



Honorable Mike K. Nakagawa
United States Bankruptcy Judge

Entered on Docket
August 29, 2012

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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 GRANTING DEBTOR'S
MOTION TO APPROVE STIPULATION
BETWEEN DEBTOR AND FUTURE
CLAIMS REPRESENTATIVE
REGARDING VOTING ELIGIBILITY
AND TABULATION FOR PROOF OF
CLAIM FILED BY FUTURE CLAIMS
REPRESENTATIVE ON BEHALF OF
HOLDERS OF CONSTRUCTION
DEFECT CLAIMS CLASSIFIED IN
CLASS 4 UNDER DEBTOR'S PLAN OF
REORGANIZATION WHO HAVE NOT
FILED A PROOF OF CLAIM OR
BALLOT REGARDING THE PLAN**

Hearing Date: August 23, 2012
Hearing Time: 10:00 a.m.

FOX ROTHSCHILD LLP
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1 This Court, having reviewed and considered Debtor’s Motion to Approve Stipulation Between
 2 Debtor and Future Claims Representative Regarding Voting Eligibility and Tabulation for Proof of
 3 Claim Filed by Future Claims Representative on Behalf of Holders of Construction Defect Claims
 4 Classified in Class 4 Under Debtor’s Plan of Reorganization Who Have Not Filed a Proof of Claim or
 5 Ballot Regarding the Plan [Docket No. 512] (the “Motion”), the Stipulation Between Debtor and Future
 6 Claims Representative Regarding Voting Eligibility and Tabulation for Proof of Claim Filed by Future
 7 Claims Representative on Behalf of Holders of Construction Defect Claims Classified in Class 4 Under
 8 Debtor’s Plan of Reorganization Who Have Not Filed a Proof of Claim or Ballot Regarding the Plan
 9 [Docket No. 511] (the “Stipulation”), all other pleadings and evidence submitted in connection with the
 10 Motion, and the oral arguments of record made by counsel for American West Development, Inc.
 11 (“AWDI” or “Debtor”), debtor and debtor in possession in the above-captioned bankruptcy case, and
 12 Mitchell Stipp, of Field Law Ltd., counsel for Future Claims Representative, James L. Moore at the
 13 hearing held August 23, 2012; the Court hereby finds that notice of the Motion was good and sufficient
 14 as provided, and with all other findings set forth in the record at the hearing noted above incorporated
 15 herein, pursuant to Rule 52 of the Federal Rules of Civil Procedure, made applicable to these
 16 proceedings by Rule 7052 of the Federal Rules of Bankruptcy Procedure; and for good cause appearing,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 18 1. The Motion is GRANTED.
- 19 2. The Stipulation is APPROVED in its entirety.

21 Prepared and Respectfully Submitted by:

22 **FOX ROTHSCHILD LLP**

23 By /s/Brett A. Axelrod
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 Nevada Bar No. 5859
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1 **APPROVED/DISAPPROVED:**

2 **FIELD LAW LTD.**

3 By /s/Mitchell Stipp

4 MITCHELL STIPP, ESQ.

5 Nevada Bar No. 7531

6 10120 W. Flamingo Rd.

7 Suite 4-124

8 Las Vegas, Nevada 89147

9 *Counsel for Future Claims Representative,*

10 *James L. Moore*

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

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

- 13 The Court has waived the requirement of approval in LR 9021(b)(1).
- 14 No party appeared at the hearing or filed an objection to the motion.
- 15 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:
- 16 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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