

Howard Marc Spector  
TBA#00785023  
Spector & Cox, PLLC  
12770 Coit Road, Suite 850  
Dallas, Texas 75251  
(214) 365-5377  
FAX: (214) 237-3380  
[hspector@spectorcox.com](mailto:hspector@spectorcox.com)

**COUNSEL TO AMY H. BOUTON AND  
IRA HOLLANDER AND/OR THE  
ESTATE OF SONDR A F. HOLLANDER**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>IN RE:</b>	§	<b>Chapter 11</b>
	§	
<b>Northwest Senior Housing Corporation, et al<sup>1</sup></b>	§	<b>Case No. 22-30659 (MVL)</b>
	§	
<b>Debtors</b>	§	<b>(Jointly Administered)</b>
	§	

**SUPPLEMENTAL OBJECTION OF AMY H. BOUTON AND IRA HOLLANDER  
AND/OR THE ESTATE OF SONDR A F. HOLLANDER REGARDING THE  
SECOND AMENDED DISCLOSURE STATEMENT FOR  
THE SECOND AMENDED PLAN OF REORGANIZATION**

COME NOW, Amy H. Bouton, Ira Hollander and/or the Estate of Sondra F. Hollander [the “Hollander Parties”] and for this Objection to the Second Amended Disclosure Statement for the Second Amended Plan of Reorganization state:

1. On December 12, 2022, the Plan Sponsors filed their Second Amended Disclosure Statement [the “Second Amended Disclosure Statement”, Docket No. 899] for the Plan of Reorganization of the Plan Sponsors Dated December 12, 2022 [the “Second Amended Plan”, Docket No. 898].

---

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are Northwest Senior Housing Corporation (1278) and Senior Quality Lifestyles Corporation (2699).

2. The Second Amended Plan materially changes the treatment of *certain* creditors within Class 5 – Former Residents. Section 3.2.5 (redlined below) has been altered to provide as follows:

3.2.5 Class 5 — Participating Former Resident Refund Claims. Class 5 is Impaired and entitled to vote on this Plan. This Class consists of the Refund Claims of Participating Former Residents, who, for the avoidance of doubt, no longer reside at Edgemere as of the Voting Record Date. The Residency Agreements of Former Residents shall be rejected, and the holders of Allowed Class 5 Claims who OPT OUT of the Lifespace Settlement and the releases under Section 8 of this Plan shall receive a Class 4 General Unsecured Claim in an amount equal to their Refund Claim. Former Residents who do not OPT OUT of the Lifespace Settlement and the releases under Section 8 of this Plan (i.e. Participating Former Residents) shall receive Cash from the Residents Trust within sixty (60) days of the ~~Effective~~Refund Trigger Date, ~~or as soon as practicable thereafter,~~ in an amount equal to their Refund Claim.<sup>5</sup>

3. The major change from prior versions is that Former Residents in Class 5 are now being divided into two camps for purposes of determining eligibility for distributions from the Residents Trust – those who have had their units reoccupied and those who have not. Those Former Residents whose units have been reoccupied will satisfy both prongs of the Refund Trigger Date immediately. Those Former Residents whose units have not been reoccupied will not; they must wait to become eligible until their units are reoccupied.<sup>1</sup>

4. Section 1122 provides that a plan may place a claim or an interest in a particular class only if such claim or interest is substantially similar to the other claims or interests of such

---

<sup>1</sup> This discrepancy persists even *after* the facility is sold (*i.e.* to a point in time when the Plan Sponsors no longer have any economic interest in whether units are reoccupied or not). Nor does the unit occupancy requirement – at least with respect to Former Residents – seem to have any conceivable impact on the viability of the Residents’ Trust since the number of claims made does not determine the amount or timing of payments made. In short, it appears to be an artificial (and potentially insurmountable) impairment to making claims against the Residents Trust which serves no financial, legal, or permissible goal of any party, and, even if reclassified, will preclude a confirmation under 11 U.S.C. §§ 1129(a)(1) or (a)(2). The Disclosure Statement makes no reference to any of these issues.

class. Given that one condition of the Refund Trigger Date applies to some Former Residents but not others, placing such creditors in the same class is prohibited.

5. The Plan Sponsors will no doubt argue that the issue of proper or improper classification of claims should be deferred for consideration at a hearing at confirmation of the Second Amended Plan. In this case, consideration of a classification of claim objection at confirmation would merely delay the consideration of an inevitable objection at a cost to the creditors. *In re Harenberg*, 491 B.R. 706, 717-18 (Bankr. D. Md. 2013); *In re McCall*, 44 Bankr. 242 (Bankr. E.D. Penn. 1984). *Id.* at 242, 243. Soliciting votes and seeking court approval on a clearly fruitless venture is a waste of the time of the Court and the parties. *In re Pecht*, 57 Bankr. 137 (Bankr. E.D. Va. 1986); *In re S.E.T. Income Properties, III*, 83 Bankr. 791 (Bankr. N.D. Okla. 1988).

6. Based on the foregoing, the Hollander Parties respectfully request that an order be entered (i) denying approval of the Second Amended Disclosure Statement, and (ii) granting such other and further relief as the Court deems just and proper.

December 15, 2022.

/s/ Howard Marc Spector  
Howard Marc Spector  
TBA#00785023  
Spector & Cox, PLLC  
12770 Coit Road, Suite 850  
Dallas, Texas 75251  
(214) 365-5377  
FAX: (214) 237-3380  
[hspector@spectorcox.com](mailto:hspector@spectorcox.com)

**COUNSEL TO AMY H. BOUTON  
AND IRA HOLLANDER AND/OR  
THE ESTATE OF SONDR A F.  
HOLLANDER**

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing pleading was served via electronic means to all parties who receive ECF notice in this case on December 15, 2022.

/s/ Howard Marc Spector  
Howard Marc Spector