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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

10
11 In re:

12 EAST OAKLAND FAITH DELIVERANCE
13 CENTER CHURCH,

No. 17-42951
Chapter 11

14 Debtor.
15 _____/

16 **Debtor's First Amended Plan of Reorganization, Dated: June 19, 2018**

17 EAST OAKLAND FAITH DELIVERANCE CENTER CHURCH, Debtor, submits the
18 following Chapter 11 plan of reorganization under 11 U.S.C. § 1123:

19 **I. Definitions**

20 **1.1 "Plan"** means this Plan and any modifications of this Plan that become effective
21 under the Bankruptcy Code, Section 1127.

22 **1.2 "Effective Date of the Plan"** means one day after entry of an order of the
23 United States Bankruptcy Court confirming the Plan.

24 **1.3 "Unsecured Claim"** means a claim not secured by a lien against property in
25 which the bankruptcy estate of the Debtor has an interest.

26 **1.4 "Secured Claim"** means a claim against the Debtor to the extent of the value of
27 the claimholder's interest in property of the estate securing such claim, as determined by the
28 Bankruptcy Court under section 506 (a) of the Bankruptcy Code.

1 **1.5 "Real Property of the Estate"** means the real property located in the City of
2 Oakland, Alameda County, State of California, and commonly known as 7317 International
3 Boulevard, APN 041-4189-002; 7425 International Boulevard, APN 041-4189-017; and 1267-
4 1303 75th Avenue, APNs: 041-4189-018-03, 041-4189-019, 041-4189-020, and 041-4189-021,
5 and the improvements, fixtures, and certain personal property of Debtor's bankruptcy estate
6 used in the operation of the properties.

7 **II. Designation of Classes of Claims and Interests**

8 **2.1 Class A** – The allowed Secured Claims of Sequoia Mortgage Capital, Inc. that
9 are secured by the Real Property of the Estate.

10 **2.2 Class B** – The allowed Secured Claims of T.A. Roebuck, trustee of The Thomas
11 A. Roebuck 1992 Revocable Trust that are secured by the Real Property of the Estate.

12 **2.3 Class C** – The allowed Secured Claims of The City of Oakland that are secured
13 by the Real Property of the Estate.

14 **2.4 Class D** – The allowed Secured Claims of the East Bay Municipal Utility
15 District that are secured by the Real Property of the Estate.

16 **2.5 Class E** – The allowed Secured Claims of the Alameda County Tax Collector
17 that are secured by the Real Property of the Estate.

18 **2.6 Class F** – The allowed Secured Claims of Waste Management that are secured
19 by the Real Property of the Estate.

20 **2.7 Class G** – Allowed, Unsecured Claims not entitled to priority under 11 U.S.C.
21 §507.

22 **2.8 Class H** – Allowed, Unsecured Claims entitled to priority under 11 U.S.C. §507
23 9(a)(7), for the return of security deposits paid to Debtor, before the filing of Debtor's case, in
24 connection with the rental of the Real Property of the Estate.

25 **2.9 Class I** – The legal, equitable and contractual interests of the Debtor in property
26 of the bankruptcy estate.

27 **III. Specification of Classes of Claims or Interests not Impaired Under the Plan**

28 **3.1** The Plan leaves unaltered the legal, equitable and contractual rights to which the
claims of Classes A, B, C, D, E, F, and H, and the interests of Class I, entitle the holders of such
claims and interests. Such claims and interests are not impaired by the Plan. The holders of
such claims shall retain their rights to the proceeds of the sale of the Real Property of the Estate.

IV. Treatment of Impaired Claims

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2 **4.1 Class G Claims.** Debtor shall pay holders of allowed Class G claims the
3 allowed amount such claims in U.S. Dollars on the Effective Date of the Plan.

4 **V. Treatment of Priority Unsecured claims**

5 **5.1 Class H Claims.** Debtor shall pay holders of allowed Class H claims the
6 allowed amount of such claims in U.S. Dollars on the Effective Date of the Plan.

7 **VI. Treatment of Unclassified Claims¹**

8 **6.1 United States Trustee's Fees.** The Debtor shall, on the Effective Date of the
9 Plan, pay all fees due the U.S. Trustee under 28 U.S.C. §1930 (a) (6).

10 **6.2 Administrative Costs and Expenses of Preserving the Estate, including**
11 **Professional Fees.** Debtor shall pay a holder of an administrative expense claim allowed under
12 11 U.S.C. § 503 (b) the allowed amount of the claim in U.S. Dollars (a) on the later of the
13 Effective Date of the Plan, or the date on which the Bankruptcy Court allows such claim; or (b)
14 upon such terms as may be agreed upon between Debtor and the holder of such claim.

15 **VII. Means for Plan's Implementation**

16 **7.1 Retention of Property of the Estate.** The Debtor shall retain the property of the
17 Debtor's estate after confirmation of this Plan. Confirmation of the Plan shall vest property of
18 the estate in the Debtor.

19 **7.2 Source of Plan Payments.** Debtor shall implement the Plan by distributing all
20 or part of the revested property of the estate and its proceeds, produce, rents or profits among
21 those parties entitled to payments under the Plan.

22 **VIII. Treatment of Disputed Claims.**

23 **8.1** If any party files a timely objection to the allowance of a claim or administrative
24 expense, and the allowed amount of the claim or expenses is not determined before the
25 Effective Date of the Plan, any distribution due under the Plan to the holder of such claim or
26 expense shall be deposited in Debtor's attorney's client trust account. The amount so deposited
27 shall be the amount set forth in the filed proof of such claim or the filed request for payment of
28 expense or, if proof of such claim has not been filed, the amount scheduled by the Debtor. The
accrued amount due under the Plan to the claimant shall be paid forthwith upon entry of an
order by the United States Bankruptcy Court determining the allowed amount of such claim or
expense.

¹ Section 1123 (a) (1) of the Bankruptcy Code states that claims shall be classified, other than claims of a kind specified in sections 507 (a) (2) (administrative expenses and certain statutory fees), 507(a)(3) (certain claims allowed in an involuntary case), and 507 (a) (8) (allowed unsecured claims of governmental units for certain taxes). Accordingly, such claims are not classified by the Plan. To the best of Debtor's knowledge, there are no section 507(a)(3) or section 506 (a)(8) claims against Debtor.

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2 **IX. Miscellaneous**

3 **9.1 Amendment of Articles of Incorporation.** On the effective Date of the
4 Plan, the Debtor's articles of incorporation are amended to include the provisions required by
5 section 1123(a)(6) of the Bankruptcy Code.

6 **9.2 Management and Control of the Reorganized Debtor.** Debtor shall
7 continue to hold all the rights and powers of a non-profit religious corporation under California
8 law after confirmation of the Plan. The management and operations of the reorganized Debtor
9 shall remain under the control of the directors and officers of the Debtor.

10 **9.3 Post-Confirmation U. S. Trustee Fees.** Debtor shall timely pay all fees
11 due after the Effective Date of the Plan under 28 U.S.C. §1930 (a) (6) until Debtor's case is
12 closed, dismissed, or converted to another chapter of the Code. Debtor shall file, and serve on
13 the U.S. Trustee, post-confirmation status reports in a form designated by the U. S. Trustee on a
14 quarterly basis until a final decree is entered, the case is dismissed, or the case is converted to
15 another chapter.

16 **9.4 Enforcement of Debtor's Claims and Interests.** Debtor may enforce,
17 settle or adjust all claims or interests belonging to the Debtor or the Debtor's estate, including
18 claims arising under any provision of the Bankruptcy Code.

19 **9.5 Discharge.** Confirmation of this Plan shall operate as a discharge of the
20 Debtor as provided in 11 U.S.C. § 1141(d) (1).

21 Dated: June 19, 2018

EAST OAKLAND FAITH DELIVERANCE
CENTER CHURCH

22 By: /s/ Rev. Ray E Mack
Rev. Ray E. Mack, President

23
24 Dated: June 19, 2018

/s/ Lawrence L. Szabo
LAWRENCE L. SZABO
Attorney for Debtor