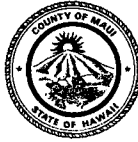


Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

July 27, 2012

MEMO TO: Patrick K. Wong
Corporation Counsel

F R O M: Robert Carroll, Chair
Land Use Committee

Handwritten signature of Robert Carroll in black ink.

SUBJECT: **COMMUNITY PLAN AMENDMENT AND CONDITIONAL PERMIT
FOR MAUI OCEANFRONT INN AND SARENTO'S ON THE BEACH
RESTAURANT (KIHEI) (LU-25)**

I received the attached documents relating to In Re Western Apartment Supply & Maintenance Co., Case No. 11-00941, filed in the United States Bankruptcy Court, District of Hawaii. The documents indicate that a hearing is scheduled for August 20, 2012, at 9:30 a.m. with objections due on August 6, 2012.

I am forwarding the documents to you in the event that the Department of the Corporation Counsel needs to take any action related to this matter.

Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7134, or Pauline Martins at ext. 8039).

lu:ltr:025acc02:kmh

Attachment

cc: Joseph Prutch, Planner, Department of Planning
James Giroux, Deputy Corporation Counsel (without attachment)

RECEIVED

'12 JUL 26 10:14

Filer's Name, Address, Phone, Fax, Email:
 RUSH MOORE LLP A Limited Liability Law Partnership
 SUSAN TIUS 2873-0
 737 Bishop Street, Suite 2400
 Honolulu, Hawaii 96813-3862
 Tel. No. 521-0406; Fax No. 521-0497; E-mail: Stius@rmhawaii.com
 Attorney for JOSEPH M. TOY, Chapter 11 Trustee of the Estate of WESTERN APARTMENT SUPPLY & MAINTENANCE CO.



UNITED STATES BANKRUPTCY COURT
 DISTRICT OF HAWAII
 1132 Bishop Street, Suite 250
 Honolulu, Hawaii 96813

OFFICE OF THE CLERK
 COUNTY COUNCIL
 HIB 9073-1 (02/10)

Debtor: WESTERN APARTMENT SUPPLY & MAINTENANCE CO.		Case No.: 11-00941																								
Joint Debtor: (if any)		Chapter: 11																								
[If Adversary Proceeding, complete information below. Use "et al" if multiple parties.] Plaintiff(s): vs. Defendant(s):		Adversary Proceeding No.: (if applicable)																								
NOTICE OF HEARING Courtroom – 1132 Bishop Street, Honolulu, Hawaii		Hearing Date: August 20, 2012 Time: 9:30 a.m.																								
		Objections Due: August 6, 2012																								
Matter being heard:	Applications for Final Compensation and Expense Reimbursement by Joseph M. Toy, Trustee; Hospitality Advisors LLC, Consultant; KMH LLP, Accountants; and Rush Moore LLP, General Counsel	Related Dkt No.: 340-344																								
Moving Party:	Joseph M. Toy, Trustee; Hospitality Advisors LLC, Trustee's Consultant; KMH LLP, Trustee's Accountants; Torkildson, Katz, Moore, Heatherington & Harris, Trustee's Special Counsel; and Rush Moore LLP, Trustee's General Counsel.																									
<p>NOTICE IS HEREBY GIVEN that this matter is set for hearing at the date and time above. The relief being requested consists of the following. [Briefly describe the relief sought, including pertinent details.]</p> <p>Applications for Final Compensation and Expense Reimbursement filed by Trustee and Trustee's Professionals:</p> <table border="1"> <thead> <tr> <th>APPLICANT</th> <th>COMPENSATION (inc. GET)</th> <th>COSTS</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>Joseph M. Toy, Chapter 11 Trustee Section 326 % based on disbursements of \$993,203.33 as of 05/14/2012:</td> <td>\$29,796.19</td> <td>\$ 824.16</td> <td>\$30,620.35</td> </tr> <tr> <td>Hospitality Advisors LLC for Specialized Hospitality Services for the period from 05/01/2012:</td> <td>\$54,838.20</td> <td>\$1,013.40</td> <td>\$55,851.60</td> </tr> <tr> <td>KMH LLP, Trustee's Accountants for the period from 05/01/2012:</td> <td>\$27,670.67</td> <td>\$ 0</td> <td>\$27,670.67</td> </tr> <tr> <td>Torkildson, Katz, Moore, Heatherington & Harris, Trustee's Special Counsel for the period 01/01/2012 -06/30/2012:</td> <td>\$ 2,745.55</td> <td>\$ 301.02</td> <td>\$ 3,046.57</td> </tr> <tr> <td>Rush Moore LLP, Trustee's General Counsel for the period from 05/01/2012:</td> <td>\$39,334.02</td> <td>\$ 601.01</td> <td>\$39,935.03</td> </tr> </tbody> </table>			APPLICANT	COMPENSATION (inc. GET)	COSTS	TOTAL	Joseph M. Toy, Chapter 11 Trustee Section 326 % based on disbursements of \$993,203.33 as of 05/14/2012:	\$29,796.19	\$ 824.16	\$30,620.35	Hospitality Advisors LLC for Specialized Hospitality Services for the period from 05/01/2012:	\$54,838.20	\$1,013.40	\$55,851.60	KMH LLP, Trustee's Accountants for the period from 05/01/2012:	\$27,670.67	\$ 0	\$27,670.67	Torkildson, Katz, Moore, Heatherington & Harris, Trustee's Special Counsel for the period 01/01/2012 -06/30/2012:	\$ 2,745.55	\$ 301.02	\$ 3,046.57	Rush Moore LLP, Trustee's General Counsel for the period from 05/01/2012:	\$39,334.02	\$ 601.01	\$39,935.03
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Your rights may be affected. You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, then you or your attorney must file a statement explaining your position not later than the date below.

Date response due [enter specific date, and how calculated using the relevant statute, federal or local rule, or order shortening time, e.g. <i>X days before hearing or X days after</i> _____ .]:	
<u>August 6, 2012</u> Date	How calculated: 14 days prior to hearing date per LBR 9013-1(c)(2).

Statements must be filed with the court at:

United States Bankruptcy Court
District of Hawaii
1132 Bishop Street, Suite 250
Honolulu, HI 96813

If you mail your response to the court, you must mail it early enough so the court will **receive** it on or before the deadline stated above. The court may disregard any response filed untimely.

You must also mail or transmit a copy to the moving party at:

Responses to be sent to: SUSAN TIUS, ESQ. Rush Moore LLP 737 Bishop Street, Ste. 2400 Honolulu, Hawaii 96813-3862 Attorney for JOSEPH M. TOY, Chapter 11 Trustee of the Estate of WESTERN APARTMENT SUPPLY & MAINTENANCE CO.
--

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or application and may enter an order granting that relief.

If no objection to the relief being sought is filed by the deadline stated above, the court may cancel the hearing (although certain types of motions will remain on the court's calendar). If the hearing is canceled, the court may grant the relief if the moving party promptly files a declaration and request for entry of an order [local form hib_9021-1]. If the moving party wishes to proceed with a hearing in the absence of an objection, the moving party should file a request for the matter to remain on calendar [local form hib_9013-1c3].

Dated: July 23, 2012 /s/ Susan Tius
for Movant (Print name also if original signature)

RECEIVED

'12 JUL 26 10:14

OFFICE OF THE CLERK
COUNTY COUNCIL
Hib 9073-1 (02/10)

Filer's Name, Address, Phone, Fax, Email:

RUSH MOORE LLP A Limited Liability Law Partnership
SUSAN TIUS 2873-0
737 Bishop Street, Suite 2400
Honolulu, Hawaii 96813-3862
Tel. No. 521-0406; Fax No. 521-0497; E-mail:
Stius@rmhawaii.com



UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII
1132 Bishop Street, Suite 250
Honolulu, Hawaii 96813

Attorney for JOSEPH M. TOY, Chapter 11 Trustee

Debtor: WESTERN APARTMENT SUPPLY & MAINTENANCE CO. Case No.: 11-00941

Joint Debtor: (if any) Chapter: 11

[If Adversary Proceeding, complete information below. Use "et al" if multiple parties.]
Plaintiff(s):
vs.
Defendant(s):
Adversary Proceeding No.: (if applicable)

NOTICE OF HEARING
Courtroom – 1132 Bishop Street, Honolulu, Hawaii
Hearing Date: August 20, 2012
Time: 9:30 a.m.
Objections Due: August 6, 2012

Matter being heard: TRUSTEE'S MOTION TO DISMISS CASE AND FOR RELIEF RELATED TO DISMISSAL Related Dkt No.: 346

Moving Party: JOSEPH M. TOY, Chapter 11 Trustee

NOTICE IS HEREBY GIVEN that this matter is set for hearing at the date and time above. The relief being requested consists of the following. [Briefly describe the relief sought, including pertinent details.]
The Trustee seeks entry of an Order:

(1) Approving dismissal of the Debtor's case, effective upon the Trustee's filing of a supplemental final report to which the Office of the United States Trustee advises the Court that it has no objection;

(2) Authorizing payment, subject to Court approval, of the pending final applications for allowance of compensation and reimbursement of costs, of the Trustee, the Trustee's hospitality consultant, the Trustee's Accountant, the Trustee's Special Counsel and the Trustee's General Counsel;

(3) Authorizing payment of such other and further administrative expenses, if any, to which OneWest Bank ("OWB") consents;

(4) Authorizing funding of a \$10,000 retainer to the client trust account of O'Connor Playdon Guben LLP for payment for preparation of the Debtor's 2011 income tax returns by the Debtor's accountants, MacNeill & Wolski, CPAs, with the surplus retainer funds, if any, turned over to OWB;

(5) After payment of the foregoing amounts, authorizing turnover of the balance of Estate funds to OWB on account of its first lien secured by the Estate funds;

(6) Authorizing the Trustee's execution of the Assignment assigning to OWB the receivables, refunds, and any other amounts owed to the Debtor;

(7) Approving the Trustee's record and report showing gross cash receipts and disposition of all property of the Estate, including approving disbursements (paid and to be paid) of Estate funds;

(8) Approving abandonment of any remaining property of the Estate that the Trustee has not administered or which otherwise has not been disposed of by Court Order;

(9) Upon filing of the Trustee's supplemental final report certifying the disbursement of all Estate funds, to which the Office of the United States Trustee advises the Court that it has no objection, the Trustee, his attorneys and accountants shall be deemed to be discharged and released from any further responsibilities and liabilities arising under or in connection with this case, without need of further hearing or Court Order;

(10) Finding that there shall not be a fourteen day stay from entry of the Order granting this Motion because the bankruptcy purpose for the Debtor's case no longer exists in that substantially all of the Debtor's assets have been sold and there has been, or under this proposed Order, will be disbursement of all Estate funds; and

(11) Granting such other and further relief as is appropriate.

Your rights may be affected. You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, then you or your attorney must file a statement explaining your position not later than the date below.

Date response due [enter specific date, and how calculated using the relevant statute, federal or local rule, or order shortening time, e.g. <i>X days before hearing or X days after</i> _____ .]:	
<u>August 6, 2012</u> Date	How calculated: 14 days prior to hearing date per LBR 9013-1(c)(2).

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Dated: July 23, 2012 /s/ Susan Tius
for Movant (Print name also if original signature)