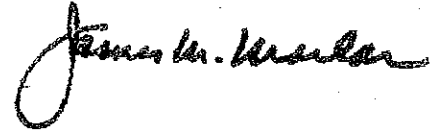


FILED

MAR 6 - 2013

U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:) Chapter 11 Proceedings
MOON VALLEY COUNTRY CLUB,) No. 2:12-bk-16548-BMW
Debtor.) **MEMORANDUM DECISION**

This court held a confirmation hearing on the Debtor's proposed plan on January 16, 17 and February 11, 2013. After taking the matter under advisement, in order to enable the parties to continue informal discussion, and to fully review the evidence and testimony, the court is now in a position to rule.

Based upon the status of the proposed plan, and its principal provision that the plan is only feasible if the collateral for the \$6.0 million secured obligation is found to be less than \$3.2 million (or perhaps, under the modifications proposed in February 2013, \$4.5 million), it is critical to determine the collateral's value.

One appraiser valued the collateral at \$2.5 million, while another valued it at \$6.0 million. The court FINDS, from the evidence, the value to be \$6.0 million.

Accordingly, the plan cannot satisfy the feasibility requirement of 11 U.S.C. § 1129(a)(11), nor the "cramdown" requirements of 11 U.S.C. § 1129(b)(2)(A)(i); 1129(b)(2)(A)(ii).¹

Therefore, the plan (together with its amendments) cannot be confirmed.

¹ While there may also be other legal reasons not to confirm the plan, it is unnecessary to explore the remaining § 1129 elements. This is because, with the value determination, the terms of the plan are not feasible. This renders moot the need to address other findings.

1 A separate order will be entered, simultaneously with this decision, which denies
2 confirmation, and lifts the automatic stay currently affecting MV AZ, LLC (Dkt 129).

3 Dated and signed above.
4

5 To be NOTICED by the BNC
6 ("Bankruptcy Noticing Center") to:

7 Robert P. Harris, Attorney for Debtor
8 Richard Lorenzen, Attorney for MV AZ, LLC
Trustee
Office of the U.S. Trustee
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