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12 Counsel for the Rev Op Investors

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

15 In re:
16 MORTGAGES LTD.,
17 Debtor.

Chapter 11

Case No. 2:08-bk-07465-RJH

**OBJECTION TO ML MANAGER'S MOTION
TO APPROVE SHORT SALE**

**Real Property consisting of approximately 26
acres located in Oro Valley, Pima County,
Arizona, known as Rancho Vistoso**

**Hearing Date: December 11, 2012
Hearing Time: 11:00 a.m.**

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19 Bear Tooth Mountain Holdings, L.L.P., and/or its successors and assigns (collectively,
20 the "Rev Op Investors")¹ hereby file this Objection to ML Manager LLC's ("ML Manager")
21 *Motion To Approve Short Sale* [DE #3648] dated November 29, 2012 (the "Motion"). In further
22 support of this Objection, the Rev Op Investors submit as follows:

23 1. Pursuant to the Motion, ML Manager seeks a comfort order that it is authorized to
24 accept a short sale by its Borrower which would pay ML Manager the net sale proceeds from the
25 sale of approximately 26 acres of real property zoned for single family residences located in the
26 Master Planned Community known as Rancho Vistoso, in Oro Valley, Arizona (the "Property")

27 _____
28 ¹ Capitalized terms not otherwise defined herein shall have the meanings set forth in the
Motion.

1 for the purchase price of \$3.38 million (\$130,000 per acre), on the terms set forth in the
2 Agreement of Sale and Purchase attached to the Motion. *See* Motion, pp.1-2.

3 2. The Rev Op Investors collectively hold an ownership interest in Loan No.
4 857406, and own a corresponding interest in the note and the deed of trust that encumbers the
5 Property.

6 3. Pursuant to the Motion, ML Manager seeks authority to accept the short sale and
7 release the deed of trust as to the Property only in exchange for receiving the net sales proceeds,
8 after payment of closing costs, real property taxes and any commissions.

9 4. The Rev Op Investors object to the release of their lien interests in the Property.
10 The investors, including the Rev Op Investors, also have a lien on an additional 26 acres in
11 Rancho Vistoso that are not being sold in the subject transaction. ML Manager asserts that it is
12 currently working on a global settlement with respect to this additional property, but has not
13 attempted to demonstrate by admissible evidence the efforts undertaken to maximize value for
14 the investors ML Manager purports to serve.

15 5. In further support of this Objection, the Rev Op Investors hereby incorporate by
16 reference herein previous sale-motion objections filed by the Rev Op Investors and affiliated
17 parties (and the arguments and authorities set forth therein, including lack of jurisdiction to
18 approve the Motion) at the following Docket Entry numbers: DE #2499; DE #2504; DE #2878;
19 DE #2881; DE #2965; DE #3003; DE #3095; DE #3153; DE #3185; DE #3187; DE #3262; DE
20 #3307; DE #3327; DE #3343; DE #3380; DE #3428; DE #3429; DE #3524; DE #3555; DE
21 #3613; and DE #3659.

22 6. The Rev Op Investors hereby reserve all of their rights with respect to the
23 proposed short sale of the Property. Various Rev Op Investors previously recorded terminations
24 of agency that put prospective buyers on notice that any sale will be subject to the Rev Op
25 Investors' interests.

26 WHEREFORE, the Rev Op Investors request that the Court enter an order denying the
27 Motion and granting to the Rev Op Investors such other relief as it deems appropriate.
28

1 DATED this 7th day of December, 2012.

2 BRYAN CAVE LLP

3
4 By: /s/ JAS, #026359

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11 COPY of the foregoing served via email
12 this 7th day of December, 2012 upon:

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