claims filed in this Chapter 11 Case, pursuant to Bankruptcy Rule 1007(d);

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- Counsel to the administrative agent for Debtor’s prepetition secured lenders;
- All persons or entities that have requested notice of the proceedings in this Chapter 11 Case;
- All persons or entities that have filed claims against Debtor, if any;
- All creditors and other known holders of claims against Debtor as of the date of the Order, if any, including all persons or entities listed in the Schedules as holding claims against Debtor;
- All parties to executory contracts and unexpired leases of Debtor listed on the Schedules, including executory contracts and unexpired leases which Debtor included on any subsequent amendment(s) to the Schedules;
- All parties to litigation with Debtor;
- The Internal Revenue Service;
- The United States Attorney for the District of Nevada and other relevant state attorneys general;
- The Securities and Exchange Commission;
- Debtor’s current employees and Debtor’s former employees to the extent that contact information for former employees is available in Debtor’s records; and
- Every street address in each of Debtor’s residential communities constructed within the last ten years and all customers who have signed an agreement to purchase a home from Debtor that had not closed escrow as of the Petition Date, using the last known contact for such customers, to the extent such information is available in Debtor’s records.

10. For known creditors listed in the Schedules, Debtor shall include in the Bar Date Package a “personalized” Proof of Claim Form. Each such form will include, for the convenience of creditors and also to facilitate matching filed claims with Debtor’s Schedules, the appropriate creditor’s name, the amount of the creditor’s claim against Debtor, the type of claim held by such creditor (i.e., non-priority unsecured, priority unsecured or secured) and whether such claim is disputed, contingent or unliquidated, all as such information is set forth in the Schedules. Each creditor will have an opportunity to inspect the Proof of Claim Form provided by Debtor and correct any information that is missing, incorrect or incomplete. Additionally, any creditor may choose to submit a Proof of Claim on

1 a different form as long as it is substantially similar to Official Form 10. Debtor shall also post the
2 Proof of Claim Form and Bar Date Notice on the website established by GCG for the Chapter 11 Case:
3 www.awdevelopmentreorg.com (the “Case Website”) from which creditors will be able to customize
4 and download additional Proof of Claim Forms as needed.

5 11. After the initial mailing of the Bar Date Packages, Debtor may, in its discretion, make
6 supplemental mailings of notices or packages in a number of situations, including in the event that
7 (a) notices are returned by the post office with forwarding addresses (unless notices are returned as
8 “return to sender” without a forwarding address, in which case Debtor shall not be required to mail
9 additional notices to such creditors), (b) certain parties acting on behalf of parties in interest (e.g.,
10 banks and brokers) that decline to pass along notices to these parties and instead return their names and
11 addresses to Debtor for direct mailing, and (c) additional potential claimants that become known as the
12 result of the Bar Date noticing process. In this regard, Debtor, with the assistance of GCG, shall make
13 supplemental mailings of Bar Date Notices in these and similar circumstances at any time up to and
14 including June 5, 2012, which date is twenty-four (24) days in advance of the Bar Date, with any such
15 mailings being deemed timely and the Bar Date being applicable to the recipient creditors.

16 **Publication of Bar Date Notices.**

17 12. Debtor shall give notice of the Bar Date by publication, as provided by Bankruptcy Rule
18 2002(l), to creditors to whom notice by mail is found by the Court to have been impracticable, including
19 creditors who are unknown or not reasonably ascertainable by Debtor and creditors whose identities are
20 known but whose addresses are unknown by Debtor. Specifically, Debtor shall publish in the *Wall*
21 *Street Journal* and in the *Las Vegas Review-Journal* the Bar Date Notice, modified for publication in
22 substantially the form attached hereto as **Exhibit C** (the “Publication Notice”), which shall include the
23 telephone number set up by GCG specifically for purposes of this Chapter 11 Case that creditors may
24 call to obtain copies of a Proof of Claim Form, the Case Website, also set up by GCG specifically for
25 purposes of this Chapter 11 Case, at which creditors may obtain a copy of a Proof of Claim Form (in
26 addition to Debtor’s Schedules and other filings), and information concerning the procedures and
27 appropriate deadlines for filing Proofs of Claim. Debtor shall make such publication on one occasion
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1 on or before April 6, 2012, thus satisfying the requirements of Bankruptcy Rules 2002(a)(7) and 9006(f)
2 that such notice be published at least twenty-four (24) days before the Bar Date.

3 **Supplemental Bar Date.**

4 13. July 30, 2012, at 5:00 p.m. prevailing Pacific time shall be, and is hereby, established as
5 the supplemental bar date in this Chapter 11 Case (the "Supplemental Bar Date," together with the Bar
6 Date, the "Bar Dates") with respect to creditors as to which a re-mailing of the Bar Date Package is
7 appropriate (as described above), but cannot be accomplished before June 5, 2012, to provide at least
8 twenty-four (24) days' notice of the Bar Date.

9 14. On or before July 6, 2012, Debtor, with the assistance of GCG, will re-mail a Bar Date
10 Package, modified to include the Supplemental Bar Date, to all creditors from whom Debtor has
11 received return mail with a forwarding address in order to provide such creditors with at least
12 twenty-four (24) days' notice of the Supplemental Bar Date.

13 **Extension of the Bar Dates.**

14 15. Debtor may, in its discretion and upon the written consent of counsel for the statutory
15 Creditor's Committee, if one is appointed, and without further order of the Court, extend the Bar Date
16 and the Supplemental Bar Date by stipulation for certain Claimants, such as other creditors that become
17 known to Debtor after the applicable Bar Date, where Debtor determines that such extension is in the
18 best interests of Debtor and its estate.

19 **Consequences of Failing to File a Proof of Claim by the Applicable Bar Date.**

20 16. Pursuant to Bankruptcy Rule 3003(c)(2), any Claimant whose claim is not scheduled or
21 scheduled as disputed, contingent, or unliquidated must file a Proof of Claim in accordance with the Bar
22 Date Order on or before the Bar Date or Supplemental Bar Date, as applicable. Any claimant that fails
23 to do so shall not be treated as a creditor with respect to such claim for the purposes of voting to accept
24 or reject any plan of reorganization filed in the Chapter 11 Case, or participating in any distribution in
25 the Chapter 11 Case on account of such claim.

26 **Amendment to Schedules.**

27 17. In the event Debtor amends the Schedules after having given notice of the Bar Date,
28 Debtor shall give notice by first-class mail of any Schedules amendment to the holders of claims

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1 affected thereby, and the deadline for those Holders to file Proofs of Claim, if necessary, shall be the
2 later of (a) the Bar Date, or (b) thirty (30) days from the date that notice of the Schedules amendment is
3 given (or another time period as may be fixed by the Court).

4 **Rejection of Executory Contracts and Unexpired Leases.**

5 18. Any holder of a claim arising from the rejection of an unexpired lease or executory
6 contract of a Debtor (an "Agreement") shall be required to file a Proof of Claim by the later of (a) the
7 Bar Date, or (b) the date provided in any order authorizing Debtor to reject the Agreement or, if no date
8 is provided, then thirty (30) days after the date of any order authorizing Debtor to reject an Agreement
9 (so long as such order authorizing rejection and establishing the claims bar date requires Debtor to mail
10 notice of the order within one (1) day of the date the order is entered).

11 **Adequate and Sufficient Notice.**

12 19. Notice of the Bar Dates as set forth in this Order and in the manner set forth herein
13 (including, but not limited to, the Bar Date Notice, the Bar Date Package, the Publication Notice and
14 any supplemental notices that Debtor may send from time to time pursuant to this Order) constitutes
15 adequate and sufficient notice of the Bar Dates and satisfies the requirements of the Bankruptcy Code,
16 the Bankruptcy Rules and the Local Rules for this Court such that no other or further notice need be
17 provided.

18 20. Debtor is authorized to take all actions necessary or appropriate to effectuate the relief
19 granted pursuant to this Order in accordance with the Motion.

20 21. The terms and conditions of this Order shall be immediately effective and enforceable
21 upon its entry.

22 22. The Court retains jurisdiction with respect to all matters arising from or related to the
23 implementation of this Order.

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1 Prepared and respectfully submitted by:

2 **FOX ROTHSCHILD LLP**

3 By /s/Brett A. Axelrod

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5 Nevada Bar No. 5859
6 MICAELA RUSTIA MOORE, ESQ.
7 Nevada Bar No. 9676
8 3800 Howard Hughes Parkway
9 Suite 500
10 Las Vegas, Nevada 89169

11 *[Proposed] Counsel for American West Development, Inc.*

12 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

13 In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- 14 The Court has waived the requirement of approval in LR 9021(b)(1).
- 15 No party appeared at the hearing or filed an objection to the motion
- 16 I have delivered a copy of this proposed order to all counsel who appeared
17 at the hearing, any unrepresented parties who appeared at the hearing, and
18 each has approved or disapproved the order, or failed to respond, as
19 indicated below:
- 20 I certify that this is a case under Chapter 7 or 13, that I have served a copy
21 of this order with the motion pursuant to LR 9014(g), and that no party has
22 objected to the form or content of the order.

23 ###

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EXHIBIT A
PROOF OF CLAIM FORM

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UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA	PROOF OF CLAIM
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Name of Debtor: American West Development, Inc. (Case No. 12-12349 (MKN))

fdba Development Management, Inc.	fdba Kingsbridge 1, Inc.	fdba Windsor 1, Inc.
fdba Silverado Springs 1, Inc.	fdba Promontory Estates, LLC	fdba Castlebay 1, Inc.
fdba Fairmont 1, Inc.	fdba Inverness 5, Inc.	fdba Kensington 1, Inc.
fdba Promontory Point 4, Inc.	fdba Silverado Springs 2, Inc.	fdba Glen Eagles 3, Inc.
fdba Heritage 1, Inc.	fdba Tradition, Inc.	

Your Claim is Scheduled As Follows:

NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property): _____

Name and address where notices should be sent: _____

Telephone number: _____

Email Address: _____

Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number:

(If known)

Filed on: _____

If an amount is identified above, you have a claim scheduled by the Debtor as shown. (This scheduled amount of your claim may be an amendment to a previously scheduled amount.) If you agree with the amount and priority of your claim as scheduled by the Debtor and you have no other claim against the Debtor, you do not need to file this proof of claim form, EXCEPT AS FOLLOWS: If the amount shown is listed as any of DISPUTED, UNLIQUIDATED, or CONTINGENT, or if you disagree with the amount or the priority, a proof of claim MUST be filed in order to receive any distribution in respect of your claim. If you have already filed a proof of claim in accordance with the attached instructions, you need not file again.

Name and address where payment should be sent (if different from above): _____

Telephone number: _____

Email Address: _____

Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.

1. Amount of Claim as of Date Case Filed: \$ _____

If all or part of the claim is secured, complete item 4.

If all or part of the claim is entitled to priority, complete item 5.

Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.

2. Basis for Claim: _____
(See instruction #2)

3. Last four digits of any number by which creditor identifies debtor:

3a. Debtor may have scheduled account as:

(See instruction #3a)

3b. Uniform Claim Identifier (optional):

(See instruction #3b)

4. Secured Claim (See instruction #4)
Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

<p>Nature of property or right of setoff:</p> <p><input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle</p> <p><input type="checkbox"/> Other</p> <p>Describe: _____</p> <p>Value of Property: \$ _____</p> <p>Annual Interest Rate _____% <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)</p>	<p>Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____</p> <p>Basis for perfection: _____</p> <p>Amount of Secured Claim: \$ _____</p> <p>Amount Unsecured: \$ _____</p>
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5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.

<p><input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).</p> <p><input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).</p>	<p><input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor’s business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).</p>	<p><input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).</p> <p><input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).</p>
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Amount entitled to priority: \$ _____

*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

6. Credits. *The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)*

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. *(See instruction #7, and the definition of "redacted".)*

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain: _____

8. Signature: (See instruction #8)
Check the appropriate box.

I am the creditor I am the creditor's authorized agent. I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.) I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: _____
Title: _____
Company: _____

Address and telephone number (if different from notice address above): _____ (Signature) _____ (Date)

Telephone number: _____ Email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571. **Modified B10 (GCG) (2/12)**

ALL OTHER NAMES USED BY DEBTOR IN THE LAST 8 YEARS

- Development Management, Inc.
- Promontory Estates, LLC
- Kensington 1, Inc.
- Heritage 1, Inc.
- Kingsbridge 1, Inc.
- Castlebay 1, Inc.
- Promontory Point 4, Inc.
- Tradition, Inc.
- Windsor 1, Inc.
- Fairmont 1, Inc.
- Silverado Springs 2, Inc.
- Silverado Springs 1, Inc.
- Inverness 5, Inc.
- Glen Eagles 3, Inc.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the Debtor, exceptions to these general rules may apply. The attorneys for the Debtor and their court-appointed claims agent, The Garden City Group, Inc. ("GCG"), are not authorized and are not providing you with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: IF BY MAIL: GCG, ATTN: AW Bankruptcy Administration, c/o GCG, PO Box 9748, Dublin, OH 43017-5648. IF BY HAND OR OVERNIGHT COURIER: GCG, ATTN: AW Bankruptcy Administration, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, OH 43017. ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR EMAIL WILL NOT BE ACCEPTED.

THE GENERAL BAR DATE IN THIS CHAPTER 11 CASE IS JUNE 29, 2012 AT 5:00 P.M. (PREVAILING PACIFIC TIME)

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

This chapter 11 case was commenced in the United States Bankruptcy Court for the District of Nevada on March 1, 2012 (the "Petition Date").

Creditor's Name and Address:

Filing in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. Please provide us with a valid email address. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the Debtor's account or other number used by the creditor to identify the Debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the Debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a):

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the Debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is the person, corporation, or other entity to whom the Debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. § 101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the Debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the Debtor on the date of the bankruptcy filing. The creditor must file the form with GCG as described in the instructions above and in the Bar Date Notice.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the Debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a Debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the Debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. Unless the court orders otherwise, in a Proof of Claim that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual, other than the debtor, known to be and identified as a minor, or a financial-account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

INFORMATION**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing from GCG, please provide a self-addressed, stamped envelope and a copy of this proof of claim when you submit the original claim to GCG.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the Debtor. These entities do not represent the bankruptcy court or the Debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

EXHIBIT B
BAR DATE NOTICE

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FOX ROTHSCHILD LLP
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
(702) 262-6899
(702) 597-5503 (fax)

1 BRETT A. AXELROD, ESQ.
 Nevada Bar No. 5859
 2 MICAELA RUSTIA MOORE, ESQ.
 Nevada Bar No. 9676
 3 **FOX ROTHSCHILD LLP**
 4 3800 Howard Hughes Parkway, Suite 500
 Las Vegas, Nevada 89169
 5 Telephone: (702) 262-6899
 Facsimile: (702) 597-5503
 6 Email: baxelrod@foxrothschild.com
 mmoore@foxrothschild.com
 7 *[Proposed] Counsel for American West Development, Inc.*

8
 9 **UNITED STATES BANKRUPTCY COURT**
 10 **DISTRICT OF NEVADA**

11 In re
 12 AMERICAN WEST DEVELOPMENT, INC,
 13 a Nevada corporation,
 14 fdba Castlebay 1, Inc.
 15 fdba Development Management, Inc.
 16 fdba Fairmont 1, Inc.
 17 fdba Glen Eagles 3, Inc.
 fdba Heritage 1, Inc.
 18 fdba Inverness 5, Inc.
 fdba Kensington 1, Inc.
 19 fdba Kingsbridge 1, Inc.
 fdba Promontory Estates, LLC
 20 fdba Promontory Point 4, Inc.
 fdba Silverado Springs 1, Inc.
 21 fdba Silverado Springs 2, Inc.
 fdba Tradition, Inc.
 22 fdba Windsor 1, Inc.
 23 Debtor.

Case No. BK-S-12-12349-MKN
 Chapter 11

NOTICE OF CLAIMS BAR DATE
CLAIMS AGAINST DEBTOR MUST BE
RECEIVED NO LATER THAN 5:00 P.M.
PREVAILING PACIFIC TIME ON
JUNE 29, 2012

24
 25 **NOTICE OF BAR DATE FOR FILING PROOFS OF CLAIM**
 26 **ON OR BEFORE JUNE 29, 2012**
 27
 28

FOX ROTHSCHILD LLP
 3800 Howard Hughes Parkway, Suite 500
 Las Vegas, Nevada 89169
 (702) 262-6899
 (702) 597-5503 (fax)

1 **TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST AMERICAN WEST**
 2 **DEVELOPMENT, INC., OR ANY OF ITS PREDECESSORS-IN-INTEREST FOR**
 3 **WHICH AMERICAN WEST DEVELOPMENT, INC. ASSUMED LIABILITY BY**
 4 **OPERATION OF LAW THROUGH MERGER AS DESCRIBED IN THIS NOTICE.**

5 **YOU MAY WISH TO CONSULT WITH COUNSEL OF YOUR CHOICE REGARDING**
 6 **ANY CLAIM YOU MAY HAVE.**

7 **PLEASE TAKE NOTICE THAT:**

8 On March 1, 2012, American West Development, Inc. (“AWDI” or “Debtor”), debtor and
 9 debtor in possession in the above-captioned bankruptcy case (the “Chapter 11 Case”), filed a voluntary
 10 petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the
 11 United States Bankruptcy Court for the District of Nevada (the “Court”). Prior to the Petition Date, the
 12 following former affiliates of AWDI (collectively, the “AWDI Affiliates”) merged with AWDI:
 13 Castlebay 1, Inc., Development Management, Inc., Fairmont 1, Inc., Glen Eagles 3, Inc., Heritage 1,
 14 Inc., Inverness 5, Inc., Kensington 1, Inc., Kingsbridge 1, Inc., Promontory Estates, LLC, Promontory
 15 Point 4, Inc., Silverado Springs 1, Inc., Silverado Springs 2, Inc., Tradition, Inc., and Windsor 1, Inc.
 16 After the merger, AWDI was the surviving entity and successor-in-interest, assuming the operations,
 17 assets, and liabilities of the AWDI Affiliates. **Accordingly, you may have done business with AWDI**
 18 **within the last ten years under any of the following names:**

DEBTOR	OTHER NAMES
American West Development, Inc.	Castlebay 1, Inc.
	Development Management, Inc.
	Fairmont 1, Inc.
	Glen Eagles 3, Inc.
	Heritage 1, Inc.
	Inverness 5, Inc.
	Kensington 1, Inc.
	Kingsbridge 1, Inc.
	Promontory Estates, LLC
	Promontory Point 4, Inc.
	Silverado Springs 1, Inc.
	Silverado Springs 2, Inc.
	Tradition, Inc.
	Windsor 1, Inc.

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DEADLINE FOR FILING CLAIMS AGAINST DEBTOR

On March ____, 2012, the Court entered an order (the “Bar Date Order”) in the Chapter 11 Case establishing **June 29, 2012, at 5:00 p.m. (Prevailing Pacific Time)** (the “Bar Date”), as the deadline for filing an original, written proof of any claim you may have against Debtor (the “Proof of Claim”). The Bar Date applies to all claims against Debtor that arose before March 1, 2012, except the Excluded Claims listed below. The Bar Date Order also sets procedures to be used for filing Proofs of Claim, which are summarized in this notice for your convenience.

You **MUST** file a Proof of Claim by the Bar Date if you have any claim against Debtor that arose before March 1, 2012. The only exception to this requirement is for claims described below as Excluded Claims. **Acts or omissions that occurred before March 1, 2012, may give rise to claims subject to the Bar Date even if the claims may not have become known or fixed or liquidated until after March 1, 2012.** **PRIOR TO MARCH 1, 2012, DEBTOR ALSO OPERATED UNDER THESE NAMES: CASTLEBAY 1, INC., DEVELOPMENT MANAGEMENT, INC., FAIRMONT 1, INC., GLEN EAGLES 3, INC., HERITAGE 1, INC., INVERNESS 5, INC., KENSINGTON 1, INC., KINGSBRIDGE 1, INC., PROMONTORY ESTATES, LLC, PROMONTORY POINT 4, INC., SILVERADO SPRINGS 1, INC., SILVERADO SPRINGS 2, INC., TRADITION, INC., AND WINDSOR 1, INC. IF YOU HAVE HAD DEALINGS WITH DEBTOR OR ANY OF THESE ENTITIES, THEN YOU MAY HAVE A CLAIM. IF YOU HAVE A CLAIM, THEN YOU MUST TIMELY FILE A CLAIM OR, IF NOT TIMELY FILED, SUCH CLAIM WILL BE FOREVER BARRED.**

Under Bankruptcy Code section 101(5) and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

The Bar Date Order provides that creditors do **NOT** have to file Proofs of Claim by the Bar Date for the types of claims and interests listed below (collectively, the “Excluded Claims”). You should not

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Las Vegas, Nevada 89169
(702) 262-6899
(702) 597-5503 (fax)

1 file a Proof of Claim at this time for any Excluded Claim. The Court may enter one or more separate
2 orders at a later time requiring creditors to file Proofs of Claim for some kinds of Excluded Claims and
3 setting related deadlines. If the Court does enter such an order, you will receive notice of it.

4 Excluded Claims include:

- 5 (a) Holders of Claims that were listed in the Schedules filed by Debtor,
6 but only if (i) the Schedules did *not* list those claims as “contingent,”
7 “unliquidated” or “disputed,” *and* (ii) the holder of the claim does not
8 dispute the Schedules’ description of the amount or classification of
9 the claim;
- 10 (b) Claimants who already filed a Proof of Claim against Debtor with the
11 Clerk of the Bankruptcy Court for the District of Nevada (the
12 “Clerk”) in a form substantially similar to Official Form 10;
- 13 (c) Claims against Debtor that have been paid in full, whether by Debtor
14 pursuant to an order of the Court or by any other party;
- 15 (d) Claims of any direct or indirect non-debtor subsidiary of Debtor
16 against Debtor;
- 17 (e) Claims of any current employee of Debtor, to the extent that Debtor
18 was authorized by the Court to honor those claims in the ordinary
19 course of its business, such as claims for wages, commissions or
20 benefits, or any claims for deferred compensation; *provided, however,*
21 that current employees must file proofs of claim by the Bar
22 Date for all other claims arising before the Petition Date against
23 Debtor, including, but not limited to, claims for wrongful termination,
24 discrimination, harassment, hostile work environment, retaliation,
25 overtime and claims covered by Debtor’s workers’ compensation
26 insurance;
- 27 (f) Any Claim that is limited exclusively to the repayment of principal,
28 interest and/or other applicable fees and charges owed under that
certain Term Loan Credit Agreement dated as of December 31, 2009,
and all related documents (such documents collectively, and as
amended from time to time, including the exhibits attached thereto,
the “Term Loan Documents”), by and among AWDI as borrower
thereunder, certain of its non-debtor affiliates as co-borrowers and/or
guarantors thereunder, and California Bank & Trust, (individually
and as Administrative Agent and as Lead Arranger), Wells Fargo
Bank, National Association (individually and as Syndication Agent),
and certain other lenders;
- (g) Any Claim that is limited exclusively to the repayment of principal,
interest and/or other applicable fees and charges owed under any
bond or note issued by Debtor (a “Debt Instrument”); *provided, however,*
that: (i) this exclusion will not apply to the designated
agent under any of the Debt Instruments or related documents,

1 (ii) a designated agent under a Debt Instrument must file one Proof of
2 Claim, on or before the General Bar Date, with respect to the
3 repayment by Debtor of principal, interest and other applicable fees,
4 charges or other claims on or under the Debt Instruments,
5 (iii) any person or entity that wishes to assert a claim arising out of or
6 relating to a Debt Instrument, other than a claim for the repayment by
7 Debtor of principal, interest and other applicable fees and charges on
8 or under the Debt Instrument, will be required to file a Proof of
9 Claim, unless another exception in this paragraph applies, and
10 (iv) any designated agent under any of the Debt Instruments or
11 related documents will only be required to file a Proof of Claim
12 against Debtor's estate if it is the primary obligor on the underlying
13 debt, and if such Proof of Claim identifies Debtor as a guarantor or
14 otherwise secondary obligor under the applicable Debt Instruments,
15 that Proof of Claim will be deemed to have been filed against the
16 chapter 11 estate of Debtor as guarantor or secondary obligor;

17 (h) Equity interests, which interests are based exclusively upon an
18 interest in the equity ownership of Debtor (any such interest being
19 referred to as an "Interest"); *provided, however*, that holders of
20 Interests who wish to assert a claim against Debtor that arises out of
21 or relates to the ownership or purchase of an Interest, including
22 claims arising out of or relating to the sale, issuance or distribution of
23 the Interest, must file a Proof of Claim on or before the Bar Date,
24 unless another exception set forth herein applies; and

25 (i) Claims allowable under Bankruptcy Code sections 503(b) and
26 507(a)(2) as administrative expenses of the Chapter 11 Case, with the
27 exception of Claims allowable under Bankruptcy Code section
28 503(b)(9), which are subject to the Bar Date.

**THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU
HAVE A CLAIM OR THAT DEBTOR BELIEVES YOU HAVE A CLAIM.**

29 If Debtor amends its Schedules after you receive this notice, Debtor will give notice of that
30 amendment to the holders of the Claims that are affected by the amended Schedules, and those Claims
31 holders will be given an opportunity to file Proofs of Claim before a new deadline that will be specified
32 in that future notice.

33 The Bankruptcy Code provides that Debtor may, at any time before a plan of reorganization is
34 confirmed by the Court, choose to reject certain executory contracts or unexpired leases. If you are a
35 party to a contract or lease ("Agreement") that is rejected, you may have a claim resulting from that
36 rejection. The deadline to file a Proof of Claim for damages relating to the rejection of the contract or
37 lease is the later of (a) the Bar Date, or (b) the date provided in any order authorizing Debtor to reject
38

1 the Agreement or, if no date is provided, then thirty (30) days after the date of any order authorizing
2 Debtor to reject an Agreement (so long as such order authorizing rejection and establishing the claims
3 bar date requires Debtor to mail notice of the order within one (1) day of the date the order is entered).

4 **INSTRUCTIONS FOR FILING A PROOF OF CLAIM**

5 If you file a Proof of Claim, your filed Proof of Claim must (a) be written in English; (b) include
6 a claim amount denominated in United States dollars; (c) state a claim against Debtor; and (d) be signed
7 by the Claimant or, if the Claimant is not an individual, by an authorized agent of the Claimant. In
8 addition, your Proof of Claim must include, consistent with Bankruptcy Rule 3001(c), supporting
9 documentation (or, if such documentation is voluminous, a summary of such documentation) or an
10 explanation as to why such documentation is not available; *provided, however*, that your Proof of Claim
11 may be filed without supporting documentation upon the prior written consent of Debtor’s counsel; and
12 *provided, further*, that if you receive such written consent, you transmit such writings to Debtor or other
13 party in interest upon request no later than ten (10) days from the date of such request.

14 If a Proof of Claim form is not enclosed with this notice, you may obtain a Proof of Claim form
15 from any bankruptcy court clerk’s office, from your lawyer, from certain business supply stores, from
16 <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>, from
17 <http://www.awdevelopmentreorg.com>; or by contacting The Garden City Group, Inc. (“GCG”), who has
18 been appointed by the Court as the Claims, Noticing and Balloting Agent in the Chapter 11 Case, at:

19 AW Bankruptcy Administration
20 c/o GCG
21 PO Box 9748
22 Dublin, OH 43017- 5648
23 Telephone Hotline: (877) 604-9532

24 **YOU SHOULD INCLUDE ALL CLAIMS AGAINST DEBTOR IN A SINGLE PROOF OF**
25 **CLAIM FORM.**
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FOX ROTHSCHILD LLP
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
(702) 262-6899
(702) 597-5503 (fax)

1 Your Proof of Claim must be filed so as to be **received** on or before **5:00 p.m. Prevailing**
2 **Pacific Time on June 29, 2012.** You must deliver your Proof of Claim to GCG by first-class mail,
3 overnight delivery or hand delivery at the following addresses:¹

4 **By First Class Mail:**
5 AW Bankruptcy Administration
6 c/o GCG
7 PO Box 9748
8 Dublin, OH 43017- 5648

9 **By Overnight Delivery:**
10 AW Bankruptcy Administration
11 c/o GCG
12 5151 Blazer Parkway, Suite A
13 Dublin, OH 43017-9306

14 Only original Proofs of Claim will be deemed acceptable for purposes of claims administration.
15 GCG will *not* accept Proofs of Claim sent by facsimile or telecopy, and Proofs of Claim will be deemed
16 timely filed only if the original is **actually received** by GCG on or before **5:00 p.m. Prevailing Pacific**
17 **Time on June 29, 2012.** If you wish to receive acknowledgment of GCG’s receipt of your Proof of
18 Claim, you may submit a copy of your Proof of Claim and a self-addressed, stamped envelope to GCG
19 along with your original Proof of Claim.

20 **CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS**

21 **EXCEPT WITH RESPECT TO EXCLUDED CLAIMS (AS DESCRIBED IN THIS**
22 **NOTICE), IF YOU FAIL TO FILE A PROOF OF CLAIM ON ACCOUNT OF ANY CLAIM**
23 **YOU WISH TO ASSERT AGAINST DEBTOR OR ANY OF ITS PREDECESSORS-IN-**
24 **INTEREST FOR WHICH DEBTOR ASSUMED LIABILITY BY OPERATION OF LAW**
25 **THROUGH MERGER PRIOR TO MARCH 1, 2012, PURSUANT TO THE INSTRUCTIONS IN**
26 **THIS NOTICE SO THAT YOUR PROOF OF CLAIM IS RECEIVED ON OR BEFORE 5:00**
27 **P.M. PREVAILING PACIFIC TIME ON JUNE 29, 2012, THEN:**

28 **YOU WILL NOT BE TREATED AS A CREDITOR WITH RESPECT TO**
THAT CLAIM;

¹ Proofs of Claim timely filed with the Clerk of the Court, located in the Foley Federal Building and U.S. Courthouse at 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101, will be deemed timely filed for purposes of the Bar Date.

1 **YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OF**
2 **REORGANIZATION FOR DEBTOR ON ACCOUNT OF THAT CLAIM; AND**

3 **YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THIS CHAPTER**
4 **11 CASE ON ACCOUNT OF THAT CLAIM.**

5 **EXAMINATION OF SCHEDULES**

6 The Court's docket sheet and documents filed in the Chapter 11 Case, including Debtor's
7 Schedules and the Bar Date Order, are available online at the GCG website set up specifically for
8 purposes of the Chapter 11 Case: www.awdevelopmentreorg.com. Debtor's Schedules and the Bar
9 Date Order also may be examined and inspected by interested parties during regular business hours at
10 either (a) the offices of Fox Rothschild, LLP, 3800 Howard Hughes Parkway, Suite 500, Las Vegas,
11 Nevada 89169; or (b) the Clerk of the Court, Foley Federal Building and U.S. Courthouse, 300 Las
12 Vegas Boulevard South, Las Vegas, Nevada 89101, during posted hours. The Court's docket sheet and
13 documents are also accessible at the Court's internet site: <http://www.nvb.uscourts.gov>, through an
14 account obtained from the PACER service center at 1-800-676-6856, or (210) 301-6440, or
15 <http://pacer.psc.uscourts.gov>. Creditors that wish to rely on the Schedules will have the responsibility
16 for determining that their Claims are listed accurately on them.

17 **ACCESS TO PROOF OF CLAIM FORMS AND OTHER QUESTIONS**

18 A Proof of Claim form accompanies this Notice. Should you need another one, customizable
19 Proof of Claim forms and a copy of the Bar Date Order may be obtained most quickly by accessing the
20 GCG website set up specifically for purposes of the Chapter 11 Case: www.awdevelopmentreorg.com.
21 Alternatively, you may contact GCG by telephone to request a Proof of Claim form or with questions
22 about the instructions for timing and filing of your claim, by dialing 1 (877) 604-9532, which is the
23 telephone hotline set up specifically for purposes of the Chapter 11 Case. However, please note that
24 GCG cannot advise you whether or not you should file a Proof of Claim form.

FOX ROTHSCHILD LLP
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
(702) 262-6899
(702) 597-5503 (fax)

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EXHIBIT C
PUBLICATION NOTICE OF BAR DATE

FOX ROTHSCHILD LLP
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
(702) 262-6899
(702) 597-5503 (fax)

1 BRETT A. AXELROD, ESQ.
 Nevada Bar No. 5859
 2 MICAELA RUSTIA MOORE, ESQ.
 Nevada Bar No. 9676
 3 **FOX ROTHSCHILD LLP**
 3800 Howard Hughes Parkway, Suite 500
 4 Las Vegas, Nevada 89169
 Telephone: (702) 262-6899
 5 Facsimile: (702) 597-5503
 Email: baxelrod@foxrothschild.com
 6 mmoore@foxrothschild.com
 7 *[Proposed] Counsel for American West Development, Inc.*

8 **UNITED STATES BANKRUPTCY COURT**
 9 **DISTRICT OF NEVADA**

<p>10 In re</p> <p>11</p> <p>12 AMERICAN WEST DEVELOPMENT, INC, a Nevada corporation,</p> <p>13</p> <p>14 fdba Castlebay 1, Inc. fdba Development Management, Inc. fdba Fairmont 1, Inc. fdba Glen Eagles 3, Inc. fdba Heritage 1, Inc. fdba Inverness 5, Inc. fdba Kensington 1, Inc. fdba Kingsbridge 1, Inc. fdba Promontory Estates, LLC fdba Promontory Point 4, Inc. fdba Silverado Springs 1, Inc. fdba Silverado Springs 2, Inc. fdba Tradition, Inc. fdba Windsor 1, Inc.</p> <p>21</p> <p>22 Debtor.</p>	<p>Case No. BK-S-12-12349-MKN</p> <p>Chapter 11</p>
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25 **NOTICE OF BAR DATE FOR FILING PROOFS OF CLAIM**
 26 **AGAINST AMERICAN WEST DEVELOPMENT, INC.,**
 27 **ON OR BEFORE JUNE 29, 2012**

28 **TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST AMERICAN WEST DEVELOPMENT, INC., OR ANY OF ITS PREDECESSORS-IN-INTEREST FOR**

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 3800 Howard Hughes Parkway, Suite 500
 Las Vegas, Nevada 89169
 (702) 262-6899

WHICH AMERICAN WEST DEVELOPMENT, INC. ASSUMED LIABILITY BY OPERATION OF LAW THROUGH MERGER AS DESCRIBED IN THIS NOTICE.

YOU MAY WISH TO CONSULT WITH COUNSEL OF YOUR CHOICE REGARDING ANY CLAIM YOU MAY HAVE.

PLEASE TAKE NOTICE THAT:

On March 1, 2012, American West Development, Inc. ("AWDI" or "Debtor"), debtor and debtor in possession in bankruptcy case No. BK-S-12-12349-MKN (the "Chapter 11 Case"), filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Nevada (the "Court"). Prior to the Petition Date, the following former affiliates of AWDI (collectively, the "AWDI Affiliates") merged with AWDI: Castlebay 1, Inc., Development Management, Inc., Fairmont 1, Inc., Glen Eagles 3, Inc., Heritage 1, Inc., Inverness 5, Inc., Kensington 1, Inc., Kingsbridge 1, Inc., Promontory Estates, LLC, Promontory Point 4, Inc., Silverado Springs 1, Inc., Silverado Springs 2, Inc., Tradition, Inc., and Windsor 1, Inc. After the merger, AWDI was the surviving entity and successor-in-interest, assuming the operations, assets, and liabilities of the AWDI Affiliates. **Accordingly, you may have done business with AWDI within the last ten years under any of the following names:**

DEBTOR	OTHER NAMES
American West Development, Inc.	Castlebay 1, Inc. Development Management, Inc. Fairmont 1, Inc. Glen Eagles 3, Inc. Heritage 1, Inc. Inverness 5, Inc. Kensington 1, Inc. Kingsbridge 1, Inc. Promontory Estates, LLC Promontory Point 4, Inc. Silverado Springs 1, Inc. Silverado Springs 2, Inc. Tradition, Inc. Windsor 1, Inc.

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DEADLINE FOR FILING CLAIMS AGAINST DEBTOR

On March ____, 2012, the Court entered an order (the “Bar Date Order”) in the Chapter 11 Case establishing **June 29, 2012, at 5:00 p.m. (Prevailing Pacific Time)** (the “Bar Date”), as the deadline for filing an original, written proof of any claim you may have against Debtor (the “Proof of Claim”). The Bar Date applies to all claims against Debtor that arose before March 1, 2012, except the Excluded Claims listed below. The Bar Date Order also sets procedures to be used for filing Proofs of Claim, which are summarized in this notice for your convenience.

You **MUST** file a Proof of Claim by the Bar Date if you have any claim against Debtor that arose before March 1, 2012. The only exception to this requirement is for claims described below as Excluded Claims. **Acts or omissions that occurred before March 1, 2012, may give rise to claims subject to the Bar Date even if the claims may not have become known or fixed or liquidated until after March 1, 2012.** **PRIOR TO MARCH 1, 2012, DEBTOR ALSO OPERATED UNDER THESE NAMES: CASTLEBAY 1, INC., DEVELOPMENT MANAGEMENT, INC., FAIRMONT 1, INC., GLEN EAGLES 3, INC., HERITAGE 1, INC., INVERNESS 5, INC., KENSINGTON 1, INC., KINGSBRIDGE 1, INC., PROMONTORY ESTATES, LLC, PROMONTORY POINT 4, INC., SILVERADO SPRINGS 1, INC., SILVERADO SPRINGS 2, INC., TRADITION, INC., AND WINDSOR 1, INC. IF YOU HAVE HAD DEALINGS WITH DEBTOR OR ANY OF THESE ENTITIES, THEN YOU MAY HAVE A CLAIM. IF YOU HAVE A CLAIM, THEN YOU MUST TIMELY FILE A CLAIM OR, IF NOT TIMELY FILED, SUCH CLAIM WILL BE FOREVER BARRED.**

Under Bankruptcy Code section 101(5) and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

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1 **INSTRUCTIONS FOR FILING A PROOF OF CLAIM**

2 If you file a Proof of Claim, your filed Proof of Claim must (a) be written in English; (b) include
3 a claim amount denominated in United States dollars; (c) state a claim against Debtor or any or all of
4 the appropriate entities Debtor formerly did business as; and (d) be signed by the Claimant or, if the
5 Claimant is not an individual, by an authorized agent of the Claimant. In addition, if you are an owner
6 of a home built or sold by Debtor or any of the entities Debtor formerly did business as, your Proof of
7 Claim must include, consistent with Bankruptcy Rule 3001(c), a description of the legal basis of the
8 claim, supporting documentation (or, if such documentation is voluminous, a summary of such
9 documentation) or an explanation as to why such documentation is not available. If you are not a
10 homeowner, your Proof of Claim must include, consistent with Bankruptcy Rule 3001(c), a description
11 of the legal basis of the claim, supporting documentation (or, if such documentation is voluminous, a
12 summary of such documentation) or an explanation as to why such documentation is not available
13 *provided, however*, that your Proof of Claim may be filed without supporting documentation upon the
14 prior written consent of Debtor's counsel; and *provided, further*, that if you received such written
15 consent, you transmit such writings to Debtor or other party in interest upon request no later than ten
16 (10) days from the date of such request.

17 You may obtain a Proof of Claim form from any bankruptcy court clerk's office, from your
18 lawyer, from <http://www.awdevelopmentreorg.com>, from certain business supply stores, from
19 <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>; or by contacting The Garden
20 City Group, Inc. ("GCG"), who has been appointed by the Court as the Claims, Noticing and Balloting
21 Agent in the Chapter 11 Case, at:

22 AW Bankruptcy Administration
23 c/o GCG
24 PO Box 9748
25 Dublin, OH 43017- 5648
26 Telephone Hotline: (877) 604-9532

27 **YOU SHOULD INCLUDE ALL CLAIMS AGAINST DEBTOR IN A SINGLE PROOF OF**
28 **CLAIM FORM.**

1 Your Proof of Claim form must be filed so as to be **received** on or before **5:00 p.m. Prevailing**
2 **Pacific Time on June 29, 2012.** You must deliver your Proof of Claim to GCG by first-class mail,
3 overnight delivery or hand delivery at the following addresses:¹

4 **By First Class Mail:**
AW Bankruptcy Administration
5 c/o GCG
6 PO Box 9748
Dublin, OH 43017- 5648

7 **By Overnight Delivery:**
8 AW Bankruptcy Administration
c/o GCG
9 5151 Blazer Parkway, Suite A
10 Dublin, OH 43017-9306

11 Only original Proofs of Claim will be deemed acceptable for purposes of claims administration.
12 GCG will *not* accept Proofs of Claim sent by facsimile or telecopy, and Proofs of Claim will be deemed
13 timely filed only if the original is **actually received** by GCG on or before **5:00 p.m. Prevailing Pacific**
14 **Time on June 29, 2012.** If you wish to receive acknowledgment of GCG’s receipt of your Proof of
15 Claim, you may submit a copy of your Proof of Claim and a self-addressed, stamped envelope to GCG
16 along with your original Proof of Claim.

17 **CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS**

18 **IF YOU FAIL TO FILE A PROOF OF CLAIM ON ACCOUNT OF ANY CLAIM YOU**
19 **WISH TO ASSERT AGAINST DEBTOR OR ANY OF ITS PREDECESSORS-IN-INTEREST**
20 **FOR WHICH DEBTOR ASSUMED LIABILITY BY OPERATION OF LAW THROUGH**
21 **MERGER PRIOR TO MARCH 1, 2012, PURSUANT TO THE INSTRUCTIONS IN THIS**
22 **NOTICE SO THAT YOUR PROOF OF CLAIM IS RECEIVED ON OR BEFORE 5:00 P.M.**
23 **PREVAILING PACIFIC TIME ON JUNE 29, 2012, THEN:**

24 **YOU WILL NOT BE TREATED AS A CREDITOR WITH RESPECT TO**
25 **THAT CLAIM;**

26 **YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OF**
27 **REORGANIZATION FOR DEBTOR ON ACCOUNT OF THAT CLAIM; AND**

28 ¹ Proofs of Claim timely filed with the Clerk of the Court, located in the Foley Federal Building and U.S. Courthouse at 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101, will be deemed timely filed for purposes of the Bar Date.

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YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THIS CHAPTER 11 CASE ON ACCOUNT OF THAT CLAIM.

EXAMINATION OF SCHEDULES

The Court's docket sheet and documents filed in the Chapter 11 Case, including Debtor's Schedules and the Bar Date Order, are available online at the GCG website set up specifically for purposes of the Chapter 11 Case: www.awdevelopmentreorg.com. Debtor's Schedules and the Bar Date Order also may be examined and inspected by interested parties during regular business hours at either (a) the offices of Fox Rothschild, LLP, 3800 Howard Hughes Parkway, Suite 500, Las Vegas, Nevada 89169; or (b) the Clerk of the Court, Foley Federal Building and U.S. Courthouse, 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101, during posted hours. The Court's docket sheet and documents are also accessible at the Court's internet site: <http://www.nvb.uscourts.gov>, through an account obtained from the PACER service center at 1-800-676-6856, or (210) 301-6440, or <http://pacer.psc.uscourts.gov>. Creditors that wish to rely on the Schedules will have the responsibility for determining that their Claims are listed accurately on them.

ACCESS TO PROOF OF CLAIM FORMS AND OTHER QUESTIONS

Should you need a Proof of Claim, customizable Proof of Claim forms and a copy of the Bar Date Order may be obtained most quickly by accessing the GCG website set up specifically for purposes of the Chapter 11 Case: www.awdevelopmentreorg.com. Alternatively, you may contact GCG by telephone to request a Proof of Claim form or with questions about the instructions for timing and filing of your claim, by dialing 1 (877) 604-9532, which is the telephone hotline set up specifically for purposes of the Chapter 11 Case. However, please note that GCG cannot advise you whether or not you should file a Proof of Claim form.

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