

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO**

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|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| In re:<br><br>Elk Run Property Owners Association, Inc., <sup>1</sup><br>EIN: 84-1055016<br><br>Debtor.                       | Case Number: 26-10311<br><br>Chapter 11, Subchapter V |
| In re:<br><br>Village Pointe Property Owners Association,<br>Inc., <sup>2</sup><br>EIN: 84-1118687<br><br>Debtor.             | Case Number: 26-10314<br><br>Chapter 11, Subchapter V |
| In re:<br><br>Masters Place Condominiums Property Owners<br>Association, Inc., <sup>3</sup><br>EIN: 84-1118688<br><br>Debtor. | Case Number: 26-10313<br><br>Chapter 11, Subchapter V |

**DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING  
DEBTORS TO SUPPRESS CERTAIN PERSONALLY IDENTIFIABLE  
INFORMATION FOR INDIVIDUAL CREDITORS, INTERVAL OWNERS, AND  
PARTIES IN INTEREST AND (II) LIMITING DEBTORS' NOTICING OBLIGATIONS**

Elk Run Property Owners Association, Inc. ("Elk Run"), Village Pointe Property Owners Association, Inc. ("Village Pointe"), and Masters Place Condominiums Property Owners Association, Inc. ("Masters Place") (collectively, the "Debtors") file *Debtors' Motion for Entry of an Order (I) Authorizing Debtors to Suppress Certain Personally Identifiable Information for*

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<sup>1</sup> Elk Run Property Owners Association, Inc.'s corporate headquarters is located at: 42 Pinon Causeway, Pagosa Springs, Colorado 81147.

<sup>2</sup> Village Pointe Property Owners Association, Inc.'s corporate headquarters is located at: 42 Pinon Causeway, Pagosa Springs, Colorado 81147.

<sup>3</sup> Masters Place Condominiums Property Owners Association, Inc.'s corporate headquarters is located at: 42 Pinon Causeway, Pagosa Springs, Colorado 81147.

*Individual Creditors, Interval Owners and Parties in Interest and (II) Limiting Debtors' Noticing Obligations* (the "Motion") seeking entry of an order substantially in the form filed contemporaneously herewith (the "Proposed Order"). In support of this Motion, Elk Run relies upon the *Declaration of LuAnn Blea in Support of Debtor's Chapter 11 Petition and First Day Relief* (the "Elk Run First Day Declaration"); Village Pointe relies upon the *Declaration of Amy Bornmann in Support of Debtor's Chapter 11 Petition and First Day Relief* (the "Village Pointe First Day Declaration"); and Masters Place relies upon the *Declaration of Rusty Nabors in Support of Debtor's Chapter 11 Petition and First Day Relief* (the "Masters Place First Day Declaration") and, collectively, with the Elk Run First Day Declaration and the Village Pointe First Day Declaration, the "First Day Declarations"),<sup>4</sup> which have been filed with the Court on or about the date hereof and are incorporated herein, and respectfully represent as follows:

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).
2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory predicates for the relief sought herein are sections 105(a), 107 and 1108 of chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") and Rule 1007(d) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

### **BACKGROUND**

4. On January 20, 2026 (the "Petition Date"), Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code and each has elected to proceed under Subchapter

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<sup>4</sup> Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the applicable First Day Declarations.

V of Chapter 11 of the Bankruptcy Code. Debtors are operating their businesses and managing their affairs as debtors in possession pursuant to section 1184 of the Bankruptcy Code. No official committee has been appointed in any of the Chapter 11 Cases and no request has been made for removal of any of the Debtors as debtors in possession.

5. Debtors are not-for-profit corporations organized under the laws of the State of Colorado pursuant to their respective Articles of Incorporation filed with the Colorado Secretary of State, filed on May 22, 1986, for Elk Run; December 2, 1988, for Village Pointe; and March 14, 1989, for Masters Place.

6. Each respective Articles of Incorporation reflects that the Debtors were organized and exist to, among other things, operate, manage, lease, maintain, repair, and generally administer the affairs of the Properties, each located at 42 Pinon Causeway, Pagosa Springs, Colorado 81147 (collectively, the “Properties”), with the following features:

- a) Elk Run includes five buildings, with a total of 18 separate units
- b) Village Pointe includes six buildings, with a total of 32 separate units
- c) Masters Place includes two buildings, with a total of 20 separate units

7. Debtors were formed pursuant to the (a) Declaration of Protective Covenants and Interval Ownership for Elk Run Townhouses, filed on June 26, 1986 (as amended thereafter, the “Elk Run Declaration”); (b) Declaration of Condominium and Interval Ownership for Village Pointe Condominiums, filed on January 6, 1989 (as amended thereafter, the “Village Pointe Declaration”); and (c) Declaration of Condominium and Interval Ownership for Masters Place Condominiums, filed on March 14, 1989 (as amended thereafter, the “Masters Place Declaration” and, collectively, with the Elk Run Declaration and the Village Pointe Declaration, the “Declarations”).

8. The original By-Laws for each Debtor were recorded in the Office of the County Clerk and Recorder for Archuleta County, Colorado (the “Clerk’s Office”), on January 26, 1986, for Elk Run; January 6, 1988, for Village Pointe; and on March 14, 1989, for Masters Place. The By-Laws, as subsequently amended for each Debtor, are collectively referred to as the “By-Laws”.

9. The Declarations establish the Properties as subject to plans of internal ownership as part of timeshare programs in accordance with Colorado law and provide that the owners of the condominium units are the members of the respective Debtor (the “Association Members”).

10. The Properties operate as timeshare resorts. There are in total 3,640 unit-weeks (known as “Intervals”) across the Properties, including 936 at Elk Run, 1,664 at Village Pointe,<sup>5</sup> and 1,040 at Masters Place.

11. Elk Run owns 18 Intervals at its Property and a concomitant share of the common elements (the “Elk Run Association Interest”), which comprises approximately 1.92% of the total Intervals at Elk Run; Village Pointe owns 32 Intervals at its Property and a concomitant share of the common elements (the “Village Pointe Association Interest”), which comprises approximately 1.92% of the total Intervals at Village Pointe; and Masters Place owns 20 Intervals at its Property and a concomitant share of the common elements (the “Masters Place Association Interest” and, collectively, with the Elk Run Association Interest and Village Pointe Association Interest, the “Association Interests”), which comprises approximately 1.92% of the total Intervals at Masters Place. Each Debtor is a tenant in common with its Association Members.

12. PTVO Owners Association, Inc. (“PTVO”) owns 179, 408, and 267 Intervals at Elk Run, Village Pointe, and Masters Place, respectively, which represents approximately 19.12%,

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<sup>5</sup> The Village Pointe Intervals may be subdivided in two biennial interval ownership interests.

24.52%, and 25.67% of the total Intervals. WorldMark, the Club (the “Club”) owns 340, 632, and 301 Intervals at Elk Run, Village Pointe, and Masters Place, respectively, which represents approximately 36.32%, 37.98%, and 28.94% of the total Intervals. Wyndham Vacation Resorts, Inc. (“WVR”) owns 73, 95, and 52 Intervals at Elk Run, Village Pointe, and Masters Place, respectively, which represents approximately 7.80%, 5.71%, and 5.00% of the total Intervals. The remaining 326, 497, and 400 Intervals (34.83%, 29.87%, and 38.46% of the total Intervals) are owned by parties to corresponding contracts (collectively, the “Interval Owners”), with each interval having its own separate corresponding contract with the corresponding Debtor.

13. Vacation Resort Management, Inc. f/k/a Wyndham Vacation Management, Inc. (the “Property Manager”) provides management services to the Properties for the Debtors, pursuant to (a) that certain Amended and Restated Management Agreement between the Property Manager and Elk Run, dated as of January 1, 2025 (the “Elk Run Management Agreement”), (b) that certain Amended and Restated Management Agreement between the Property Manager and Village Pointe, dated as of January 1, 2025 (the “Village Pointe Management Agreement”), and (c) that certain Amended and Restated Management Agreement between the Property Manager and Masters Place, dated as of January 1, 2025 (the “Masters Place Management Agreement” and, collectively, with the Elk Run Management Agreement and Village Pointe Management Agreement, the “Management Agreements”).<sup>6</sup> Upon information and belief, Property Manager and WVR, an Association Member, are affiliates.

14. The Properties are located within a broader development known as *Fairfield Pagosa* (the “Master Development”) and are also subject to that certain Declaration of

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<sup>6</sup> The terms of the Management Agreements are essentially identical as such is relevant to this Motion.

Restrictions, related to the Master Development, recorded in Book 190, at Page 760 of the Clerk's Office (as amended and supplemented, the "Master Declaration"). The Master Declaration provides that the Association Members are also members of the Pagosa Property Owners Association, Inc. (the "Master Association") and are obligated to make payments in respect thereof.

15. As of December 27, 2025, the Debtors suspended occupancy at the Properties and are no longer accepting guests and reservations.

16. For a detailed description of Debtors and their businesses, Debtors respectfully refer the Court and parties in interest to their First Day Declarations.

#### **RELIEF REQUESTED**

17. Debtors request entry of an order, substantially in the form of the Proposed Order, (a) authorizing, but not directing, Debtors to suppress personally identifiable information for their individual creditors, Interval Owners, and parties in interest; and (b) limiting Debtors' noticing obligations in certain respects as set forth herein.

#### **AUTHORITY FOR RELIEF**

##### **A. Cause Exists to Authorize Debtors to Suppress Certain Personally Identifiable Information for Debtors' Creditors, Interval Owners, and Parties in Interest**

18. Section 107(c) of the Bankruptcy Code provides that the Court "for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual[:] ... [a]ny means of identification ... contained in a paper filed, or to be filed, in a case under" the Bankruptcy Code. 11 U.S.C. § 107(c)(1)(A).

19. Debtors respectfully submit that it is appropriate to authorize Debtors to suppress from any paper filed with the Court in the Chapter 11 Cases the residential addresses and email

addresses of Debtors' individual creditors, employees, and parties in interest, because such information could be used by third parties, among other things, to perpetrate identity theft or other crimes. Debtors propose to provide an unredacted version of the creditor matrix and any other relevant filings to (i) the Court (*e.g.*, the Clerk's Office through Debtors' noticing, claims, and Claims Agent<sup>7</sup>), (ii) the United States Trustee for the District of Colorado (the "U.S. Trustee"), (iii) counsel to any official committee of unsecured creditors appointed in the Chapter 11 Cases (if any), (iv) the Subchapter V Trustee, and (v) other parties in interest upon reasonable request and subject to the entry into a form of confidentiality agreement acceptable to the Debtors.

20. Specifically, in addition to the standard constituencies of creditors and parties in interest that may include individuals, Debtors are also owned by thousands of individual Interval Owners, vastly increasing the number of parties that are "individuals" involved in this case. Debtors estimate that, while they do not have any employees or other creditors that are individuals, the Interval Owners include approximately 2,234 individuals and families. Although Debtors seek to suppress the addresses of Interval Owners from filings on the public record, including on the creditor matrix and certificates of service of court papers that will be filed, Claims Agent will maintain a list of the "suppressed individuals" so that Debtors can track and confirm service of court paper details, which will also be made available to the Court and U.S. Trustee upon request.

21. The separate maintenance by Claims Agent of a list containing the service details for court papers served upon "suppressed individuals" will protect their personal information and facilitate an efficient manner to document service. Namely, it would be burdensome, wasteful, and expensive for Claims Agent to file a certificate of service attaching hundreds of pages that

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<sup>7</sup> Debtors separately seek to employ Omni Agent Solutions, Inc. as "Claims Agent".

simply state “name and address of individual on file” or list an ID number associated with every Interval Owner. Rather, subject to the Court’s approval of the relief requested herein, Debtors propose that Claims Agent verify service to “suppressed individuals” by referencing the Court’s Order on this Motion and, separately, maintaining a list with the relevant service detail should the Court, the United States Trustee, or another party in interest require confirmation of service.

22. For example, Claims Agent may document service by including the following or substantially similar statement on a certificate of service:

Pursuant to the Court’s Order entered on January \_\_, 2026, at Doc. No. \_\_, Claims Agent served the [named] court papers upon [number] individuals and will separately maintain the service details in order to protect against the disclosure of said individuals’ personal information on the public record.

23. Courts in various jurisdictions have approved relief similar to the relief requested herein with respect to the non-disclosure, redaction, restriction of access to, or suppression of personally identifiable information for individuals, whether they are creditors or other parties in interest. *See, e.g., In re Red Lobster Mgmt., LLC*, Case No. 24-02486-GER (Bankr. M.D. Fla. May 25, 2024) (authorizing debtors to suppress the personally identifiable information of individual parties in interest); *In re Genesis Global Holdco, LLC*, 652 B.R. 618, 637 (Bankr. S.D.N.Y. 2023) (stating that “[t]he publication of names alone has been found to heighten the risk of identity theft and other harm” and noting that home addresses can easily be found on the internet through the use of an individual’s name); *In re Bird Global, Inc., et al.*, Case No. 23-20514 (CLC) (Bankr. S.D. Fla. Dec. 22, 2023) (authorizing debtors to redact email addresses and home addresses of individual creditors and equity holders); *In re AeroTech Miami, Inc. d/b/a iAero Tech, et al.*, Case No. 23-17503 (RAM) (Bankr. S.D. Fla. Sept. 22, 2023) (authorizing debtors to redact the residential and email addresses of the individual creditors); *In re Anna Holdings, Inc.*, Case No.

19-12551 (CSS) (Bankr. D. Del. Dec. 3, 2019) (authorizing debtors to redact personally identifiable information of all individual creditors and interest holders).

**B. Cause Exists to Grant the Noticing and Service Limitations**

24. Debtors also request establishment of certain noticing procedures set forth below (the “Notice Procedures”) in order to provide an orderly and efficient process for notice to parties in interest while limiting the expense and administrative burden on Debtors’ estates. Specifically, Debtors request relief to limit notice to the Association Members other than with respect to pleadings and papers that directly impact their rights (the “Pertinent Owner Pleadings”). Bankruptcy Rule 2002(a) provides that, unless otherwise ordered by the Court, notice of certain matters must be given to, among others, all Debtors’ creditors, equity security holders, and other parties in interest. The Bankruptcy Rules further provide that “[t]he court may designate the matters about which, the entity to whom, and the form and manner in which a notice must be sent.” *See* Fed. R. Bankr. P. 2002(m); *see also* Fed. R. Bankr. P. 9007 (“[W]hen notice is to be given, the court shall designate: (1) the deadline for giving it; (2) the entities to whom it must be given; and (3) the form and manner of giving it.”).

25. In addition, section 105(a) of the Bankruptcy Code grants bankruptcy courts broad authority and discretion to enforce the provisions of the Bankruptcy Code either under specific statutory fiat or under equitable common law principles. Specifically, 11 U.S.C. § 105(a) provides:

The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

26. Section 102(1) of the Bankruptcy Code provides for an action to occur “after notice and a hearing,” such action may occur “after such notice is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances. . . .” 11 U.S.C. § 102(1)(A).

27. Finally, and perhaps most importantly, Bankruptcy Rule 1001 requires the Bankruptcy Rules to be “construed . . . to secure the just, speedy, and inexpensive determination of every case and proceeding.” Fed. R. Bankr. P. 1001.

28. These Chapter 11 Cases are complex, will likely be fast-paced, and, relevant to this Motion, will involve approximately 2,234 Interval Owners—each of whom owns a tenant-in-common interest in the Properties with their respective Debtor. The costs and burdens associated with copying and mailing or otherwise serving all documents filed with the Court to all Interval Owners will impose an extraordinary and expensive administrative and economic burden on the Debtors’ estates, the Court, and the parties in interest. Indeed, constant mass mailings will be extraordinarily costly to the Debtors’ estates and will require Debtors to divert valuable resources to comply with all administrative requirements—every dollar spent on mailings is a dollar less going to creditors and interest holders. Additionally, hard copy mailing is not available for all parties in interest, so Debtors request to serve such parties, through the Claims Agent, via electronic mail to ensure service on such parties.

29. Accordingly, Debtors request that the Court authorize Debtors to implement the following Notice Procedures:

- a. The Master Service List. Debtors shall create and maintain a master service list (the “Master Service List”) that will include the following parties or their counsel: (i) Debtors and their counsel; (ii) the Office of the United States Trustee for the District of Colorado; (iii) the Subchapter V trustee; (iv) the holders of the 20 largest claims against each Debtor, including any

member of, and counsel for, any official committee of unsecured creditors appointed in the Chapter 11 Cases, if any, from and after its appointment; (v) the Office of the United States Attorney for the District of Colorado; (vi) the Internal Revenue Service; (vii) the Secretary of State for the State of Colorado; (viii) all statutory committees appointed in the case (if any); (ix) all parties requesting notice under Bankruptcy Rule 2002; and (x) all parties on whom the Court otherwise orders notice.

The initial Master Service List is attached hereto as Exhibit A. Debtors or the Claims Agent will update the Master Service List to include those persons or parties that have made written request to be included therein every month through the pendency of these Chapter 11 Cases. Any such updated Master Service List will be posted on the Case Website.<sup>8</sup>

Upon completion of noticing any particular matter, the Claims Agent shall file with the Court either an affidavit or certification of service and an attached list of parties receiving notice and the manner in which notice was provided.

- b. The Association Members. All Pertinent Owner Pleadings will be served on the Association Members via email. If any emails are returned to the Claims Agent as undeliverable, and to the extent that any of the Association Members do not have personal email addresses in order to effectuate service electronically, Debtors, through the Claims Agent, will provide service of the Pertinent Owner Pleadings to those affected parties by first class U.S. Mail.
- c. Service by Email. Except as otherwise provided herein, all pleadings and other documents, other than a summons and complaint in an adversary proceeding, shall be served by email on the parties identified in the Master Service List in accordance with the Notice Procedures. Separate service by email or otherwise shall not be required on any party whose attorney has filed a notice of appearance on its behalf by using the Court's case management/electronic case filing (CM/ECF) system ("ECF Party"). All documents served by email shall include access to an attached file containing the entire document, including, as may be applicable, the proposed form(s) of orders and any exhibits, attachments, and other

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<sup>8</sup> As used herein, the term "Case Website" shall mean the website maintained by the Claims Agent at <https://omniagentsolutions.com/Pagosa>.

relevant materials, in “.pdf” format, readable by Adobe Acrobat or an equivalent program.

Notwithstanding the foregoing, if a document cannot be attached to an email (because of its size, technical difficulties, or otherwise), the serving party may, in its sole discretion, (i) serve the entire Document by U.S. Mail or overnight delivery, including the proposed form(s) of orders and any exhibits, attachments, and other relevant materials, or (ii) email the party being served and include a notation that the document cannot be attached and will be mailed only if specifically requested. Service by email shall be effective as of the date the document is sent by email to the address provided by a party. When a party serves documents by email, such party shall not be required to serve a paper copy of documents on interested parties by fax or regular mail. Except as otherwise provided herein, email service shall satisfy the Court’s rules for service.

- d. Alternative Service Methods. If a party entitled to notice of a pleading or document does not have an email address or if the email address of a party is not available, that party shall be served by first-class U.S. Mail or overnight mail, (*i.e.*, Federal Express or similar service, and such service being referred to as a “Courier Service”) (the choice being in the serving party’s sole discretion).

Parties filing pleadings and other documents with the Clerk of the Court shall serve the parties on the Master Service List by first-class U.S. Mail or Courier Service. Parties may, alternatively, serve all pleadings or other documents by email or facsimile upon parties listed on the Master Service List if the Master Service List includes the party’s email or facsimile information. For the avoidance of doubt, Debtors shall not be obligated to serve any pleading or other document filed by another party unless specifically ordered by the Court.

The proceedings with respect to which notice would be limited to the Master Service List shall include all matters covered by Bankruptcy Rule 2002, with the exception of the following, as applicable: (i) notice of the first meeting of creditors pursuant to Bankruptcy Code section 341; (ii) the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c); (iii) a motion to approve the sale of substantially all of the Debtors’ assets; (iv) summons and complaint in an adversary proceeding; (v) the time fixed for filing objections to, and the hearings to consider, approval of a disclosure statement and confirmation of a plan of reorganization; and (vi) notice and

transmittal of ballots for accepting or rejecting a plan of reorganization. Notice of the foregoing matters would be given to all parties in interest listed on the Debtors' creditor matrix and all Interval Owners by first-class U.S. Mail, email, or facsimile.

Additionally, with respect to parties not listed on the Master Service List but whose rights may be directly affected by a particular filing (an "Affected Party"), Debtors will serve that filing on the Affected Party by first-class U.S. Mail, email, or facsimile.

- e. First Day Notice Parties. Notwithstanding anything to the contrary herein, Debtors will serve the First Day Filings<sup>9</sup> pursuant to the Court's Local Rules on the Debtors and those entitled to CM/ECF notice, and the relevant notices comprising any part of the First Day Filings upon all creditors and parties in interest in the Debtors' uploaded creditor matrices (collectively, the "First Day Notice Parties"). For the avoidance of doubt, the Association Members are not considered to be First Day Notice Parties; *provided however* that the Association Members shall receive copies of the Case Commencement Notice. Service by Debtors on First Day Notice Parties shall not alter any of the Notice Procedures herein for all subsequent filings.

30. Upon entry of the Proposed Order, service and notice in accordance with the Notice Procedures set forth above shall be considered adequate in all respects under the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules. Nevertheless, any party at any time may apply for reconsideration of the order of the Court implementing these Noticing Procedures, which the Court may amend or supplement at any time.

31. As noted above, the Notice Procedures are of vital importance to Debtors' estates, as they enable Debtors to keep administrative costs associated with the Chapter 11 Cases minimal for the benefit of Debtors' stakeholders. The primary purpose of the Notice Procedures is to avoid the requirement for Debtors to serve each of the Association Members with all of the pleadings

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<sup>9</sup> The term "First Day Filings" shall mean all filings described in the Part L of each of the First Day Declarations.

and documents filed in the Chapter 11 Cases, which would otherwise be administratively burdensome, unnecessarily expensive, and of little value to the Association Members.

32. Importantly, the Association Members will not be prejudiced by the limitations proposed herein. As noted in the First Day Declarations, the Association Members are all aware of the commencement of the Chapter 11 Cases because Debtors called a special meeting of all owners to vote to approve the filing of the Chapter 11 Cases in the first instance. Moreover, aside from the anticipated sale of the Property, the Association Members' interests will not be impacted by the administration of the Chapter 11 Cases, which they have already approved. Additionally, in order for Debtors to consummate any such sale of the Property, it must first initiate an action under section 363(h) of the Bankruptcy Code to sell any Association Members' interests. Either way, all Association Members will be aware of the actions during the Chapter 11 Cases that may affect their interests and limiting notice with respect to routine and administrative filings and pleadings will have no impact on their rights. Finally, to the extent that any Association Member wishes to participate in the Chapter 11 Cases, he or she may file a 2002 Notice Request and become part of the Master Service List.

33. No previous application for the relief requested herein has been made by Debtors to this or any other court.

**WHEREFORE**, Debtors respectfully request the Court grant this Motion and enter an order, substantially in the form of the Proposed Order, (i) authorizing, but not directing, Debtors to suppress personally identifiable information of their individual creditors, the Interval Owners and other parties in interest and reflect service upon them as indicated herein; and (ii) granting such other and further relief as the Court deems just and proper.

*[Remainder of Page Left Intentionally Blank.]*

Date: January 20, 2026

Respectfully submitted,

**LAW OFFICES OF KEVIN S. NEIMAN, PC**

/s/ Kevin S. Neiman

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*Proposed Counsel for Debtors and Debtors-in-Possession*

**EXHIBIT A**

**(Initial Master Service List)**

US Trustee for the District of Colorado  
Attn: Gregory M Garvin  
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Denver, CO 80294

US Trustee for the District of Colorado  
Attn: Gregory M Garvin  
Byron G Rogers Federal Bldg  
1961 Stout St, Ste 12-200  
Denver, CO 80294

Office of the US Attorney  
for the District of Colorado  
Attn: Peter McNeilly  
1801 California St, Ste 1600  
Denver, CO 80202

Internal Revenue Service  
Attn: Centralized Insolvency Operation  
2970 Market St  
Mail Stop 5-Q30.133  
Philadelphia, PA 19104-5016

Colorado Secretary of State  
1700 Broadway, Ste 550  
Denver, CO 80290

MasterCorp  
3505 N Main St  
P.O. Box 4027  
Crossville, TN 38557

Pagosa Area Water & Sanitation District  
100 Lyn Ave  
Pagosa Springs, CO 81147

Resort Services Group  
4427 W Kennedy Blvd, Ste 260  
Tampa, FL 33609

TK Elevator Corp  
788 Circle 75 Pkwy SE, Ste 500  
Atlanta, GA 30339

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO**

|                                                                                                                               |                                                       |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| In re:<br><br>Elk Run Property Owners Association, Inc., <sup>1</sup><br>EIN: 84-1055016<br><br>Debtor.                       | Case Number: 26-10311<br><br>Chapter 11, Subchapter V |
| In re:<br><br>Village Pointe Property Owners Association,<br>Inc., <sup>2</sup><br>EIN: 84-1118687<br><br>Debtor.             | Case Number: 26-10314<br><br>Chapter 11, Subchapter V |
| In re:<br><br>Masters Place Condominiums Property Owners<br>Association, Inc., <sup>3</sup><br>EIN: 84-1118688<br><br>Debtor. | Case Number: 26-10313<br><br>Chapter 11, Subchapter V |

**ORDER GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER (I)  
AUTHORIZING DEBTORS TO SUPPRESS CERTAIN PERSONALLY IDENTIFIABLE  
INFORMATION FOR INDIVIDUAL CREDITORS, INTERVAL OWNERS, AND PARTIES  
IN INTEREST AND (II) LIMITING DEBTORS' NOTICING OBLIGATIONS**

Upon the *Debtors' Motion for Entry of an Order (I) Authorizing Debtors to Suppress Certain Personally Identifiable Information for Individual Creditors, Interval Owners, and Parties in Interest and (II) Limiting Debtors' Noticing Obligations* (Doc. No. \_\_\_\_ ) (the "Motion")<sup>4</sup> filed

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by Elk Run Property Owners Association, Inc. (“Elk Run”), Village Pointe Property Owners Association, Inc. (“Village Pointe”), and Masters Place Condominiums Property Owners Association, Inc. (“Masters Place”) (collectively, the “Debtors”); the Court having reviewed the Motion and the First Day Declarations, and having considered the representations of the parties present at any hearing, the Court finds: (i) the relief requested in the Motion is in the best interests of Debtors, their estates, their creditors, and other parties in interest; and (ii) that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and (d) notice of the Motion and any hearing were appropriate under the circumstances according to the Debtors and no other notice need be provided, the Court finds good and sufficient cause exists to grant the relief requested, it is hereby:

**ORDERED THAT:**

1. The Motion is granted.
2. Debtors are authorized to suppress the residential addresses and email addresses of Debtors’ individual creditors, the Interval Owners, and other parties in interest, from any paper filed with the Court in the Chapter 11 Cases, including certificates of service; *provided that* the Claims Agent shall maintain a list of the suppressed individuals so that Debtors can track and confirm service of court paper details, which shall also be made available to the Court, U.S. Trustee, Subchapter V Trustee, or other party in interest upon request, subject to maintaining such information consistent with section 107(c)(3) of the Bankruptcy Code.
3. The Claims Agent may document service by Debtors upon their individual creditors, Interval Owners, and interested parties by including the following or substantially similar statement on a certificate of service:

Pursuant to the Court's Order entered on January \_\_\_\_, 2026, at Doc. No. \_\_\_\_, Claims Agent served the [named] court papers upon [number] individuals and will separately maintain the service details in order to protect against the disclosure of said individuals' personal information on the public record.

4. The following Notice Procedures shall govern all aspects of the Chapter 11 Cases:

- a. The Master Service List. Debtors shall create and maintain a master service list (the "Master Service List") that will include the following parties or their counsel: (i) Debtors and their counsel; (ii) the Office of the United States Trustee for the District of Colorado; (iii) the Subchapter V trustee; (iv) the holders of the 20 largest claims against each Debtor, including any member of, and counsel for, any official committee of unsecured creditors appointed in the Chapter 11 Cases, if any, from and after its appointment; (v) the Office of the United States Attorney for the District of Colorado; (vi) the Internal Revenue Service; (vii) the Secretary of State for the State of Colorado; (viii) all statutory committees appointed in the case (if any); (ix) all parties requesting notice under Bankruptcy Rule 2002; and (x) all parties on whom the Court otherwise orders notice.

The initial Master Service List is attached to the Motion as Exhibit A. Debtors or the Claims Agent will update the Master Service List to include those persons or parties that have made written request to be included therein every month through the pendency of these Chapter 11 Cases. Any such updated Master Service List will be posted on the Case Website.<sup>5</sup>

Upon completion of noticing any particular matter, the Claims Agent shall file with the Court either an affidavit or certification of service and an attached list of parties receiving notice and the manner in which notice was provided.

- b. The Association Members. All Pertinent Owner Pleadings will be served on the Association Members via email. If any emails are returned to the Claims Agent as undeliverable, and to the extent that any of the Association Members do not have personal email addresses in order to effectuate service electronically, Debtors, through the Claims Agent, will provide service of

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<sup>5</sup> As used herein, the term "Case Website" shall mean the website maintained by the Claims Agent at <https://omniagentsolutions.com/Pagosa>.

the Pertinent Owner Pleadings to those affected parties by first class U.S. Mail.

- c. Service by Email. Except as otherwise provided herein, all pleadings and other documents, other than a summons and complaint in an adversary proceeding, shall be served by email on the parties identified in the Master Service List in accordance with the Notice Procedures. Separate service by email or otherwise shall not be required on any party whose attorney has filed a notice of appearance on its behalf by using the Court's case management/electronic case filing (CM/ECF) system ("ECF Party"). All documents served by email shall include access to an attached file containing the entire document, including, as may be applicable, the proposed form(s) of orders and any exhibits, attachments, and other relevant materials, in ".pdf" format, readable by Adobe Acrobat or an equivalent program.

Notwithstanding the foregoing, if a document cannot be attached to an email (because of its size, technical difficulties, or otherwise), the serving party may, in its sole discretion, (i) serve the entire Document by U.S. Mail or overnight delivery, including the proposed form(s) of orders and any exhibits, attachments, and other relevant materials, or (ii) email the party being served and include a notation that the document cannot be attached and will be mailed only if specifically requested. Service by email shall be effective as of the date the document is sent by email to the address provided by a party. When a party serves documents by email, such party shall not be required to serve a paper copy of documents on interested parties by fax or regular mail. Except as otherwise provided herein, email service shall satisfy the Court's rules for service.

- d. Alternative Service Methods. If a party entitled to notice of a pleading or document does not have an email address or if the email address of a party is not available, that party shall be served by first-class U.S. Mail or overnight mail, (*i.e.*, Federal Express or similar service, and such service being referred to as a "Courier Service") (the choice being in the serving party's sole discretion).

Parties filing pleadings and other documents with the Clerk of the Court shall serve the parties on the Master Service List by first-class U.S. Mail or Courier Service. Parties may, alternatively, serve all pleadings or other documents by email or facsimile upon parties listed on the Master Service List if the Master Service List includes the party's email or facsimile

information. For the avoidance of doubt, Debtors shall not be obligated to serve any pleading or other document filed by another party unless specifically ordered by the Court.

The proceedings with respect to which notice would be limited to the Master Service List shall include all matters covered by Bankruptcy Rule 2002, with the exception of the following, as applicable: (i) notice of the first meeting of creditors pursuant to Bankruptcy Code section 341; (ii) the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c); (iii) a motion to approve the sale of substantially all of the Debtors' assets; (iv) summons and complaint in an adversary proceeding; (v) the time fixed for filing objections to, and the hearings to consider, approval of a disclosure statement and confirmation of a plan of reorganization; and (vi) notice and transmittal of ballots for accepting or rejecting a plan of reorganization. Notice of the foregoing matters would be given to all parties in interest listed on the Debtors' creditor matrix and all Interval Owners by first-class U.S. Mail, email, or facsimile.

Additionally, with respect to parties not listed on the Master Service List but whose rights may be directly affected by a particular filing (an "Affected Party"), Debtors will serve that filing on the Affected Party by first-class U.S. Mail, email, or facsimile.

- e. First Day Notice Parties. Notwithstanding anything to the contrary herein, Debtors will serve the First Day Filings<sup>6</sup> pursuant to the Court's Local Rules on the Debtors and those entitled to CM/ECF notice, and the relevant notices comprising any part of the First Day Filings upon all creditors and parties in interest in the Debtors' uploaded creditor matrices (collectively, the "First Day Notice Parties"). For the avoidance of doubt, the Association Members are not considered to be First Day Notice Parties; *provided however* that the Association Members shall receive copies of the Case Commencement Notice. Service by Debtors on First Day Notice Parties shall not alter any of the Notice Procedures herein for all subsequent filings.

5. Debtors shall serve a printed copy of this Order upon all parties on the Master Service List on the date this Order is entered or as soon thereafter as is practicable.

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<sup>6</sup> The term "First Day Filings" shall mean all filings described in the Part L of each of the First Day Declarations.

6. To the extent the Notice Procedures set forth in this Order conflict with the Bankruptcy Code, Bankruptcy Rules, or Local Rules, or any other order entered by this Court, the Notice Procedures shall supersede such other conflicting authority. Notice obtained in compliance with the terms of this Order shall be deemed effective for all purposes.

7. Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

8. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: \_\_\_\_\_

**BY THE COURT:**

\_\_\_\_\_  
United States Bankruptcy Judge