

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

In re:

The Falls Condominium Property Owners
Association, Inc.¹

Debtor.

Case Number: 25-60870-btf11

Chapter 11, Subchapter V

**DEBTOR'S MOTION FOR ENTRY OF AN ORDER APPROVING
FORM OF LETTER TO ASSOCIATION MEMBERS
REGARDING THE BANKRUPTCY PROCESS PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 2002(m)**

THE FALLS CONDOMINIUM PROPERTY OWNERS ASSOCIATION, INC.,
(the "Debtor" or the "Association") respectfully states the following in support of its *Motion for Entry of an Order Approving Form of Letter to Association Members Pursuant to Federal Rule of Bankruptcy Procedure 2002(m)* (the "Motion").

INTRODUCTION

1. Debtor seeks entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Order") (i) approving the form of letter to be sent to Debtor's association members (the "Association Members") providing general information regarding the Chapter 11 Case and anticipated procedural steps therein (the "Form Letter"); and (ii) authorizing Debtor to distribute the Form Letter to Association Members. In support of this Motion, Debtor respectfully states as follows:

¹ The last four digits of Debtor's tax identification number are 1971. Debtor's primary place of business is 3165 Falls Parkway, Branson, Missouri 65616.

JURISDICTION AND VENUE

2. The United States Bankruptcy Court for the Western District of Missouri (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Debtor confirms its consent to the Court entering a final order in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The bases for the relief requested herein are Rule 2002(m) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”).

BACKGROUND

6. On December 19, 2025 (the “Petition Date”), Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Case”).

7. Debtor continues to operate its business and manage its affairs as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

8. The condominium complex governed by the Association is located at 3165 Falls Parkway, Branson, Taney County, Missouri (the “Property”). The Property is commonly known as Fairfield Branson at The Falls Condominium, with a large number of Association Members holding ownership interests in the Property.

9. At a hearing before the Court held in connection with the motions for relief filed in connection with the commencement of the Chapter 11 Case, the Court directed the Debtor to provide a short, plain-language notice to Association Members describing the anticipated case process and the status of the Chapter 11 Case.

RELIEF REQUESTED

10. By this Motion, Debtor seeks entry of an order approving the Form Letter, attached hereto as **Exhibit B**, and authorizing Debtor to distribute the Form Letter to Association Members in accordance with Federal Rule of Bankruptcy Procedure 2002(m).

BASIS FOR RELIEF

11. Rule 2002(m) of the Bankruptcy Rules authorizes the Court to “enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.” Fed. R. Bankr. P. 2002(m).

12. Courts have routinely invoked the authority of Rule 2002(m) to establish streamlined notice and case management procedures and to order notice to parties in particular circumstances. *See In re Retail Group, Inc.*, No. 20-33113, 2021 WL 2188929, at *7, (Bankr. E.D. Va. May 28, 2021) (“Bankruptcy Rule 2002(m) provides that ‘[t]he court may from time to time enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent.’ Fed. R. Bankr. P. 2002(m). That is exactly what occurred here. The Court ordered that a specific type of notice be provided to equity security holders either directly where the Debtors had such contact information available or to Nominees of beneficial holder clients with instructions to forward the materials to the beneficial holders.”); *In re Uno Rest. Holdings Corp.*, No. 10-10209 (MG), 2011 WL 6015338 (Bankr. S.D.N.Y. Mar. 18, 2011) (establishing case notice procedures); *In re Lehr Constr. Corp.*, No. 11-10723 (SHL), 2010 WL 11824666 (Bankr. S.D.N.Y. Feb. 11, 2010) (establishing case notice procedures); *In re Dixie Pellets, LLC*, No. 09-05411-TOM-11, 2009 WL 8474540 (Bankr. N.D. Ala. Sept. 30, 2009) (establishing case notice procedures).

13. The Form Letter is narrowly tailored and informational. It does not purport to provide legal advice, solicit votes on any plan, announce deadlines, or seek to collect prepetition

obligations. Rather, it describes at a high level the effects of the Chapter 11 Case filing, describes the anticipated activities and process, and directs Association Members to publicly available resources for official court filings and additional information.

14. The Form Letter constitutes a reasonable and cost-effective means of providing Association Members with information regarding the Chapter 11 Case. Approving the Form Letter will promote efficient case administration.

NO PRIOR REQUEST

15. No prior request for the relief sought in this Motion has been made to this Court or any other court.

NOTICE

16. Debtor will provide notice of this Motion to the following parties and/or their respective counsel, as applicable: (a) the Office of the United States Trustee for the Western District of Missouri; (b) Debtor's 20 largest unsecured creditors; (c) the United States Attorneys' Office for the Western District of Missouri; (d) the Internal Revenue Service; (f) the Office of the Attorney General for the State of Missouri; (e) the Missouri Department of Revenue; (f) the Subchapter V Trustee; and (g) any party that has requested notice pursuant to Bankruptcy Rule 2002. Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

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WHEREFORE, Debtor respectfully requests that the Court enter an order, in substantially the form attached hereto as **Exhibit A**, (i) approving the Form Letter attached hereto as **Exhibit B**; (ii) authorizing Debtor to distribute the Form Letter to Association Members; and (iii) granting such other relief as is just and proper under the circumstances.

Dated: February 17, 2026

Respectfully Submitted,

/s/ Camber M. Jones

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Counsel for Debtor and Debtor-in-Possession

Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

In re:

The Falls Condominium Property Owners
Association, Inc.¹

Debtor.

Case Number: 25-60870-btf11

Chapter 11, Subchapter V

**ORDER APPROVING FORM OF LETTER TO ASSOCIATION MEMBERS
REGARDING THE BANKRUPTCY PROCESS PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 2002(m)**

Upon the *Debtor's Motion for Entry of an Order Approving Form of Letter to Association Members Pursuant to Federal Rule of Bankruptcy Procedure 2002(m)* (the "Motion")² of the above-captioned debtor and debtor-in-possession (the "Debtor") for entry of an order (this "Order") approving the Form Letter to Association Members explaining the bankruptcy process, as more fully set forth in the Motion; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of Debtor's estate, its creditors, and other parties in interest; and this Court having found that Debtor's notice of the Motion was appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that

¹ The last four digits of Debtor's tax identification number are 1971. Debtor's primary place of business is 3165 Falls Parkway, Branson, Missouri 65616.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor:

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. The Form Letter attached to the Motion as Exhibit B is **APPROVED** pursuant to Federal Rule of Bankruptcy Procedure 2002(m).
3. Debtor is authorized to serve the Form Letter to Association Members.
4. The Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____

THE HONORABLE BRIAN T. FENIMORE
UNITED STATES BANKRUPTCY JUDGE

Exhibit B

Form Letter

PLEASE REVIEW THIS LETTER CAREFULLY. IT PROVIDES INFORMATION ABOUT THE BANKRUPTCY CASE OF THE FALLS CONDOMINIUM PROPERTY OWNERS ASSOCIATION, INC.

On December 19, 2025, the Falls Condominium Property Owners Association, Inc. (the “Association” or “Debtor”) filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code (the “Bankruptcy Case”) in the United States Bankruptcy Court for the Western District of Missouri (the “Bankruptcy Court”). The Bankruptcy Case is pending before the Honorable Brian T. Fenimore under Case Number 25-60870.

The Association has established the following website where you can obtain detailed information and access all pleadings filed in the case without charge:

<https://www.omniagentsolutions.com/TheFalls>

On October 17, 2025, at a duly called and conducted special meeting of the Association members and interval owners (the “Members”) (pursuant to the Association Bylaws), the requisite number of Association Members voted to authorize the Board of Directors to file a chapter 11 bankruptcy petition for the Association to, among other things and subject to Bankruptcy Court approval, market and sell the entire property known as the Fairfield Branson at The Falls Condominium (the “Property”). The Association intends to sell the Property free and clear of the interests of all Association Members **including any interest owned by you** in the Property. All interests in the Property would attach to the proceeds of sale, subject to distribution pursuant to Bankruptcy Court order.

This letter is intended to provide additional information regarding the Bankruptcy Case. **THIS LETTER DOES NOT CONTAIN ALL OF THE INFORMATION REGARDING THE BANKRUPTCY CASE. YOU SHOULD CAREFULLY REVIEW ANY DOCUMENTS OR NOTICES YOU RECEIVE REGARDING THE BANKRUPTCY CASE AND CONSIDER CONSULTING LEGAL COUNSEL.**

THE ANTICIPATED BANKRUPTCY PROCESS:

The Association’s effort to sell the Property as a whole requires a number of steps, each of which must be approved by the Bankruptcy Court:

1. The Association intends to file a motion seeking to establish a sale process by which interested parties can make offers for the Property (the “Sale Motion”). The Sale Motion will seek to establish deadlines for prospective buyers to complete diligence, submit qualified bids, and participate in an anticipated auction for the Property (the “Sale”).
2. The Association intends to separately file a complaint (the “Adversary Proceeding”) to obtain a judgment from the Bankruptcy Court to, among other things, authorize the sale of the interests of all Members in the Property in connection with the Sale Motion. The Adversary Proceeding is a legal proceeding in which the Association would request that

the Bankruptcy Court enter a judgment authorizing the Sale of the Property (including your interest), with all interests to attach to the proceeds of the Sale in their order of priority. In connection with the Adversary Proceeding, the Association intends to send all Members a consent judgment pursuant to which Association Members may, but are not required to, consent to the Association's sale of the specific Member's interest in conjunction with the Association's interest in the Property. If an Association Member does not consent to entry of the judgement, the Association will seek a judgment authorizing the Sale of non-consenting Member's interests. **If the Sale and Adversary Proceeding are successful, you will no longer own an interval interest in the Property.**

3. The Association intends to file a plan of liquidation (the "Plan") which proposes how the Association will treat all of its creditors and Members. The Plan would be subject to approval of the Bankruptcy Court. The Association will send you the Plan once it is filed. **Although the Association cannot guaranty any particular outcome of the Sale, the Association does anticipate paying all claims of creditors in full and making distributions to Association Members of net Sale proceeds (after costs of administration of the Chapter 11 Case and Sale) as well as all remaining property, cash and reserves of the Association pursuant to the Plan or other Bankruptcy Court order.** Any distribution to Association Members may be subject to set-off of amounts owed to the Association for delinquent maintenance fees and/or special assessments.

CURRENT OPERATIONS AND MAINTENANCE OF THE PROPERTY

Prior to filing the Bankruptcy Case, the majority of Members of the Association voted to suspend operations at the Property for 2026 including (i) suspending occupancy at the resort as of December 27, 2025 or shortly thereafter without waiver of the right of the Association to re-commence occupancy upon notice to Members; (ii) suspending collection of 2026 maintenance fees, without waiver of the right of the Association to later seek payment of such fees and without waiver of Member obligations regarding same, upon notice to Members; (iii) waiving the funding of reserves in the 2026 budget pursuant to applicable provisions of Association governing documents and applicable law; (iv) refunding to Members and interval owners 2026 maintenance fees received by the Association, if any, without waiver of the right of the Association to later seek payment of such fees, upon notice to Members, and without waiver of Member obligations regarding same; (v) transferring the balance of reserve funds of the Association as of December 31, 2025, as needed, to pay operating expenses and costs of the Association as set forth in the limited operations budget for 2026 or any approved budget for the Association, pursuant to applicable provisions of the governing documents and applicable law; and/or (vi) taking any and all action deemed necessary or proper regarding the operation and/or management of the Association. **ACCORDINGLY, YOU SHOULD NOT, AT THIS TIME, MAKE PAYMENT OF ANY 2026 MAINTENANCE FEES OR RESERVE FEES. ANY**

**OBLIGATIONS DUE FOR 2025 OR PRIOR YEARS REMAIN DUE AND OWING
BY MEMBERS.**

FUTURE NOTICES

At this time the Bankruptcy Court has not granted or approved the Sale Motion, Adversary Proceeding Complaint, or Plan. You will receive notice of these pleadings and how you may respond to them when they are filed. Neither the Association nor the Bankruptcy Court can guarantee any particular outcome of the Bankruptcy Case, including the amount, if any, of proceeds of Sale to be distributed to Members.

CONTACT INFORMATION

If you have any questions regarding this letter or the Bankruptcy Case, you can contact counsel to the Association, K&L Gates, LLP, and Spencer Fane, LLP at the addresses, email, and phone numbers set forth below. **HOWEVER, PLEASE NOTE THAT THE ASSOCIATION AND ITS COUNSEL CANNOT PROVIDE LEGAL ADVICE TO ANY OF THE MEMBERS WITH RESPECT TO THEIR INDIVIDUAL OWNERSHIP INTEREST.**

Sincerely,

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