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Electronically Filed March 1, 2012

8 **UNITED STATES BANKRUPTCY COURT**

9 **DISTRICT OF NEVADA**

10
11 In re
12 AMERICAN WEST
DEVELOPMENT, INC., a Nevada
13 corporation,
14
15 Debtor.

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

Chapter 11

**FIRST OMNIBUS MOTION TO REJECT
CERTAIN PRICING COMMITMENTS,
EFFECTIVE AS OF THE PETITION DATE**

Hearing Date: April 10, 2012

Hearing Time: 9:30 a.m.

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17
18 American West Development, Inc. ("AWDI" or "Debtor"), debtor and debtor in possession in
19 the above-captioned case (the "Chapter 11 Case"), by and through its proposed counsel, the law firm of
20 Fox Rothschild LLP, hereby moves this Court for entry of an order authorizing Debtor to reject those
21 certain pricing commitments listed in **Exhibit "A"** hereto (collectively, the "Contracts") effective as of
22 the Petition Date.¹

23 The Motion is made and based upon the following memorandum of points and authorities, the
24 Omnibus Declaration of Robert M. Evans (the "Omnibus Declaration"), filed in support of Debtor's

25
26 ¹ The types of Contracts and names of the counterparties thereto (in alphabetical order) are listed
27 on Exhibit A. Nothing herein is an admission that any of the Contracts (or any other agreement) is an
28 executory contract and/or has not expired by its own terms, and all of Debtor's rights in this regard are
expressly reserved.

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1 5. Debtor is continuing in possession of its property and is operating and managing its
2 business, as debtor in possession, pursuant to Bankruptcy Code sections 1107 and 1108. See generally
3 Chapter 11 Case Docket.

4 6. No request has been made for the appointment of a trustee or examiner, and no statutory
5 committee has been appointed. See id.

6 7. The general factual background relating to Debtor, including its business operations, its
7 capital and debt structure, and the events leading up to the filing of this Chapter 11 Case, is set forth in
8 detail in the Omnibus Declaration and is incorporated for all purposes herein by this reference.

9 8. The Contracts are comprised of pricing commitments previously offered by Debtor to
10 home purchasers in connection with sales that occurred prior to the Petition Date.

11 9. During a portion of the period from 2006 through 2008, Debtor and/or certain non-
12 debtor affiliates offered two different pricing incentives as part of its marketing: (1) a three year “price
13 promise” offered through the home collections by Silverado Springs 1, Inc., Fairmont 1, Inc. and
14 Kingsbridge 1, Inc., each of which has been merged into AWDI, and (2) a five year “price guaranty”
15 (the “price promise” and the “price guaranty” are collectively referred to herein as the “Pricing
16 Commitments”) that was issued by AWDI as the homebuilder and the respective home seller.²

17 10. Pursuant to the price promise, some buyers of new Silverado Springs, Fairmont, or
18 Kingsbridge homes who paid the then current asking base price were offered the opportunity to receive
19 a partial purchase price refund under the following express conditions:

- 20 a. The home must have been purchased without concession, incentive or bonus;
- 21 b. At the three-year anniversary of the sale, the same home selling entity who sold the
- 22 home must be offering the same floor plan and same model in the same community for
- 23 a lower price; and
- 24 c. The buyer must continuously retain ownership of property throughout the three-year

25 _____
26 ² The following is a summary of the Pricing Commitments. Nothing herein is an admission or
27 waiver of any right of Debtor or its non-debtor affiliates. To the extent of any conflict between this
28 summary and the actual terms of the Pricing Commitments, the terms of the Pricing Commitments shall
control.

1 term.

2 11. The deadline for a home buyer to apply for a refund under the price promise is the first
3 day following the third anniversary of the close of escrow. For an eligible home owner, the price
4 promise refund would be equal to the difference between their original purchase price (excluding lot
5 premiums, options or upgrades, whether offered by the home selling entity or not) and the selling price
6 of the same floor plan/model on the three-year anniversary date. So if a buyer purchased Model A
7 from home selling entity X on January 1, 2007 for \$300,000 without any concession, incentive or
8 bonus, but home selling entity X was selling Model A for \$275,000 on January 1, 2010 and buyer
9 continued to own the home at that time, then the buyer would be entitled to apply for a \$25,000 price
10 promise refund. Thus, the price promise does not guaranty appraisal value or re-sale market value at
11 any time; its sole purpose was to provide home buyers with the assurance that their exact model of
12 home would not be sold in their community for a lower price by Debtor at the point three years from
13 the date of their purchase.

14 12. Debtor's business practice was to issue a certificate to any homeowner who received a
15 price promise. Debtor's records indicate that all twelve (12) homes for which Debtor has a price
16 promise certificate on file were purchased with a concession, bonus or incentive, rendering them all
17 ineligible to assert a price promise claim. Moreover, none of the fifty-one (51) homes sold during the
18 price promise period by other home selling entities (who did not participate in the price promise
19 program) would be eligible to make a price promise claim because either: (a) the home was sold or
20 foreclosed on (2 of 51 homes); (b) the home was sold with a concession, bonus or incentive (43 of 51
21 homes); or (c) there is no longer a qualifying model for sale (6 of 51 homes).³

22 13. In contrast to the price promise, the price guaranty has a five year trigger point and no
23 independent cash value—it can only be used in connection with the purchase of a new home owned or

24 _____
25 ³ The entities that sold homes during the price promise period (but that did not participate in the
26 price promise program) are Castlebay 1, Inc., Glen Eagles 3, Inc., Kensington 1, Inc., Kensington 2,
27 Inc., Promontory Point 4, Inc., Tradition, Inc., and Windsor 1, Inc. Each of these entities have been
28 merged into and with Debtor, except Kensington 2, Inc. Debtor includes the foregoing entities in this
motion solely out of an abundance of caution; although Debtor's records indicate that no price promises
were issued by these entities, Debtor seeks authority to reject any and all price promises.

1 built by Debtor under the following express conditions:

- 2 a. The guaranty may only be used to purchase a new single-family home built or owned
- 3 by Debtor at a price which is equal to or greater than the original home's purchase price
- 4 as stated on the Purchase Agreement;
- 5 b. The applicable purchase price is defined as the base price plus the builder selections;
- 6 but any contributions or costs paid by seller on behalf of buyer, whether or not the costs
- 7 are stated in the Purchase Agreement, are deducted from the total purchase price;
- 8 c. The guaranty can only be exercised on and after the fifth (5th) annual anniversary date
- 9 of the original Purchase Agreement;
- 10 d. The guaranty must be redeemed during the three (3) months immediately following the
- 11 five-year anniversary date of the Purchase Agreement;
- 12 e. Escrow for the new home must close not later than one year from the five-year
- 13 anniversary date;
- 14 f. Buyer must have continuously owned the Property, without additions, alterations or
- 15 transfer of the title to the Property from inception of ownership through exercise of
- 16 guaranty (i.e. the price guaranty is non-transferable);
- 17 g. Debtor retains the right to examine the condition of the title to the home, and approve
- 18 the same, without limitation, prior to commencing to build a new home pursuant to the
- 19 guaranty;
- 20 h. The buyer must qualify for any anticipated financing necessary for the purchase of the
- 21 new home and Debtor makes no guaranties that buyer will or can obtain financing or
- 22 qualification for same;
- 23 i. Simultaneous with the close of escrow for the new home owned or built by Debtor,
- 24 buyer must transfer title to the property to Debtor, or Debtor's designee, free and clear
- 25 of all liens and encumbrances; and
- 26 j. The Property and all improvements thereon must be in good condition with all
- 27 mechanical systems and appliances in working order, normal wear and tear as the only
- 28 exception.

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1 14. Like the price promise, Debtor's business practice was to issue a certificate to any
2 homeowner who received a price guaranty. Debtor's records indicate that of the one hundred and two
3 (102) homes for which Debtor has a price guaranty certificate on file, seven (7) have been sold or
4 foreclosed (rendering them ineligible for a price guaranty claim), four (4) failed to make a price
5 guaranty claim or request within the three-month period following the five-year anniversary date, nine
6 (9) may currently be eligible but the home owners have not made a claim or request for Debtor to
7 honor the price guaranty, and eighty-two (82) have not yet reached their five-year anniversary date.⁴

8 15. Prepetition, Debtor received sixteen (16) requests from homeowners for Debtor to honor
9 Pricing Commitments (eight (8) price promise and eight (8) price guaranty). However, none of the
10 requests satisfied all of the necessary conditions required for the Pricing Commitment(s) to be
11 applicable.

12 16. In addition, one homeowner claiming eligibility for a Pricing Commitment (without a
13 certificate) filed suit in the District Court for Clark County, Nevada. The District Court dismissed the
14 suit, awarding attorney's fees and costs to defendants AWDI and Inverness 5, Inc.

15 17. Several other homeowners who claim eligibility for price promise commitments filed
16 suit in the District Court for Clark County, Nevada – Tristan Ivy v. American West Development, Inc.,
17 case number A-11-647792-C. However, all of the homeowners in the lawsuit received incentives and
18 are not entitled to the benefits of the price promise program pursuant to its terms.

19 18. Based on the conditions in the marketplace and other information available to date,
20 Debtor believes that the conditions of the Pricing Commitments will be satisfied in only a handful of
21 instances, if any. However, Debtor also recognizes that it could face a multitude of claims or even
22

23 ⁴ One hundred thirty-six (136) homes were sold during the price guaranty period by multiple
24 selling entities, including: Castlebay 1, Inc., Coronado Paseo III, Inc., Fairmont 1, Inc., Glen Eagles 3,
25 Inc., Heritage 1, Inc., Inverness 5, Inc., Kensington 1, Inc., Kingsbridge 1, Inc., Model Renting
26 Company, Inc., Pinnacle Four, Inc., Promontory Point 4, Inc., Silverado Court 3, Inc., Tradition, Inc.
27 and Windsor 1, Inc. Each of these entities have been merged into and with Debtor, except Coronado
28 Paseo III, Inc., Model Renting Company, Inc., Pinnacle Four, Inc., and Silverado Court 3, Inc. Debtor
includes the foregoing entities in this motion solely out of an abundance of caution; although Debtor's
records indicate that price guaranties were issued for only one hundred two (102) homes, Debtor seeks
authority to reject any and all price guaranties.

1 litigation from homeowners who are upset about the decline in the real estate market in Las Vegas.
2 These homeowners may not understand (or may choose to disregard) the express terms and conditions
3 of the Pricing Commitment, much less the implications of the prepetition nature of any Pricing
4 Commitment claims on Debtor's ability to perform following the commencement of the Chapter 11
5 Case. Accordingly, Debtor needs an orderly, economical and equitable means to address potential
6 Pricing Commitment claims.

7 II.

8 RELIEF REQUESTED

9 19. By this Motion, Debtor seeks entry of an order approving its rejection of the Contracts
10 under Bankruptcy Code § 365(a), effective as of the Petition Date.

11 III.

12 LEGAL ARGUMENT

13 20. Section 365(a) of the Bankruptcy Code provides that a debtor may, subject to court
14 approval, "reject any executory contract or unexpired lease of the debtor." "This provision allows a
15 [debtor] to relieve the bankruptcy estate of burdensome agreements which have not been completely
16 performed." See Stewart Title Guar. Co. v. Old Republic Nat'l Title Ins. Co., 83 F.3d 735, 741 (5th
17 Cir. 1996).

18 21. The standard by which a court weighs a debtor's decision to reject an executory contract
19 or unexpired lease is the "business judgment standard." See Agarwal v. Pomona Valley Med. Group,
20 Inc. (In re Pomona Valley Med., Group, Inc.), 476 F.3d 665, 670 (9th Cir. 2007); Robertson v. Pierce
21 (In re Chi-Feng Huang), 23 B.R. 798, 799-800 (B.A.P. 9th Cir. 1982). "Under the business judgment
22 test, a court should approve a debtor's proposed rejection if such rejection will benefit the estate." In
23 re Hawaii Dimensions, Inc., 47 B.R. 425, 427 (D. Haw. 1985); accord Chi-Feng Huang, 23 B.R. at
24 801. As long as a debtor's decision to reject is a reasonable exercise of its business judgment,
25 authorization to reject is appropriate. NLRB v. Bildisco and Bildisco, 465 U.S. 513, 523 (1984).
26 Moreover, the debtor in possession is entitled to a presumption that in seeking to reject a contract it has
27 acted "prudently, in good faith, and in the honest belief that the action taken was in the best interests of
28 the bankruptcy estate." Pomona Valley Med. Group, Inc., 476 F. 3d at 670.

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V.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court enter an order in the form attached hereto authorizing Debtor to reject the Contracts effective as of the Petition Date, and grant such other and further relief as may be just and proper.

DATED this 1st day of March 2012.

FOX ROTHSCHILD LLP

By /s/Brett A. Axelrod
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**EXHIBIT A
CONTRACTS¹**

Name	Address	City	State	Zip	Type
ZORREL FERNANDEZ SR.	8421 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ZENAIDA S YUZON	10973 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ZDZISLAW AND BOGUMILA KOC	8538 YELLOW HAWK WAY	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ZALDE L AND LUCENA T MACULAM	4645 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ZACCHIN K CHRISTY	9959 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
YEN WEN SU	10708 SHASTA GLOW COURT	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
XIAO YAN GAO	6617 BAROQUE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
WILMA JEAN WATSON	10971 HOLYROOD COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
WILLIAM M STEGNER	8409 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
WILLIAM G AND CHRISTINA	1033 ANCIENT TIMBER AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
WILFREDO P AND EDITA REYES	4338 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
WILFREDO AND CORAZON GAVIA	7748 JACARANDA HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
WARLES AND ARMY F WARLES	8458 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
WALTER Y AND JENNIFER L HASHIMOTO	5101 PLYMOUTH BAY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
WAI FUNG AND SHIRLEY KWAN	7749 JACARANDA HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
VOLKER AND VICTORIA ROEPEL	4576 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
VIVIANA IBARRA	4469 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
VIRGIL AND BARBARA BREITMEYER	6805 VILLA CREEK COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
VICTORIO ECHIPARE	8455 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
VICTORIA A POLAND	10942 HOLYROOD COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
VICTOR AND MARGARITA Z ORTIZ	6297 BRAVE VOYAGER COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
VARSHA AND BIMAL KUMAR	8418 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
VANCHAI VONGSBIRATES AND RATANA ROJJINDANGAM	6826 WHITE CRANE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
VALERIE A GONZALEZ	5139 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
VALANTIN TAJIAN	4671 FRENCH HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
TROY MERCADEL	4457 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
TREVOR HENSON	10740 SHASTA GLOW COURT	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
TOMMY AND CAROLYN BOELSMA	8446 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
TINA H AND TABITHA YEH	4686 FRENCH HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
TIMOTHY COOK	6707 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
TIANG MENG DIRK ROBERT FOO	8475 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
THOMAS R AND MELISSA M GREEN	10943 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
THOMAS E HUHN AND TRISTAN IVY	10732 SHASTA GLOW COURT	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
THOMAS A AND BARBARA J CHENARD	6337 SCREAMING EAGLE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
TERRE BUTLER	10981 HOLYROOD COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
TERRANCE R AND LESLIE A SULLIVAN	8268 SONOMA VIEW COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee

¹Nothing herein is an admission that any of the Contracts (or any other agreement) is an executory contract and/or has not expired by its own terms, and all of Debtor's rights in this regard are expressly reserved.

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CONTRACTS¹**

TERESITA AND LARRY KEITH	8290 TRINITY OAKS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
TELESFORO AND LIZA PEINADO	8419 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
TEERAPORN THUNGSUTUMKUL	67929 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
TAWAB AND FAWZIA WAHAB	8282 PARADISE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SUSAN Q KOSH	8460 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SUSAN PAULE	6759 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SUPA RODPRADIST	8404 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
STEVEN G CHAYRA	6804 VILLA CREEK COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
STEVE AND WENDY COSBY	9925 CAPE MAY STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
STEPHEN AND CHERYL M KRATKE REV TR	6811 PACIFIC ECHO COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SOO HONG	8452 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SOLEDAD H. AND JOSE HABIL	8405 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SOFIA WILLIAMS	6783 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SHELLY L NELSON	9965 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
SHAWN AND MARGARET GRUNDY	10991 HOLYROOD COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
SHANE AND ANGELA SUGANUMA	6831 PACIFIC ECHO COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SCOTT FISCHMAN	10748 SHASTA GLOW COURT	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
SCOTT AND DEBRA BLAIS	6806 WHITE CRANE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
SATHIENE RATTANAKONE AND BOUAVANH MANIVONG	10020 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
SANDRA L LATHROP	8470 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
RUSTY E AND SUSAN S SPINDEL	6840 PACIFIC ECHO COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
RUBEN AND VERONICA VILLEGAS	4568 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROY MCINTYRE AND WANDA PFEIFFER	9938 CLOUDY BAY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ROWENA AND JAY DEGUZMAN	8397 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROSEMARIE M SALVADOR	4678 FRENCH HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROSE L AND ROD JUNG AND STEPHANIE JUNG	7757 JACARANDA HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROMEO O RAMISCAL AND ARLENE ALANO-RAMISCAL	8410 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROMEO JR. AND LINA ESCUSA AND MARJORIE ANN ESCUSA	8436 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROLANDO BATARA	6117 PERCUSSION COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROLANDO AND FLORDELILIA CRUZ	4360 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ROLAND BATULAN	8437 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROGER W AND DEBRA A TURLEY	6594 W. CAMERO AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
RODEL AND JOSEPHINE ALVIDERA	8451 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROD AND DONNA ARBOGAST	8416 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROCHELLE P DRENAN	4646 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROBIN H AND SOPHIA Y LAU	4621 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROBERT W AND KAREN MALLORY	4481 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee

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CONTRACTS¹**

ROBERT SERPICO	8414 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROBERT P DAVID	8408 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROBERT LEE JR AND VANESSA EPPS	10058 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ROBERT C JR AND KAREN E BURRIS	1130 SAX FIFTH AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
ROBERT AND GERALDINE HUNT	6629 W. CAMERO AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROBERT AND ELISA B SARAVIA	8459 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ROBERT AND DENISE MOSHER	7765 JACARANDA HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
RINA AND FRANCISCO SANTOS	6824 VILLA CREEK COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
RICARDO RODRIGUEZ NAVARRO AND FELIPA SANTILLAN-CAMPO	9969 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
RHOWELL AND NHEP NANCY DUMAG	6776 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
REYGIE AND RUBY MALIT	10969 ROYAL HIGHLANDS STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
RENATO JR AND CATHERINE MABALLO	8544 YELLOW HAWK WAY	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
RENATO AND ELEANOR CARTOJANO	6837 WHITE CRANE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
RAYMUNDO T AND ELOISA SALDANA	6508 CONTRALTO STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
RAYMOND GONZALEZ	10989 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
RAUL AND MARIA LOPEZ	4445 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
PROSPERO R AND EDITA F MIGUEL	6820 PACIFIC ECHO COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
PRESLEY CROSS	6835 VILLA CREEK COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
POPPY R HELGREN AND ROBERT K LAU	8467 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
PHILLIP R SR AND NANCY ANDERSEN	6590 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
PHILIP F DELACRUZ	8434 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
PERRY TIMBOL AND GLORIA CAMPUS	6675 CORONADO CREST AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
PEDRO NIETO	10046 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
PAUL AND FRANCINE HERETAKIS	7835 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
PAUL ALFA AND VERONICA Y MENJIVAR	8407 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
PATRICK TICMAN	8471 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
PATRICK MCWILLIAMS AND AMANDA PHAN	10045 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
PATRICIA HELEN CAVANAGH	11010 LADYBURN COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
OSCAR AND AMALIA SANTOS	8441 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
NORAM CRUZ AND CAROLINE A FERRER-CRUZ	6633 BAROQUE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
NOELYNN ALCARAZ	8485 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
NOEL M AND CERELINA L ALCARAZ	7859 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
NICHOLAS AND KATHLEEN G FOGLE	5171 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
NGA P DIEP	8406 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
NELLI SHNAYDER	8410 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
NATHAN AND JULIA HAMBY	10756 SHASTA GLOW COURT	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
NARCISO AND LOURDES CAYABYAB AND JULIETA M CAYABYAB-MORA	10716 SHASTA GLOW COURT	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee

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**EXHIBIT A
CONTRACTS¹**

NANCY SIMON	6575 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
NANCY MULFORD	8428 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
NANCY M SOARES	8450 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MONICA RAE AND ARTHUR L SEWALL	4560 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MIHAE KIM	6758 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MIGUEL A JACINTO AND EVELYN GRACE P SETO	4448 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MICHAEL TRAN	8525 YELLOW HAWK WAY	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MICHAEL K PATRICK	8424 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MICHAEL DAVID HERDA	8385 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MICHAEL B LUCKMAN	6518 CONTRALTO STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MICHAEL AND VORAVON PENDLETON	8404 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MICHAEL AND NANCY C STANSBURY	8411 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MICHAEL AND HOLLY ODOM	9987 CLOUDY BAY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MERLE F AND TERESITA ORTAL JOHNSON	8443 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MERCY A GUEZ	6612 W. CAMERO AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MELISSA AND ANTHONY BUCHANAN	8433 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MELISSA A CHESS	4438 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MATTHIAS J AND DEBORAH L WOLFF	6706 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MATTHEW M AND LEAH ANN BIGAM	7883 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MARY JEAN DEVERA	10961 HOLYROOD COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MARVIN L JR AND KATHLEEN M RYKEN	8424 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MARTHA CARRILLO	11020 ROYAL HIGHLANDS STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MARTA AND JORGE SALINAS	11002 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MARLONI PEDROSA	8292 PARADISE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MARK STETSON	5091 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MARISSA D GONZALES AND JIMMY D DELGADO	6625 BAROQUE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MARIO AND TERESITA ARENAS	4634 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MARIE KREJCIK	8427 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MARIANA S COLIADO	8449 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MARIA PINEDO	4412 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MARIA AND RICHARD HOSHAL	9965 CAPE MAY STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
MARIA AND ADALBERTO ALFARO	6527 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MARGARET AND SUSAN LINK	6765 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MANUEL A AND MILAGRO LEIVA	8412 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
MALCOLM H AND DANIELLE F GLOVER	4396 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
LUCITA H RODRIGUEZ	4615 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LOUIS AND DIANE GENTILE	4433 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee

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**EXHIBIT A
CONTRACTS¹**

LIZA M ENRIGUEL	10978 LADYBURN COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
LILIA C SABLAD	8455 KETTLEDRUM STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LIDDY AND JOY PUNZALAN	6705 CORONADO CREST AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LI-GENG H ROYER	6278 BOLD REGATTA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LESLIE AND CHARLENE DAMASO	6746 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LEONOR RAMISCAL	9981 CAPE MAY STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
LAURETO AND MARIA PANIDA	6567 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LAURENCE L GERSON	6229 WHITE POINT COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LAURA HOLLAND, DEAN GREGORY AND ANNETTE HOLLAND	6809 SEASMOKE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LASAUNDRRA PHILLIPS	8491 KETTLEDRUM STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LARRY J AND JULIE L GONZALES	7834 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LARRY D STOKES	8449 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
LARRY B JONES	9973 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
KEVIN WALSH AND STELLA NAVA-WALSH	10994 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
KETOBIE KIPER	8439 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
KENNETH HOOPER	6535 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
KELSEY AND SALLY LONG	6777 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
KE FANG	6747 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
KATHLEEN L MACAPULAY	8428 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
KARINA VILLANUEVA AND MIGUEL GONZALEZ	5059 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JULES CONUI	7805 JACARANDA HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOVEN Q AND NORA N CANOY	4633 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOSEPH BABAUTA	6645 W. CAMERO AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOSEPH A JR AND JUDITH PUSATERI, AND JULIE A LAUBER	10019 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JOSELITO LIZARDO	7827 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOSEFINO PEREZ	10999 HOLYROOD COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JOSEFINA BUGAYONG	7867 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOSE SALAZAR JR	6115 CAMBIATA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOSE ROMEO A BALUYOT	8452 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOSE MAGANA-AGUILAR	5203 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JOSE L AND ANGELICA SANTANA	6289 BOLD REGATTA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOSE GABRIEL AND JUDITH C ENCISO	8418 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOSE ENRIQUE AND ISaura L VALLES	10965 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JOSE BENJAMIN RODRIGUEZ	4353 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JOSE AND BLANCA MONTES	8445 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JORGE AND THERESA BAGTAS	7789 JACARANDA HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JORDAN M AND JANEL D BUNKER	8271 PARADISE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee

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**EXHIBIT A
CONTRACTS¹**

JONATHAN M AND MAYLA CLEMENTE	4640 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JONATHAN E AND LYZA R BANGLOY ETAL	6632 BAROQUE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOHN KLINE	6219 WHITE POINT COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOHN AND RITA HEFTY	10957 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JOHN AND JACQUELINE GRIECO	10033 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JOHN AND GEORGINA PAGE	6734 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JOHN AND ELIZABETH KENT	6815 VILLA CREEK COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JESSIE M STOKES	8454 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JESSIE M STOKES	8448 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JESSE AND TONYA E ROMERO	1105 ANCIENT TIMBER AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
JEMWINDA AND RODRIGO MATA	9981 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JEMMELEE AND JENNIFER VELASCO	6564 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JEFFREY S AND BRIDGET COLLIGAS	8519 YELLOW HAWK WAY	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JAYCEE ALIGNAY	10867 GALBRAITH STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JAY RICHTER AND LIZABETH KEELING	9973 CAPE MAY STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
JASON AND SHAILY RIVERA	8457 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JASON AND HELEN CAMPOS	8415 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JANEEN BALL, MELISSA L AND JEFFERY FENTO	6782 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JAMES TOTLAND	6357 SCREAMING EAGLE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JAMES T AND PATRICIA M HOLZ	8446 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JAMES JACKSON	6534 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JAMES F AND BARBARA D TODD	8267 SONOMA VIEW COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JAMES AND RENEE BARELA	6825 VILLA CREEK COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JACQUELINE D AND ROBERT J ABELLA	6628 W. CAMERO AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JACK C GOSS LIVING TRUST	6551 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
JACK A TOMITA JR.	4695 FRENCH HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ISIDRO VILLEGAS	8466 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
IGNACIO AND MARIA FRANCO	8458 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
I YU CHEN AND LIN HUNG-YI	6209 WHITE POINT COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HSIU CLOYD	6834 VILLA CREEK COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HOWARD HOGAN CHOW AND ANGELA LEE	4600 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HONORATA AND JUDE T SUPNET	6827 WHITE CRANE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HONG MEI AND ANN HUYNK DING	6543 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HILDA F CISNEROS	4616 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HERMAN SUAREZ AND LICETTE ROSA	10860 ROYAL HIGHLANDS STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
HELGA M MUTCHLER	8279 TRINITY OAKS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HATALLA FAMILY TRUST	8447 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee

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CONTRACTS¹**

HARRIS F ABELLON AND MELECIO B AND ARNIDA A GAMIAO	8472 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HAO T NGUYEN AND XIEP AND XAO NGUYEN	8277 SONOMA VIEW COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
HAK SUNG M	10051 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
H AND E LIVING TRUST	10915 GAELIC HILLS DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
GREGORY P JACOBS AND STEFANIE L STEELE	5251 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
GREGG SIELAW	8442 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
GLENN SERA JOSEF	8280 TRINITY OAKS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
GIL CLARINO JR AND JOSEPHINE MORAN	6559 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
GIL AND DELIA DAMASO	6752 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
GERALDO N AND LILIBETH D ORTIZ	8436 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
GEORGE S RIVERA	10981 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
GEORGE MICHAEL BROWN	8465 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
GEORGE C BEDICH	8444 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
GARDENIA C AND GREG MUTIA	4409 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
GABRIELLE P JOHNSEN	8438 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
FRANCISCO PALOMINO	8493 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
FLORA D JACKSON	4493 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
FELISA D AND RUDOLF Q RUIZ	7858 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
FARREN Y TRAN	6609 BAROQUE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
FANGSU WEI	8477 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
FAFANE DANIEL	9941 CAPE MAY STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
EVER NEMULE E AND MARYANN A CAMBE	5235 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ESTRELLA P CASTILLO REVOCABLE TRUST	8466 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ESTRELLA C REMIGIO	8469 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ESTRELITA CALIBOSO	8439 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ERICK JAY AND TINA MARIE WILLIS	4584 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ERICK AND DEANNA ZITZMANN	8460 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EMMANUEL B AND LILIBETH MONTECLAR	8451 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ELMER VEA	6598 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ELMER E BANGLOY AND FE R LORIE AND JENA ELMARIE R BANGLOY	6608 BAROQUE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ELENA C AND ANGEL S SABANGAN	8406 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EFRAIM AND DAPHNNE IZAN	10040 BAYSTONE STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
EDWIN M AND CORAZON C IGNACIO	8407 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EDWIN B AND SYLVIA B SAGADRACA	8413 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EDWARD M SUZARA	6600 W. CAMERO AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EDWARD M SR AND RAQUEL M JONES	8435 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EDWARD LEE DEJOHNETTE AND JANET NGUYET TRAN	1057 ANCIENT TIMBER AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee

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**EXHIBIT A
CONTRACTS¹**

EDWARD L AND BELLA E PENROSE	8432 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EDWARD A AND RHONDA L H SOTELO	8476 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EDUARDO DEGUZMAN	8421 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EDITHA LVADOR	4404 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
EDILBERTO AND MARILOU ZAMORA	6697 RUMBA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
EBONY L STOKES	8426 BISMARK SAPPHIRE STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DUNG TRAN	8484 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DUNG HO AND WANPEN SUWANRAT	8484 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DOYLE E AND PENELOPE WHISENHUNT	1142 SAX FIFTH AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
DOROTHY S LAUREL	8413 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DICKSON LEUNG	6741 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DEWENDRA RAO AND SNEH L GAUTAM	8288 SONOMA VIEW COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DENISE AND JOSE CAMACHO	8451 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DEBORAH A HOTTENSEN	10700 SHASTA GLOW COURT	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
DAVID T BROOKER	8537 YELLOW HAWK WAY	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DAVID A AND KATHRYN G BALVAGE	8427 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DARRYL AND KC ARABALLO	8272 PARADISE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DANTE P CORRALES COE	8431 MONDAVI HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DANIEL S DALEY AND JANICE BRIONES	5219 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
DANIEL L AND WENDI BLOEDORN	6715 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DANIEL E JACOBS	5267 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
DAN T AND TONYA MURPHY	1160 SAX FIFTH AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
DAMON OSHIMA	6807 WHITE CRANE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DALMACIO AND ZENaida CUETO	8289 TRINITY OAKS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DAISYLYN DELACRUZ	7797 JACARANDA HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
DAGOBERTO HIDALGO	4395 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
CURTIS S FOUTS	4567 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CRISOSTOMO FAMILY TRUST	7850 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CRAIG WHITLEY	9957 CAPE MAY STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
CRAIG AND NORA O KAWASAKI AND MARSHA KAWASAKI	8485 KETTLEDRUM STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
COLQUHOUN LC CLANN	4325 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
CLARKSTON M MCCUIEN	9949 CAPE MAY STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
CLARENCE AND YOLANDA CASTILLO	8478 LOXTON CELLARS STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CLARENCE AND REBECCA REYES AND CLARENCE R REYES III	4607 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CHRISTOPHER S DERROSI	1136 SAX FIFTH AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
CHRISTOPHER RATLIFF AND STEPHANIE HOOD	8469 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CHRISTOPHER M SR AND TAMMY BRYANT	1143 SAX FIFTH AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee

¹Nothing herein is an admission that any of the Contracts (or any other agreement) is an executory contract and/or has not expired by its own terms, and all of Debtor's rights in this regard are expressly reserved.

**EXHIBIT A
CONTRACTS¹**

CHRISTOPHER AND GABRIELLE HOWEY	4608 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CHRISTOPHER AND ARLENE M BENAK	8425 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CHINA MOON AND DONAY GRIFFIN	4679 FRENCH HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CHAD M PLOUDE	6722 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CESARIO AND NENITA PARANGAN	5061 PLYMOUTH BAY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
CESAR I AND ANACLETA G UY	8459 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CAROLYN SMITH	9989 CAPE MAY STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
CARMELITA DOMINQUEZ MARQUEZ	1149 SAX FIFTH AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
CARLO G AND ANA P GAVERO	8467 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
CAREY PAPERNO	4599 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BRUCE AND CINDY KIM	4583 MISSION MEADOW CIRCLE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BRETT AND NATALIE BURBIDGE	6788 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BRADLEY C AND LEANN BAISA	8485 MOONDANCE CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BRAD R AND LYNN A KNECHTEL	5187 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
BOB AND JANET DAVID	8403 GRANITE SPRINGS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BESSIE ALLEN	7882 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BERNARD F AND LYNNE C RAJKOWSKI	6210 WHITE POINT COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BENJAMIN J II AND FRANCES PHILLIPS	7890 TAHOE RIDGE COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BENJAMIN C IV AND KRISTIE SINGLEY	10975 ROYAL HIGHLANDS STREET	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
BENJAMIN AND MIMI THUY WEISSHAUT	8433 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BARRY AND LOUISA EVANS	8270 TRINITY OAKS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BARRON RAY AND MARY R BRILLO	8463 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BARBARA RAUSCHKOLB AND STEVEN WALSH	8447 SUMMERS RANCH COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
BARBARA M AND RANDALL R FOOS	11005 INVERLOCHY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ARTHUR BIRZNECK	4428 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ARMI A ALFORQUE	8409 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ARMANDO DIAZ AND MARIA AGUIRRE-DIAZ	6265 CAMEO COVE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ARDELL AND VIRGINIA GALBRETH	8269 TRINITY OAKS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ANTONIO A., ANTONIO F AND MERCEDITA M C PASCUA	4498 MELROSE ABBEY PLACE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ANTONIA ZEMEROVA	8427 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ANSON LEE AND MARK PABLO	8477 FOX BROOK STREET	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ANGELA AND MANUEL ESCOLASTICO	6105 CAMBIATA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ANALIZA SANTIAGO	6266 BRAVE VOYAGER COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
AMELYNN A VENTURA	8471 CAMBRIA CELLARS COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ALFREDO FLORES-BECERRA	5155 GRAPE LEAF AVENUE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ALEXANDER DYSE AND GLORIA WILSON	6317 SCREAMING EAGLE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ALDEN S AND ROSE M NACIONALES	6230 WHITE POINT COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee

¹Nothing herein is an admission that any of the Contracts (or any other agreement) is an executory contract and/or has not expired by its own terms, and all of Debtor's rights in this regard are expressly reserved.

**EXHIBIT A
CONTRACTS¹**

ALAN W ACHEFF	6518 MUSETTE AVENUE	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
AGUSTO A AND NORMELITA S PESIGAN	7765 JACARANDA HILL COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ADLER FAMILY LIVING TRUST	1131 SAX FIFTH AVENUE	LAS VEGAS	NV	89183-0000	Price Promise/Guarantee
ADEODITHA GO	6723 BRAVURA COURT	LAS VEGAS	NV	89139-0000	Price Promise/Guarantee
ADEKUNLE AND BETTY AJAYI	4372 GREY SPENCER DRIVE	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee
ABRAHAM A AND VERONICA M RODRIGUEZ	9981 CLOUDY BAY COURT	LAS VEGAS	NV	89141-0000	Price Promise/Guarantee

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EXHIBIT B

PROPOSED FORM OF ORDER

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

AMERICAN WEST
DEVELOPMENT, INC., a Nevada
corporation,

Debtor.

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

Chapter 11

**ORDER GRANTING DEBTOR'S
FIRST OMNIBUS MOTION TO REJECT
CERTAIN PRICING COMMITMENTS,
EFFECTIVE AS OF THE PETITION DATE**

Hearing Date:
Hearing Time:

The Court, having reviewed and considered Debtor's First Omnibus Motion to Reject Certain Pricing Commitments, Effective as of the Petition Date (the "Motion")¹, for entry of an order pursuant to 11 U.S.C. §§ 105(a) and 363(b) authorizing, but not requiring, Debtor to reject those certain

¹ All capitalized words and phrases not otherwise defined herein shall have the meanings given to them in the Motion.

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

1 executory contract Pricing Commitments listed in **Exhibit A** thereto (collectively, the “Contracts”)
2 effective as of the Petition Date; and upon consideration of the Omnibus Declaration of Robert M.
3 Evans filed in Support of Debtor’s First Day Motions; and it appearing that the Court has jurisdiction
4 over this matter; and it appearing that notice of the Motion as set forth therein is sufficient, and that no
5 other or further notice need be provided; and it further appearing that the relief requested in the Motion
6 is in the best interests of Debtor and its estate and creditors; and upon all of the proceedings had before
7 the Court; and after due deliberation and sufficient cause appearing therefor, it is hereby

8 ORDERED that the Motion is granted; and it is further

9 ORDERED that Debtor is authorized to reject the Contracts effective as of the Petition Date;
10 and it is further

11 ORDERED that the Contracts are hereby rejected effective as of the Petition Date; and it is
12 further

13 ORDERED that nothing herein is determination that any of the Contracts (or any other
14 agreement) is an executory contract and/or has not expired by its own terms, and all of Debtor’s rights
15 in this regard are expressly reserved; and it is further

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

18 Prepared and Respectfully Submitted by:

19 **FOX ROTHSCHILD LLP**

20 By _____

21 BRETT A. AXELROD, ESQ.
Nevada Bar No. 5859

22 MICAELA RUSTIA MOORE, ESQ.
Nevada Bar No. 9676

23 3800 Howard Hughes Parkway
24 Suite 500
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25 *[Proposed] Counsel for Debtor*

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APPROVED/DISAPPROVED:

OFFICE OF THE UNITED STATES TRUSTEE

BY: _____

Athanasios Agelakopoulos
Trial Attorney for Acting U.S. Trustee, August B. Landis

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

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

- The Court has waived the requirement of approval in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion
- I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

ATHANASIOS AGELAKOPOULOS, OFFICE OF THE UNITED STATES TRUSTEE	[INSERT, AS APPLICABLE] _____
---	----------------------------------

Approved / Disapproved

- I certify that this is a case under Chapter 7 or 13, that I have served a 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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