

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
September 26, 2023

Samuel A. Schwartz, Esq.
Nevada Bar No. 10985
saschwartz@nvfirm.com
SCHWARTZ LAW, PLLC
601 East Bridger Avenue
Las Vegas, Nevada 89101
Telephone: (702) 385-5544
Facsimile: (702) 442-9887

Attorneys for the Reorganized Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
FRONT SIGHT MANAGEMENT LLC,

Reorganized Debtor.

Case No.: 22-11824-ABL
Chapter 11

Hearing Date: September 26, 2023
Hearing Time: 1:30 PM PDT

**ORDER ON RENEWED MOTION TO ENFORCE
AND IMPLEMENT THE CONFIRMATION ORDER**

Upon the renewed motion (“**Motion**”)¹ of Front Sight Management LLC, the reorganized debtor in the above-referenced Chapter 11 case (the “**Reorganized Debtor**”), for the entry of any order to enforce and implement this Court’s *Findings of Fact, Conclusions of Law, and Order Confirming the Debtor’s Second Amended Chapter 11 Plan of Reorganization* [ECF No. 556] (the “**Confirmation Order**”), pursuant to Section 105 of the Bankruptcy Code; and due and sufficient notice of the Motion having been provided by the Reorganized Debtor to all appropriate and affected parties, including due and sufficient notice having been provided to all affected parties to

¹ Capitalized terms not otherwise defined herein shall have those meanings ascribed to them in the Motion.

1 the Enumerated Encumbrances (defined below); and after considering the Motion and all pleadings
2 and papers filed with this Court in connection with the Motion, including any objections to the
3 Motion, and the argument of counsel at the hearing on the Motion; and upon the record made by
4 the Reorganized Debtor hearing; and the Court having found and determined that the relief sought
5 in the Motion is in the best interests of the Reorganized Debtor, its estate, creditors, and all parties
6 in interest; and after due deliberation and consideration and good and sufficient cause appearing
7 therefor, it is hereby:

8 **ORDERED** that the Motion is **GRANTED**; and it is further

9 **ORDERED** that the Confirmation Order is a final order, not subject to appeal, revocation,
10 or otherwise; and it is further

11 **ORDERED** that the Plan became effective and substantially consummated on December
12 2, 2022, the date Nevada PF funded all required contributions under the Plan and received all of
13 the New Equity Interests in the Reorganized Debtor; and it is further

14 **ORDERED** that the Confirmation Order provided that, in accordance with Section V.C of
15 the Plan, “all property of the Estate shall revert in the Reorganized Debtor, . . . free and clear of all
16 claims, liens, encumbrances or other interests, including the following liens, claims, interests, and
17 encumbrances (collectively, the “**Enumerated Encumbrances**”):

- 18 i. That certain Memorandum of Use Agreement recorded on September 10, 1999, in
19 Book 19990910 as Instrument No. 477754 of the Official Records of Nye County, Nevada;
- 20 ii. That certain Off-Site Improvement Agreement recorded on June 28, 2000, in Book
21 20000628 as Instrument No. 02466 of the Official Records of Nye County, Nevada;
- 22 iii. That certain Deed of Trust, Assignment of Rents, Security Agreement and Fixture
23 Filing, recorded on February 10, 2006, in Book 20060210 as Instrument No. 649038 of the
24 Official Records, Nye County, Nevada, and that certain Notice of Loan Modification
25 recorded on July 6, 2012, in Book 20120706 as Instrument No. 786875 of the Official
26 Records of Nye County, Nevada;
- 27 iv. That certain Commercial Real Estate Lease, recorded on October 15, 2008, in Book
28 20081015 as Instrument No. 717276 of the Official Records of Nye County, Nevada;

1 v. That certain Development Agreement by and between Nye County, State of Nevada
2 and Front Sight Management, Inc., recorded on August 3, 2009, in Book 20090803 as
3 Instrument No. 731349 of the Official Records of Nye County, Nevada; and

4 vi. That certain Declaration of Conditions, Restrictions and Bylaws for Front Sight
5 Resort and Vacation Club, recorded on October 13, 2016, in Book 20161013 as Instrument
6 No. 860866 of the Official Records of Nye County, Nevada;”

7 and it is further

8 **ORDERED** that all property of the Debtor’s Estate which revested in the Reorganized
9 Debtor, including, but not limited to, the Reorganized Debtor’s real property located at: (i) 12501
10 South Haven Ranch Road, Pahrump, Nevada (Nye County Assessor’s Parcel No. 045-481-05); and
11 (ii) 1 Front Sight Road, Pahrump, Nevada (Nye County Assessor’s Parcel No. 045-481-06)
12 (together, the “**Property**”), revested in the Reorganized Debtor free and clear of all liens, claims,
13 and encumbrances, including revesting free and clear of the Enumerated Encumbrances; and it is
14 further

15 **ORDERED** that any title company, title insurer, insurer, creditor, bank, institution, or any
16 other party is hereby authorized and directed to rely on this Order, Confirmation Order, and/or Plan
17 to conclude that all other claims, liens, and encumbrances against the Reorganized Debtor’s
18 Property or against any other property of the Debtor’s Estate, including, but not limited to, the
19 Enumerated Encumbrances, unless expressly preserved in the Confirmation Order, are hereby
20 stripped and removed against the Reorganized Debtor’s Property and against any other property of
21 the Debtor’s Estate; and it is further

22 **ORDERED** that any title company, title insurer, creditor, bank, institution, or other third
23 party is hereby authorized and directed to rely on the this Order, the Confirmation Order, and/or
24 Plan, and is further authorized and directed to execute, deliver, file, or record any document, or to
25 take any action necessary to implement, consummate, and otherwise effect the terms of this Order,
26 the Confirmation Order, and/or Plan, which authorization includes, but is not limited to, issuing a
27 new title policy for the Reorganized Debtor’s Property which removes the Enumerated
28 Encumbrances as exceptions to title; and it is further

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDERED that as provided by Federal Rule of Bankruptcy Procedure 7062, this Order shall become effective immediately upon its entry and the fourteen (14) day stay period under Federal Rule of Bankruptcy Procedure 6004(h) is hereby waived; and it is further

ORDERED that this Court shall retain jurisdiction to hear all matters arising from or related to the relief granted in this Order.

Respectfully Submitted by:

SCHWARTZ LAW, PLLC

By: /s/ Samuel A. Schwartz
Samuel A. Schwartz, Esq.
Nevada Bar No. 10985
601 East Bridger Avenue
Las Vegas, Nevada 89101

Attorneys for the Reorganized Debtor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court’s ruling and that (check one):

- The court has waived the requirement set forth in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion.
- I have delivered a copy of this proposed order to all counsel and any unrepresented parties who appeared at the hearing, except those as to whom review was waived on the record at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

###