

STATE OF NORTH CAROLINA
NEW HANOVER COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16 CVS 2419

DENNIS D. CHISUM, individually and
derivatively on behalf of JUDGES
ROAD INDUSTRIAL PARK, LLC;
CAROLINA COAST HOLDINGS, LLC;
and PARKWAY BUSINESS PARK,
LLC,

Plaintiff,

v.

ROCCO J. CAMPAGNA; RICHARD J.
CAMPAGNA; JUDGES ROAD
INDUSTRIAL PARK, LLC; CAROLINA
COAST HOLDINGS, LLC; and
PARKWAY BUSINESS PARK, LLC,

Defendants.

ORDER ON CLAIMS PROCESS

1. THIS MATTER is before the Court to establish a claims process for claims against Judges Road Industrial Park, LLC (“Judges Road”) or Parkway Business Park, LLC (“Parkway”) (collectively “the Entities”) in response to recommendations from Receiver George M. Oliver (the “Receiver”) in the Second Receiver’s Report (the “Report”), (ECF No. 373).

2. The Court has reviewed the Report and the Proposed Claims Process and, pursuant to G.S. §1-507.49, hereby ORDERS as follows:

- a. **Receiver's Address.** Claims against Judges Road or Parkway may be asserted in writing and sent by first-class mail addressed to:

George M. Oliver, Receiver
Law Offices of Oliver & Cheek, PLLC
405 Middle Street
New Bern, North Carolina 28560

- b. **Notification Procedures.** The Receiver shall mail, email, or fax a notice of the Claims Bar Date (in substantially the form attached as Exhibits A and B to the Report, with changes to conform to this Order) and a Proof of Claim (in substantially the form attached as Exhibits C and D to the Report, with changes to conform to this Order) to all known actual or potential claimants of either Judges Road or Parkway, as applicable. The Receiver shall have no obligation to provide notice of the Claims Bar Date and a Proof of Claim to any actual or potential claimant about which the Receiver has not been notified or with reasonable diligence could not have discovered, or to any actual or potential claimant whose whereabouts are unknown to the Receiver despite reasonable inquiry.
- c. **Duty to Review and Respond.** All recipients of a notice of the Claims Deadline shall have an affirmative duty to review the notice

served on them and to file a claim form with the Receiver, if appropriate.

- d. **Claim Form.** Each claimant asserting a claim against either Judges Road or Parkway or seeking a distribution from the assets of either must complete a claim form provided by the Receiver. Each claim form must be completed in full, signed under penalty of perjury, include appropriate documentary evidence to support the claim, and be received by the Receiver prior to the Claims Bar Date. The Receiver will date and time stamp each claim form as received.
- e. **Claims Bar Date.** The deadline by which **the Receiver must receive** all claims submitted (the “Claims Bar Date”) is **5:00 p.m. on 30 November 2021**. The Claims Bar Date shall be the last date and time by which a person or entity making a claim against either Judges Road or Parkway may assert any such claim against either entity, notwithstanding any otherwise applicable law that could govern the timing of the assertion of a claim against Judges Road or Parkway. Therefore, any creditor or claimant who does not file a claim by the Claims Bar Date shall be estopped and forever barred from asserting any claim against either Judges Road or Parkway.
- f. **Objections to Claims.** The deadline for the Receiver to object to filed claims is 15 December 2021. A creditor may respond to an objection from the Receiver until 31 December 2021.

- g. **Receiver's Reports.** The Receiver shall include in his regular status reports to the Court a list of claims identifying the name of the Claimant, a description of the Claim, the date the Claim was received, and the amount of the Claim. The Receiver, in his discretion, may either enter a specific amount or list the claim as estimated to be: SMALL (less than \$10,000), MEDIUM (\$10,000 or more but less than \$50,000), LARGE (\$50,000 or more but less than \$500,000), or VERY LARGE (\$500,000 or more).
- h. **Additional Information.** If any actual or potential claimant desires additional information on the claims process or needs an additional copy of the notes of the Claims Deadline or claim form, the claimant may contact the Receiver at the mailing address previously mentioned in this order, or the following email address: george@olivercheek.com.

IT IS SO ORDERED, this the 29th day of September, 2021.

/s/ Julianna Theall Earp

Julianna Theall Earp
Special Superior Court Judge
for Complex Business Cases