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10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In re:
13 USA Commercial Mortgage Company,
14 Debtor.

Case No. BK-S-06-10725-LBR
CHAPTER 11

**Notice of Hearing for USACM
Liquidating Trust's Motion to
Authorize Second Installment of
Second Interim Distribution to
Unsecured Creditors**

Date of Hearing: March 1, 2012
Time of Hearing: 10:00 a.m.

15 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed a
16 Motion to Authorize Second Installment of Second Interim Distribution to Unsecured
17 Creditors (the "Motion"). In summary, the USACM Trust seeks the Court's authorization
18 to treat certain claims against USA Commercial Mortgage Company ("USACM") as
19 Allowed or Disallowed as set forth on **Exhibit A** to the Motion, and to make an interim
20 distribution of \$8 million to creditors while reserving some of this amount to cover future
21 distributions to those claims that are currently unresolved.

22 Attached to the Motion as **Exhibit A** is a schedule that provides the following
23 information about claim(s): (1) claim number; (2) claim amount; (3) allowed amount;
24 (4) disallowed amount; and (5) unresolved amount. The version of **Exhibit A** attached to
25 the Motion filed with the Court is over 185 pages and it covers all affected claims (there
26 are over 4,000). You can view it online at <http://usacmcucc.bmcgroup.com/default.aspx> or

1 you can request a copy. The USACM Trust has requested that the Court approve
2 **Exhibit A** as an accurate statement regarding the status of all unsecured claims, including
3 your claim(s). Attached to this Notice as **Exhibit A** is the excerpt from the schedule
4 attached to the Motion as **Exhibit A** that relates to at least one of your claim(s). If the
5 books and records of USACM show you had more than one claim, or if you filed more
6 than one proof of claim, you may receive separate notices for different claims. Please
7 review the attachment.

8 The Trust has filed additional objections to Claims that will be set for hearing by
9 the Court on March 1, 2012. The Trust will update **Exhibit A** after those hearings.

10 If you have any questions regarding **Exhibit A** or the Motion, please contact
11 Marilyn Schoenike, Certified Legal Assistant, Lewis and Roca LLP,
12 e-mail mschoeni@LRLaw.com, 602-262-5314; Brant Fyelling, Sierra Consulting Group,
13 e-mail bfyelling@sierracgllc.com, 480-205-5530; or undersigned counsel, John Hinderaker.
14 Please do not contact the Court.

15 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held
16 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
17 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
18 **March 1, 2012 at 10:00 a.m.** At the hearing, the Court may grant the Motion, thus
19 approving **Exhibit A** and authorizing the USACM Trust to make an interim distribution
20 based upon it.

21 **NOTICE IS FURTHER GIVEN** pursuant to Local Rule 9014(d) that any
22 response to the Motion must be filed by **February 16, 2012**, (fourteen days preceding the
23 hearing) and a copy served on the person making the Motion. The opposition must state
24 your position, set forth all relevant facts and legal authority.

25 If you object to the relief requested, you *must* file a **WRITTEN** response to this
26 pleading with the Court. You *must* also serve your written response on the person who
sent you this notice.

1 If you do not file a written response with the Court, or if you do not serve your
2 written response on the person who sent you this notice, then:

- 3 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 4 • The Court may *rule against you* without formally calling the matter at the
5 hearing.

6 Dated: January 31, 2012.

7 **LEWIS AND ROCA LLP**

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9 By /s/ John Hinderaker (AZ #18024)
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