

*Lloyd King*



Honorable Lloyd King  
United States Bankruptcy Judge

Entered on Docket  
April 13, 2012

BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
MICAELA RUSTIA MOORE, ESQ.  
Nevada Bar No. 9676  
**FOX ROTHSCHILD LLP**  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
Telephone: (702) 262-6899/Facsimile: (702) 597-5503  
Email: baxelrod@foxrothschild.com  
mmoore@foxrothschild.com  
*[Proposed] Counsel for Debtor*

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

In re

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

AMERICAN WEST DEVELOPMENT,  
INC., a Nevada corporation,

Chapter 11

**ORDER GRANTING DEBTOR'S  
MOTION TO HONOR AND MAINTAIN  
ITS HOME BUILDER'S LIMITED  
WARRANTY PROGRAM**

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.

Hearing Date: April 10, 2012  
Hearing Time: 9:30 a.m.

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

1 The Court, having reviewed and considered Debtor’s Motion (the “Motion”), for entry of an  
2 order pursuant to 11 U.S.C. §§ 105(a) and 363(b) authorizing, but not requiring, Debtor to honor and  
3 maintain its Home Builder’s Limited Warranty Program,<sup>1</sup> as more fully set forth in the Motion; and  
4 upon consideration of the Omnibus Declaration of Robert M. Evans filed in Support of Debtor’s First  
5 Day Motions; and it appearing that the Court has jurisdiction over this matter; and it appearing that  
6 notice of the Motion as set forth therein is sufficient, and that no other or further notice need be  
7 provided; and it further appearing that the relief requested in the Motion is in the best interests of  
8 Debtor and its estate and creditors; and upon all of the proceedings had before the Court; and after due  
9 deliberation and sufficient cause appearing therefor, it is hereby

10 **ORDERED** that the Motion is GRANTED; and it is further

11 **ORDERED** that Debtor is authorized to honor and maintain its Home Builder’s Limited  
12 Warranty Program in the ordinary course of business, regardless of whether the applicable home was  
13 sold before, on or after the Petition Date; and it is further

14 **ORDERED** that Debtor, in the exercise of its business judgment, is authorized to continue,  
15 renew, replace, implement and/or terminate its Home Builder’s Limited Warranty Program in the  
16 ordinary course of business, without further application to the Court; and it is further

17 **ORDERED** that Debtor may continue to enter into Warranty Services Agreements with HSP in  
18 accordance with the Home Builder’s Limited Warranty Program; and it is further

19 **ORDERED** that no provision contained herein is intended or should be construed as an  
20 admission as to the validity of any claim against Debtor, a waiver of Debtor’s rights to dispute any  
21 claim, or an approval or assumption of any agreement, contract or lease under section 365 of the  
22 Bankruptcy Code; and it is further

23 **ORDERED** that, notwithstanding the possible applicability of Bankruptcy Rules 6003 and  
24 6004(h) or otherwise, the terms and conditions of this Order shall be immediately effective and  
25 enforceable upon its entry; and it is further

26 \_\_\_\_\_  
27 <sup>1</sup> All capitalized words and phrases not otherwise defined herein shall have the meanings given to  
28 them in the Motion.

1 **ORDERED** that this Court shall, and hereby does, retain jurisdiction with respect to all matters  
2 rising from or related to the implementation and interpretation of this Order.

3  
4 DATED: April 10, 2012

5 Prepared and Respectfully Submitted by:

6 **FOX ROTHSCHILD LLP**

7 By  /s/ Brett A. Axelrod

8 BRETT A. AXELROD, ESQ.  
9 Nevada Bar No. 5859  
10 MICAELA RUSTIA MOORE, ESQ.  
11 Nevada Bar No. 9676  
12 3800 Howard Hughes Parkway  
Suite 500  
Las Vegas, Nevada 89169

*[Proposed] Counsel for Debtor*

13  
14 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

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

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

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