

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

In re:

Foxwood Hills Property Owners
Association, Inc.,

Debtor.

Case No. 20-

CHAPTER 11

**AFFIDAVIT OF JEFFREY L. PIRRUNG IN SUPPORT OF APPLICATION OF THE
DEBTOR FOR ORDER AUTHORIZATION TO RETAIN AMERICAN LEGAL
CLAIMS SERVICES, LLC AS THE CLAIMS AND NOTICING AGENT
FOR THE DEBTOR IN ACCORDANCE WITH 28 U.S.C. § 156(c), PURSUANT TO SC
LBR 2081-1, *NUNC PRO TUNC* TO THE PETITION DATE**

I, Jeffrey L Pirrung, being first duly sworn, state as follows:

1. I am the Managing Director of American Legal Claims Services, LLC (“**ALCS**”).

I am over the age of 18 and competent to testify. I am authorized to make this Affidavit (the “**Affidavit**”) on behalf of ALCS. Except as otherwise noted, I have personal knowledge of the matters set forth herein.

2. This Affidavit is made in support of the Application for an Order Authorizing the Debtor to Retain American Legal Services, LLC as Claims and Noticing Agent for the Debtor in Accordance with U.S.C. § 156(c), Pursuant to SC LBR 2081-1, *Nunc Pro Tunc* to the Petition Date (the “**Application**”), filed by Foxwood Hills Property Owners Association, Inc. (the “**POA**”), the debtor and debtor-in-possession in this case.

3. As agent and custodian of the Court records pursuant to 28 U.S.C. § 156(c), ALCS will perform, at the request of the Clerk of this Court (the “**Clerk**”), the notice and claims related services specified in the Application and the Services Agreement attached to it. In addition, at the

POA's request, ALCS will perform such other noticing, claims, administrative, technical and support services specified in the Application and the Services Agreement.

4. ALCS is a data processing firm that specializes in Chapter 11 administration, consulting, and analysis, including noticing, claims processing and other administrative tasks in Chapter 11 cases. ALCS has assisted and advised numerous Chapter 11 debtors in connection with noticing and claims administration.

5. Indeed, ALCS has acted as the official claims, noticing and balloting agent in many large bankruptcy cases in districts nationwide. *See, e.g., In re Think Finance, LLC*, Case No. 17-33964 (HDH) (Bankr. N.D. Tx. 2017); *In re Beaulieu Group, LLC*, Case No. 17-41677 (MGD) (Bankr. N.D. Ga. 2017); *In re Noble Environmental Power, LLC*, Case No. 16-12055 (BLS) (Bankr. D. Del. 2016); *In re Life Care St. Johns, Inc.*, Case No. 3:16-bk-1347 (JAF) (Bankr. M.D. Fla. 2016) *In re Santa Fe Gold Corporation*, Case No. 15-11761 (MFW) (Bankr. D. Del. 2015); *In re Health Diagnostic Laboratories, Inc.*, Case No. 15-32919 (KRH) (Bankr. E.D. Va. 2015); *In re Xinergy Ltd.*, Case No. 15-70444 (PMB) (Bankr. W.D. Va. 2015); *In re MacKeyser Holdings, LLC*, Case No. 14-11550 (CSS) (Bankr. D. Del. 2014); *In re Refco Public Commodity Pool, L.P.*, Case No. 14-11216 (BLS) (Bankr. D. Del. 2014); *In re: Dominion Club, L.C.*, Case No. 11-30187 (KRH) (Bankr. E.D. Va. 2011); *In re The Glebe Inc.*, Case No. 10-71553 (RWK) (Bankr. W.D. Va. 2010); *In re BigM, Inc.*, Case No. 13-10233 (MBK) (Bankr. D.N.J. 2013); *In re Journal Register Company*, Case No. 12-13774 (SMB) (Bankr. S.D.N.Y. 2012); *In re Raser Technologies, Inc.*, Case No. 11-11315 (KJC) (Bankr. D. Del. 2011); *In re Alabama Aircraft Industries, Inc.*, Case No. 11-10452 (LSS) (Bankr. D. Del. 2011); *In re RoomStore, Inc.*, Case No. 11-37790 (KLP) (Bankr. E.D. Va. 2011); *In re Qimonda Richmond, LLC*, Case No. 09-10589 (MFW) (Bankr. D. Del. 2009).

6. At this time, ALCS is acting as the noticing agent in a Chapter 11 case pending before this Court, *In re Sand Castle South Timeshare Owners Association, Inc.*, Case No. 19-02764-jw.

7. The services ALCS proposes to render as claims and noticing agent in this case are described in the Application and in the Services Agreement.

8. Subject to the Court's authorization, in performing the services of claims and noticing agent, ALCS will charge the POA the rates set forth in the Services Agreement. The POA will provide to ALCS a \$7,500 advance deposit retainer to be held under the Services Agreement during the POA's Chapter 11 case as security for the payment of fees and expenses incurred in rendering the services as the claim and noticing agent in this Chapter 11 case.

9. ALCS represents, among other things, that:

- (a) ALCS is not a creditor of the POA as of the filing of this case;
- (b) ALCS will not consider itself employed by the government of the United States of America (the "U.S. Government") and shall not seek any compensation from the U.S. Government in its capacity as claims and noticing agent;
- (c) By accepting employment in this bankruptcy case, ALCS waives any right to receive compensation from the U.S. Government, with respect to these cases;
- (d) In its capacity as claims and noticing agent, ALCS may be an agent of the United States Bankruptcy Court for the District of South Carolina and may act on behalf of the Court to the extent prescribed by the Bankruptcy Code; and
- (e) ALCS will not employ any past or present employees of the POA in connection with its work as claims and noticing agent in this Chapter 11 case.

10. Although the POA does not propose in the Application to retain ALCS under 11 U.S.C. §327, to the best of my knowledge, neither ALCS, nor any employee thereof, has any

materially adverse connection to the POA, the POA's creditors or other relevant parties. ALCS may have relationships with certain of the POA's creditors as vendors or in connection with cases in which ALCS serves or has served in a neutral capacity as the claims and noticing agent for another Chapter 11 debtor; however, if so, such relationships are, to the best of my knowledge, completely unrelated to this Chapter 11 case.

11. In addition, ALCS personnel may have relationships with some of the POA's creditors or other parties in interest. However, to the best of my knowledge, such relationships, to the extent they exist, are of a personal nature and completely unrelated to this Chapter 11 case. ALCS has and will continue to represent clients in matters unrelated to this Chapter 11 cases.

12. ALCS also has had and will continue to have relationships in the ordinary course of its business with certain vendors, professionals and other parties in interest that may be involved in the POA's case in matters unrelated to this case. ALCS may also provide professional services to entities or persons that may be creditors or parties in interest in this Chapter 11 case, which services do not directly relate to, or have any direct connection with, this Chapter 11 case or the POA.

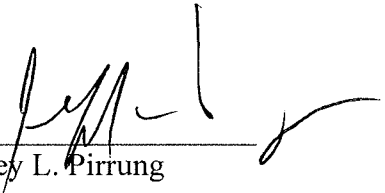
13. Should ALCS discover any new relevant facts or relationships bearing on the matters described herein during the period of its retention, ALCS will use reasonable efforts to file promptly a supplemental Affidavit.

14. Accordingly, to the best of my knowledge, neither ALCS, nor any of its employees, represents any interest materially adverse to the POA's estate with respect to any matter upon which ALCS is to be engaged. Based on the foregoing, I believe that ALCS is a "disinterested person" as that term is defined in §101(14) of the Bankruptcy Code.

15. ALCS will comply with all requests of the Clerk and the guidelines promulgated by the Judicial Conference of the United States for the implementation of 28 U.S.C. § 156(c).

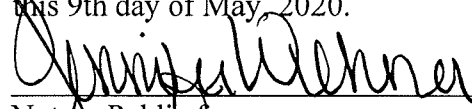
16. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge and belief.

Dated: May 9, 2020



Jeffrey L. Pirrung

Sworn to and subscribed before me
this 9th day of May, 2020.



Notary Public for _____
My Commission Expires:
1.26.21

