

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re:) In Proceedings Under Chapter 9
) Hon. Kathy A. Surratt-States
LAKESIDE 370 LEVEE DISTRICT,)
a political subdivision of the) Case No. 14-46094-659
State of Missouri,)
)
)
Debtor.) **MOTION TO APPROVE FORM
OF NOTICE OF CHAPTER 9 CASE**
)
)
) Steven Goldstein (ARN 32790, MBE 24807)
) Robert A. Breidenbach (ARN 74339, MBE 41557)
) Goldstein & Pressman, P.C.
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)

COMES NOW, Lakeside 370 Levee District (hereinafter, the “Debtor”), by and through its undersigned counsel, and for its ***Motion to Approve Form of Notice of Chapter 9 Case*** (the “Motion”), states to this honorable Court as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §1334, 28 U.S.C. §157(a), Local Rule 9.01B of the Local Rules of the United States District Court for the Eastern District of Missouri, 11 U.S.C. §§ 362, and 922, as well as Rule 9013 of the Federal Rules of Bankruptcy Procedure.

2. Venue is proper pursuant to 28 U.S.C. § 1409(a).

3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O).

II. BACKGROUND

4. On May 22, 2006, pursuant to Chapter 245 of the Revised Statutes of Missouri, the Circuit Court of St. Charles County entered its order approving, authorizing, and affirming the creation of Debtor as a levee district formed by and according to law.

5. The Debtor was formed for the purpose of protecting land within the boundaries of the levee district, which consists of approximately 1,270 acres of land on the north and south sides of Interstate Highway 370 in St. Charles County, in the State of Missouri (the "District").

6. The Debtor is governed by a five-member Board of Supervisors composed of owners of real estate within the boundaries of the District. Members of the Board of Supervisors serve staggered five-year terms. Each year the landowners in the District meet to select one Supervisor.

III. ARGUMENT

7. On August 1, 2014 (the "Petition Date") Debtor filed its Voluntary Petition for Relief under Chapter 9 of Title 11 of the United States Code¹. Since the Petition Date, Debtor has remained in possession of its assets.

8. Notification of a bankruptcy filing under Chapter 9 of the Bankruptcy Code are addressed in Section 923, which provides as follows:

There shall be given notice of the commencement of a case under this chapter, notice of an order for relief under this chapter, and notice of the dismissal of a case under this chapter. Such notice

¹ The provisions of Title 11 of the United States Code are referred to hereinafter and cited to herein as the "Bankruptcy Code".

shall also be published at least once a week for three successive weeks in at least one newspaper of general circulation published within the district in which the case is commenced, and in such other newspaper having a general circulation among bond dealers and bondholders as the court designates.

9. Attached hereto as **Exhibit A** is a proposed form of notice (the "Notice") that Debtor proposes be approved by this Court for entry on the Court's docket and for service to all parties on the List of Creditors and all persons who have entered their appearance in this Chapter 9 proceeding.

10. In addition to entry of and service of the Notice, Debtor respectfully suggests that the Court approve Debtor's publication of the Notice in the following newspapers: (a) the St. Louis Post Dispatch, a newspaper of general circulation within the Eastern District of Missouri; and (b) The Bond Buyer, a newspaper having a general circulation among bond dealers and bondholders.

11. Debtor has been operating in bankruptcy for more than four (4) months without any objection or other challenge. Debtor does not have a significant number of trade creditors and Debtor's primary creditors, the bondholders, have had representation both before and during these proceedings and have been working cooperatively with the Debtor during this case. Given that the creditor community has been involved in negotiations with the Debtor for some time prior to the commencement of these proceedings, and given that the creditor community has had knowledge of these proceedings for some time, Debtor would respectfully submit that it would be appropriate for this Court to require any objection to Debtor's eligibility for relief under Chapter 9 of the Bankruptcy Code be filed no later than January 23, 2015

and that any objection state with specificity the legal and factual bases, if any, upon which eligibility is questioned.

WHEREFORE, Debtor respectfully prays that this honorable Court grant the Motion, approve the noticing provisions contained herein, and that the Court grant Debtor such additional and further relief as is just and proper.

GOLDSTEIN & PRESSMAN, P.C.

By: /s/ Robert A. Breidenbach

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Attorneys for Debtor

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served this 22nd day of December, 2014, by first-class mail, postage prepaid, to the following parties unless said parties received service by electronic means:

Michelle D. McBride
[St. Charles County Collector](#)
201 N. Second St.
Suite 134
St. Charles, MO 63301

Fax (636) 949-7471
collector@sccmo.org

Mark G. Stingley
[Bryan Cave LLP](#)
One Kansas City Place
1200 Main Street, Suite 3800
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Debtor

/s/ Robert A. Breidenbach

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re:) In Proceedings Under Chapter 9
) Hon. Kathy A. Surratt-States
LAKESIDE 370 LEVEE DISTRICT,)
a political subdivision of the) Case No. 14-46094-659
State of Missouri,)
)
Debtor.) **NOTICE OF COMMENCEMENT**
) **OF CASE UNDER CHAPTER 9**
)

**TO: ALL CREDITORS AND PARTIES IN INTEREST OF
LAKESIDE 370 LEVEE DISTRICT, A POLITICAL
SUBDIVISION OF THE STATE OF MISSOURI**

COMMENCEMENT OF CHAPTER 9 CASE. On August 1, 2014 (the "Petition Date") Lakeside 370 Levee District, a political subdivision of the State of Missouri (the "Debtor") filed its Voluntary Petition for Relief under Chapter 9 of Title 11 of the United States Code¹ in the United States Bankruptcy Court for the Eastern District of Missouri (the "Bankruptcy Court"). By Order of the Hon. William Jay Riley, Chief Judge of the United States Court of Appeals for the Eighth Circuit, this case was assigned to the Hon. Kathy A. Surratt-States where the case is currently pending.

AUTOMATIC STAY. Pursuant to sections 362 and 922 of the Bankruptcy Code, the filing of Debtor's Chapter 9 proceeding operates as an automatic stay of actions directed against the Debtor or any of its property, *including but not limited to* the following: (a) the commencement of any action or lawsuit against the Debtor, any of its officers or inhabitants with respect to any claim against the Debtor; (b) the enforcement of any judgment; (c) any act to obtain property of the Debtor or to exercise any control over Debtor's property; or (d) any act to obtain or to enforce any lien against Debtor or against any of Debtor's property.

PURPOSE OF THE CHAPTER 9 FILING. A filing under Chapter 9 of the Bankruptcy Code allows Debtor to retain its property and to continue its operations while it works with creditors to develop and file a Plan of Adjustment which will be subject to voting by creditors and confirmation by the Bankruptcy Court. In a case under Chapter 9 of the Bankruptcy Code the jurisdiction of the Bankruptcy Court is limited as set out in 11 U.S.C. §§901, 903, and 904 as well as the Tenth Amendment to the United States Constitution.

¹ The provisions of Title 11 of the United States Code are referred to hereinafter and cited to herein as the "Bankruptcy Code".

DEADLINE FOR FILING AN OBJECTION TO THE ENTRY OF AN ORDER FOR RELIEF. Contemporaneously with the commencement of its Chapter 9 case Debtor filed its ***Debtor's Verified Statement in Support of Eligibility Under 11 U.S.C. §109(c)***. Objections, if any, to the entry of an Order for Relief shall be filed no later than **January 23, 2015** (the "Eligibility Deadline"). Any objection must state all facts and legal authorities which support the objection and shall be served pursuant to the Federal Rules of Bankruptcy Procedure and the Local Rules and electronic noticing procedures of the Bankruptcy Court. If no objection is filed by the Eligibility Deadline the Voluntary Petition filed by Debtor shall be deemed to be an Order for Relief entered on the Petition Date. If any objections are filed, the Bankruptcy Court shall conduct a hearing on said objections for **January 26, 2015 at 11:00 AM** at which time the Bankruptcy Court shall consider said objections (if any) and either resolve same or schedule a further hearing, if necessary or appropriate.

CLAIMS DEADLINE. The Bankruptcy Court has not yet set a deadline to file a Proof of Claim in this Chapter 9 proceeding. When a deadline is set, Debtor will provide notice of said deadline.

PLAN OF ADJUSTMENT. Debtor filed its Plan of Adjustment and a Disclosure Statement on December 15, 2014. A hearing to approve the Disclosure Statement is set **January 26, 2015 at 11:00 AM**. For further information on this matter, please contact the Bankruptcy Court or the undersigned.

GOLDSTEIN & PRESSMAN, P.C.

By: /s/ Steven Goldstein

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