



SO ORDERED,

A handwritten signature in blue ink that reads "Jamie A. Wilson".

**Judge Jamie A. Wilson
United States Bankruptcy Judge
Date Signed: July 12, 2023**

The Order of the Court is set forth below. The docket reflects the date entered.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE:

CHAPTER 11

COMMUNITY HOME FINANCIAL SERVICES, INC.

CASE NO. 12-01703 JAW

**FINAL JUDGMENT (I) APPROVING THE JOINT THIRD
AMENDED DISCLOSURE STATEMENT AND
(II) CONFIRMING THE JOINT THIRD
AMENDED PLAN OF LIQUIDATION [DKT. NOS. 3255 AND 3256]**

THIS CAUSE came on for hearing on July 11, 2023, on the (I) Joint Third Amended Disclosure Statement (“Third Amended Disclosure Statement”) (Dkt. #3255); (II) the Joint Third Amended Plan of Liquidation of Kristina M. Johnson, (“Trustee”), Edwards Family Partnership LP and Beher Holdings Trust (“Edwards Parties”) (“Third Amended Plan”) (Dkt. #3256); and (III) the objection to the Third Amended Plan (“Objection”) of the United States Trustee (“UST”) (Dkt. #3272) and after considering the evidence presented, arguments of counsel and for the reasons set forth in the bench opinion rendered in open court on July 11, 2023, the Court finds that the UST’s Objection should be overruled and further finds, orders and adjudicates as follows:

1. On May 16, 2023, this Court entered its Order (1) Conditionally Approving the Joint Third Amended Disclosure Statement (Dkt. #3255); (2) Approving the Combined Hearing Notice; (3) Dispensing with Any Voting Requirements; and (4) Approving the Scheduling of

Certain Dates in Connection with the Confirmation of the Joint Third Amended Plan of Reorganization (Dkt. # 3258) (“May 16, 2023 Order”) Notice of the deadlines for objections to Third Amended Disclosure Statement and Third Amended Plan were properly served on all creditors and parties in interest on May 19, 2023 (Dkt. # 3261).

2. The Third Amended Disclosure Statement was duly noticed to all creditors and parties-in-interest in accordance with the Bankruptcy Code.

3. The Third Amended Disclosure Statement contains adequate information and is approved.

4. The Third Amended Plan was duly noticed to all creditors and parties-in-interest in accordance with the Bankruptcy Code.

5. The Third Amended Plan has four classifications of claims. Class 1 consists of Secured Claims, other than those of the Edwards Parties. There are no creditors in Class 1. Class 2 consists of Priority Unsecured Creditors. To the extent there are any unpaid Priority Unsecured Claims, the claims are being paid under the Third Amended Plan and those claims are unimpaired. Class 3 consists of the Edwards Parties, which claims are impaired under the Third Amended Plan but they are a joint proponent of the Third Amended Plan and consent to its terms. Class 4 consists of the unsecured claims, except those of the Edwards Parties. There are no claims in this class. These classifications were made in good faith, the classifications in each class are substantially similar and not for purposes of affecting the vote in any class or for any improper purpose.

6. As set forth in the May 16, 2023 Order, there were no classes of creditors entitled to vote on the Third Amended Plan, other than the Edwards Parties, who are joint proponents of the Third Amended Plan. Accordingly, all classes are deemed to have accepted the Third Amended Plan.

7. The evidence presented at the hearing addressed all the facts relevant to the Third Amended Plan and addressed all the requirements of Section 1129(a) of the Bankruptcy Code. The Third Amended Plan is a consensual, settlement-based plan, which the Court expressly finds to be fair and equitable and in the best interests of the Estate. Specifically, the Third Amended Plan complies with Section 1129 in that:

(a) The Third Amended Plan complies with the applicable provisions of Title 11 of the United States Code;

(b) The joint proponents have complied with all applicable provisions of Title 11 of the United States Code;

(c) The Third Amended Plan has been proposed in good faith and not by any means forbidden by law:

(d) All payments to be made by the Trustee or any other party provided for in Section 1129(a)(4) of the Bankruptcy Code for services, or for costs and expenses and/or in connection with this case either have been approved, or are subject to approval by this Court as reasonable.

(e) The joint proponents have disclosed the identity of any insiders who would be employed or retained by the Trustee and her compensation;

(f) Each holder of an impaired claim has accepted the Third Amended Plan;

(g) All allowed expenses of administration, unless deferred or waived, will be paid in cash upon the Effective Date of the Third Amended Plan, or with respect to the compensation claims of the Trustee or her professionals, upon entry of final non-appealable order approving said fees and any related expenses;

(h) The Third Amended Plan does not discriminate unfairly among creditors or classes, and the designation of classes under the Third Amended Plan are reasonable, based upon the fact

there are no other secured or unsecured claims other than those of the Edwards Parties.

(i) The Third Amended Plan complies the requirements of 11 U.S.C. §1129(a), as well as 11 U.S.C. §1129(b).

8. The Third Amended Plan is feasible and will not likely be followed by a liquidation other than the liquidation required by the Third Amended Plan.

9. For the reasons stated on the record, the objection of the UST has been resolved or is otherwise overruled for the reasons provided in the Court's bench ruling incorporated herein by reference.

IT IS THEREFORE,

ORDERED that the Third Amended Plan is confirmed. It is further,

ORDERED that the Court's bench ruling announced in open court on July 11, 2023, and the Court's findings in paragraphs 1-9 above of this Final Judgment are incorporated herein as part of the Court's rulings and to the extent the resolution of the UST's Objection requires an amendment to the Third Amended Plan, it is so amended pursuant to this paragraph. It is further,

ORDERED that in accordance with paragraph 9 above, the Trustee will pay to the UST any and all post-confirmation quarterly fees and required by 28 U.S.C. §1930(a)(6) until the case is closed by the Court. It is further,

ORDERED that any modifications of the Third Amended Plan must comply with 11 U.S.C. § 1127. It is further,

ORDERED that the provisions of the Third Amended Plan and this Final Judgment shall bind the Debtor, the Trustee and each and every creditor, whether or not the claim is impaired under the Third Amended Plan or whether or not the holder of the claim has accepted the Third Amended Plan. It is further,

ORDERED that as of the date hereof all of the property of the Estate which is transferred to the Edwards Parties shall be free and clear of all claims and interests of other creditors of the Estate, except for the obligations that are imposed or continued in the Third Amended Plan or this Final Judgment, subject to the provisions of paragraph 9 with respect to the objections of the UST as resolved. It is further,

ORDERED this Third Amended Plan resolves all matters originally set for trial on March 28-31, 2023, including: (1) the issues remanded in pending adversary proceedings 12-91, 13-104, and 15-80, as set forth in the Order Identifying Issues on Remand and Setting Date for Trial and Deadline for Pretrial Order (Dkt. #3081), (2) the other abated contested matters in the bankruptcy case listed in Exhibit A to the Order Setting Hearing on All Pending Contested Matters (Dkt. #3082); the Trustee's Sale Motion (Dkt. #3103) and related Application to Employ National Loan Exchange Inc. (Dkt. #3102) filed by the Trustee but not yet set for hearing; and (3) the Application for Super Priority Administrative Expense Claim filed by the Edwards Parties but not yet set for hearing (Dkt. #3125). It is further,

ORDERED that distributions to creditors under the Third Amended Plan shall be made in accordance with the Third Amended Plan, as modified by this Final Judgment. It is further,

ORDERED that the Trustee shall file all remaining monthly operating reports ("MORs"), and all required post-confirmation reports ("PCRs") until the case is closed by the Court. It is further,

ORDERED that all professionals or other entities asserting Professional Fee Claims for services rendered before the Effective Date must file their final fee application no later than sixty (60) days after the Effective Date of the Third Amended Plan. Likewise, the Trustee and all professionals rendering services both before and after the Effective Date must file final fee

applications no later than sixty (60) days after the Effective Date of the Third Amended Plan. Any objections to the final fee applications for Professional Fee Claims and Trustee Compensation must be filed no later than thirty (30) days after the filing of the respective final fee application. To avoid any doubt about the Effective Date, the Edwards Parties shall file and serve a Notice of Effective Date of Third Amended Plan notifying all creditors and parties in interest of the Effective Date. It is further,

ORDERED that all individuals and entities seeking pursuant to Sections 503, 507 or other provisions of the Bankruptcy Code, payment of accounts, debts, fees or reimbursement of expenses from the Estate, on an administrative or priority basis, make application to the Court for award of payment of such claims within sixty (60) days of the Effective Date of this Third Amended Plan, or shall be forever barred. It is further,

ORDERED all allowed expenses of administration, unless deferred or waived, will be paid in cash upon the Effective Date of the Third Amended Plan, or with respect to the compensation claims of the Trustee and her professionals, upon entry of final non-appealable order approving said fees and any related expenses. It is further,

ORDERED that subsequent to the entry of this Final Judgment and any order closing this case, the Court shall retain jurisdiction relating to this case as provided under the Third Amended Plan including, without limitation, jurisdiction over all disputes arising out of the Third Amended Plan, including but not limited to, administration and adjudication of any and all disputes regarding the distribution of Estate assets and any and all disputed Professional Fee Claims and Trustee Compensation. In addition, the Court shall retain jurisdiction for the administration and adjudication of objections to claims and the allowance of claims during the course of the Chapter 11 proceeding, including any and all claims against the Estate that arose prior to and during the

course of this Chapter 11 proceeding herein in accordance with the terms and provisions of the Third Amended Plan and this Final Judgment. It is further,

ORDERED after the Effective Date, and upon the closing of the case, the Trustee shall retain the following powers without need for further approval by the Bankruptcy Court: (1) to file any documents as may be required by the Bankruptcy Code in her reasonable discretion; (2) to complete and sign final tax returns for the Estate; and (3) to pay from Estate funds all allowed expenses of administration, including but not limited to UST fees, taxes, and claims of the Trustee and her professionals upon entry of final non-appealable order approving the fees. It is further,

ORDERED that the Injunction, Release, and Exculpation Clauses contained in Section 9 of the Third Amended Plan are enforceable to the maximum extent permitted by law. It is further,

ORDERED that the 14-day stay under Rule 3020(e) is hereby waived so that the Third Amended Plan shall be effective immediately upon entry of this Order. It is further,

ORDERED that counsel for the Edwards Parties is directed to serve a copy of this Final Judgment confirming Third Amended Plan upon all creditors and parties-in-interest within fourteen (14) days after entry hereof, and to provide an accompanying certificate of service, regarding service of this Final Judgment, to the Clerk of Court.

##END OF ORDER##

SUBMITTED BY:

KRISTINA M. JOHNSON, TRUSTEE
BANKRUPTCY ESTATE OF CHFS

By: /s/ Jeffrey R. Barber
Jeffrey R. Barber (MB #1982)
Kristina M. Johnson (MB #9382)

EDWARDS FAMILY PARTNERSHIP, LP
AND BEHER HOLDINGS TRUST

By: /s/ Jim F. Spencer
Jim F. Spencer, Jr. (MSB # 7736)
Stephanie M. Rippee (MSB #8998)

APPROVED AS TO FORM ONLY:

OFFICE OF THE UNITED STATES TRUSTEE

By: /s/ Christopher J. Steiskal, Sr.
Christopher J. Steiskal, Sr.
Trial Attorney