

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Case No. 09-13764 (JLG)  
Docket Reference No.: 2020

EXTENDED STAY INC., et al.,

Chapter 11

Debtors.

(Jointly Administered)

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**ORDER (I) ISSUING A FINAL DECREE, (II) APPROVING FINAL DISTRIBUTIONS,  
(III) APPROVING TREATMENT OF UNCLAIMED DISTRIBUTIONS,  
(IV) DISCHARGING THE PLAN ADMINISTRATOR AND LITIGATION  
TRUSTEE, AND (V) GRANTING RELATED RELIEF**

Upon the Motion<sup>1</sup> of Finbarr O’Connor, in his capacities as Plan Administrator and Litigation Trustee (the “Litigation Trustee”, and together with the Plan Administrator, the “Plan Fiduciary”) for and on behalf of the Extended Stay Litigation Trust (the “Litigation Trust”), for Extended Stay, Inc., (“ESI”) and its affiliated debtors (collectively, the “Debtors”), for the entry of an order, (a) issuing a final decree closing the chapter 11 case of Homestead Village L.L.C. (the “Chapter 11 Case”), (b) approving final distributions, (c) approving treatment of unclaimed distributions, (d) discharging the Plan Administrator and Litigation Trustee with respect to the Plan Debtors and their estates, and (e) granting related relief; and the Court having found that the Plan Fiduciary has achieved substantial consummation of the Plan; and it appearing that Homestead Village’s estate has been fully administered; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that the Plan Fiduciary has filed the Final Report concerning the period from the Petition Date through August 11, 2023 in accordance with Local Rule 3022-1; and consideration

<sup>1</sup> Capitalized terms used, but not defined, herein shall have the meanings ascribed to them in the Motion.



of the Motion and the relief therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and no other or further notice being required; and the Court having found that good and sufficient cause exists for granting the relief requested in the Motion; it is hereby

**ORDERED, DECREED AND ADJUDGED THAT:**

1. The Motion is GRANTED.
2. The Chapter 11 Case, as captioned above is and shall be and hereby is closed effective immediately as of the date of the entry of this Order:
3. The Litigation Trustee is authorized to issue Final Distributions to the holders of Allowed GUC Claims in the amounts set forth on Schedule 1 attached hereto, and the Final Distributions may be voided if not deposited within ninety (90) days of issuance.
4. The Litigation Trustee is authorized to return any unclaimed distributions to the Special Servicer.
5. To the extent not previously paid, the outstanding fees required to be paid to the United States Trustee pursuant to 28 U.S.C. § 1930(a)(6) shall be paid within ten (10) business days of the date of the entry of this Order.
6. The Plan Fiduciary and his employees, professionals and representatives are hereby authorized and directed to take any and all actions necessary or appropriate in connection with the closing of the Chapter 11 Case in accordance with this Order.
7. Upon entry of this Order, the Plan Fiduciary shall be, and hereby is, fully released and discharged of his duties and obligations with respect to the Plan Debtors and their estates other than those duties and obligations relating to the wind down of the Litigation Trust and this Order

(the “Trailing Obligations”), which Trailing Obligations shall terminate, without further Order of the Court, upon termination of the Litigation Trust.

8. This Order is without prejudice to any party’s right to seek to reopen the Chapter 11 Case.

9. This Order is without prejudice to and does not otherwise affect the continuing effect of the Plan and applicable provisions of the Confirmation Order that will survive the closing of the Chapter 11 Case.

10. Notwithstanding any stay that might be applicable to this Order, this Order shall be effective and enforceable immediately upon entry hereof.

11. This Court shall retain jurisdiction to hear and determine all matters arising from or related to (a) the Chapter 11 Case, as provided for in the Plan, and (b) the implementation, interpretation and enforcement of this Order.

Dated: September 14 2023  
New York, New York

/s/ James L. Garrity, Jr.  
Honorable James L. Garrity, Jr.  
United States Bankruptcy Judge

**SCHEDULE 1**

<b>Claim No.</b>	<b>Creditor Name</b>	<b>Allowed GUC Amount</b>	<b>Distribution Amount</b>
48	American InfoSource LP as Agent for T Mobile T Mobile USA Inc	\$723.40	\$578.72
47	American InfoSource LP as Agent for T Mobile T Mobile USA Inc	\$184.49	\$147.59
267	Department of the Treasury Internal Revenue Service	\$14,166.00	\$11,332.80
355	DFS Services LLC	\$16,540.12	\$13,232.10
392	Franchise Tax Board	\$213.31	\$170.65
393	Franchise Tax Board	\$1,307.48	\$1,045.98
394	Franchise Tax Board	\$12,064.18	\$9,651.34
398	Franchise Tax Board	\$1,045.90	\$836.72
1984	Georgia Department of Revenue	\$5,521.24	\$4,416.99
2029	Illinois Department of Revenue	\$350.03	\$280.02
159	Illinois Department of Revenue	\$544.00	\$435.20
2015	Illinois Department of Revenue	\$778.00	\$622.40
51	Interline Brands Inc dba Trayco	\$783.06	\$626.45
1999	LOUISVILLE JEFFERSON COUNTY	\$333.06	\$266.45
87	Micros Systems Inc	\$1,601.20	\$1,280.96
13	New York State Department of Taxation and Finance	\$346.55	\$277.24
133	Oklahoma Tax Commission	\$20.00	\$16.00
256	Public Service Electric & Gas Company	\$18,193.63	\$14,554.90
176	Tennessee Department of Revenue	\$729.76	\$583.81
486	Tennessee Department of Revenue	\$19,438.43	\$15,550.74
2002	Texas Comptroller of Public Accounts on Behalf of the State of Texas Texas Municipalities Texas Counties	\$18,455.86	\$14,764.69
263	Texas Comptroller of Public Accounts on Behalf of the State of Texas Texas Municipalities Texas Counties Special Purpose Dist	\$11,995.60	\$9,596.48
316	Texas Comptroller of Public Accounts on Behalf of the State of Texas Texas Municipalities Texas Counties Special Purpose Dist	\$453.76	\$363.01
266	Texas Comptroller of Public Accounts on Behalf of the State of Texas Texas Municipalities Texas Counties Special Purpose Dist	\$12,118.60	\$9,694.88
<b>Totals</b>		<b>\$137,907.66</b>	<b>\$110,326.13</b>