Date Signed:
February 18, 2026

SO ORDERED.

Robert J. Faris
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF HAWAII

In re Association of Apartment Owners of Kauai Beach Villas, Debtor and Debtor in possession	Case No. 25-01103 (Chapter 11) (Subchapter V) Interim Hearing Date: December 8, 2025 Time: 2:00 p.m. Continued Hearing Date: January 5, 2026 Time: 2:00 p.m. Judge: Robert J. Faris

ORDER GRANTING IN PART AND DENYING IN PART REMAINDER OF *EXPEDITED MOTION FOR ENTRY OF AN ORDER: (A) APPROVING THE FORM AND MANNER OF NOTICE OF THE COMMENCEMENT OF THIS CHAPTER 11 CASE, (B) APPROVING FORM OF STIPULATION AND CONSENT AGREEMENT AUTHORIZING MARKETING AND SALE OF OWNERSHIP INTEREST(S) BY DEBTOR PURSUANT TO 11 U.S.C. § 363(h), (C) ESTABLISHING SCOPE OF NOTICE, AND (D) APPROVING SERVICE OF FORMS AND TABULATION OF RESPONSES BY STRETTO;* ***EXHIBITS A-B*

The *Expedited Motion for Entry of an Order: (A) Approving the Form and Manner of Notice of the Commencement of this Chapter 11 Case, (B) Approving Form of Stipulation and Consent Agreement Authorizing Marketing and Sale of*

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Ownership Interest(s) by Debtor Pursuant to 11 U.S.C. § 363(h), (C) Establishing Scope of Notice, and (D) Approving Service of Forms and Tabulation of Responses by Stretto (the "Motion")[1] filed by the Association of Apartment Owners of Kauai Beach Villas ("Debtor") on December 7, 2025, came on for a final hearing before the Honorable Robert J. Faris, United States Bankruptcy Judge for the United States Bankruptcy Court for the District of Hawaii (the "Court") on January 6, 2025.

Appearances are as noted on the record.

The Motion requests the entry of an order approving (i) the form of the Notice of Case and the Bar Dates set forth therein, (ii) the form of the Proof of Claim, (iii) the form of the Member Consent, and (iv) service of the Forms and tabulation of responses by the Claims and Noticing Agent.

The Court, having considered the Motion, finds that: (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), and that this Court may enter a final order consistent with Article III of the Constitution; (iii) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and (vi) upon review of the record before the Court, including the legal and factual bases set forth in the Motion and the First Day Declaration and the statements made by counsel at

[1] Capitalized terms not herein defined shall have the meaning set forth in the Motion.

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the Hearing, good and sufficient cause exists to grant the relief requested. Accordingly, it is hereby **ORDERED that**:

1. The Motion is **GRANTED IN PART, and DENIED IN PART**.

2. The Court denies without prejudice the Motion to the extent that it seeks approval of the form of the Member Consent.

3. The Court grants the Motion on a final basis as to the following:

(a) Pursuant to Bankruptcy Rule 3003(c)(2), any Person or Entity that is required to submit a Proof of Claim but fails to do so in a timely manner shall be forever barred, estopped, and enjoined from: (a) asserting any Claim against Debtor that (i) is in an amount that exceeds the amount, if any, that is set forth in the Schedules, or (ii) is of a different nature or in a different classification, if any, that is set forth in the Schedules (any such Claim referred to as an "Unscheduled Claim"); and (b) voting upon, or receiving distributions under, any plan or plans of reorganization in the Chapter 11 Case in respect of an Unscheduled Claim, subject to applicable law that provides otherwise.

(b) Any person or entity, other than government units (as defined in 11 U.S.C. 101(27)), holding a pre-petition claim against Debtor must file a proof of claim in accordance with the procedures described herein on or before **April 6, 2026** (the "Bar Date"). The Bar Date applies to all persons and entities, other than government units, holding claims, including section

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503(b)(9) claims, against the Debtor (whether secured, unsecured priority, or unsecured nonpriority) that arose prior to or on the Petition Date.

(c) The following entities whose claims otherwise would be subject to the Bar Date shall not be required to file proofs of claim in this chapter 11 case:

(i) Any person or entity that has already properly filed a proof of claim against Debtor with the clerk of the Court for the United States Bankruptcy Court for the District of Hawaii or with Stretto;

(ii) Any person or entity: (i) whose claim is listed in the Schedules or any amendments thereto, and (ii) whose claim is not described therein as "disputed," "contingent," or "unliquidated," and (iii) which does not dispute the amount or classification of its claim as set forth in the Schedules;

(iii) Professionals retained pursuant to orders of this Court who assert administrative claims for payment of fees and expenses subject to the Court's approval under Sections 330, 331(a), and 503(b) of the Bankruptcy Code;

(iv) Any person or entity that asserts an administrative expense claim against Debtor under Sections 503(b)(1) through (8) of the Bankruptcy Code; and

(v) Any person or entity whose claim has been paid in full.

(d) Debtor shall retain all rights to: (a) dispute, contest, setoff, recoup, and assert any defenses, counterclaims, or subordination against, any Claim submitted to the Claims and Noticing Agent or any Claim listed or reflected in the Schedules as to nature, amount, liability, classification, or

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otherwise; or (b) subsequently designate any Claim as disputed, contingent, or unliquidated.

(e) Subject to Court approval, Debtor has retained Stretto, Inc. ("Stretto") as its official Claims and Noticing Agent. For any Proof of Claim Form to be timely and properly filed, a completed Proof of Claim Form, together with accompanying documentation, must be sent so as to be actually received by the Claims and Noticing Agent, at the address indicated on the Proof of Claim Form, on or before the Bar Date.

(f) If a creditor wishes to receive acknowledgment of receipt of its Proof of Claim Form, such claimant must provide (in addition to the original Proof of Claim Form) one extra copy of such Proof of Claim Form along with a self-addressed, postage prepaid return envelope.

4. Debtor shall provide actual written notice of the Bar Date to all known Persons and Entities holding Claims for whom Debtor has an actual deliverable address, including (but not limited to) the Interval Owners and PTVO.

5. In giving actual notice to known Persons and Entities who may have a Claim (including the Interval Owners and PTVO), Debtor shall serve a copy of this Order, in accordance with Bankruptcy Rule 9007, so that this Order is served by first class mail within ten (10) business days after entry.

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6. In accordance with Bankruptcy Rule 2002(a)(7), service of this Order in the manner set forth above shall be deemed good and sufficient notice of the Bar Dates to known creditors.

7. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

8. Notwithstanding the possible applicability of Bankruptcy Rules 6004(h), 7062, 9014, or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

END OF ORDER

Approved as to form:

/s/ Elvina Rofael
Elvina Rofael, Esq.
Counsel for Office of the U.S. Trustee

SUBMITTED BY:

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