

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Evangelical Retirement Homes of Greater
Chicago, Inc.,

Debtor.

Case No. 23bk07541

Chapter 11

Judge Timothy A. Barnes

ORDER OVERRULING OBJECTION [DKT. NO. 309]
TO SALE MOTION [DKT. NO. 45]

This matter coming to be heard on Evangelical Retirement Homes of Greater Chicago, Inc. (the “Debtor”)’s motion for the sale of real property free and clear [Dkt. No. 45] (the “Sale Motion”); the court having jurisdiction over the subject matter, having considered the Sale Motion, the Sale Order [Dkt. No. 365] (the “Sale Order”), the objection to the Sale Motion [Dkt. No. 309] filed by Morrison Management Specialists, Inc. (“Morrison”), the amended objection [Dkt. No. 377] (the “Objection”), the relevant filings thereto and the arguments by the parties having appeared at the hearing that occurred on December 15, 2023 (the “Hearing”) and issued an oral ruling at the Hearing and for the reasons stated therein; now therefore

THE COURT FINDS AND ORDERS AS FOLLOWS:

1. The Objection is OVERRULED. The Debtor is found to be the owner of the subject property (the “Disputed Property”) and may sell the Disputed Property under 11 U.S.C. §§ 363(b) & (f). The Debtor may sell the Disputed Property in accordance with the Sale Order, provided that the Debtor must set aside \$2,712,100.97 from proceeds (the “Held Proceeds”) to ensure that, should Morrison be successful in asserting a priority interest in the Disputed Property, that interest may be satisfied from the Held Proceeds as would be satisfied under applicable nonbankruptcy law in a sale of the Disputed Property.

2. Morrison’s interest, if any, as well any other party’s interest in the Disputed Property being sold subject to the Sale Order, shall attach to the Held Proceeds in the same validity, priority, and extent as existed with respect to the Disputed Property prior to the closing and subject to same defenses, counterclaims and competing interests, each in accordance with the court’s oral ruling.

3. In all other respects, the Sale Order remains in effect, including its findings under 11 U.S.C. §§ 363(n) & (m) contained therein.

ENTERED:



Dated: December 15, 2023

Timothy A. Barnes
Judge, United States Bankruptcy Court