

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

In Re:

PANTHERA ENTERPRISES, LLC,

Chapter 11

Case No.: 2:19-bk-00787

Debtor.

Judge Paul M. Black

OBJECTION BY WEST VIRGINIA PAVING, INC. TO WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY
TO FORECLOSE AGAINST THE DEBTOR'S REAL PROPERTY, AT 2506 FISH POND
ROAD, OLD FIELDS, HARDY COUNTY, WEST VIRGINIA

Comes now West Virginia Paving, Inc., by their counsel, Stephen L. Thompson, and by way of its Objection to the *West Virginia Economic Development Authority's Motion for Relief From the Automatic Stay to Foreclose Against the Debtor's Real Property, Together with all Fixtures, Buildings and Improvements Thereon, at 2506 Fish Point Road, Old Fields, Hardy County, West Virginia*, (the "Motion") would say as follows:

1. West Virginia Paving, Inc. ("WV Paving") a secured creditor in this proceeding, is the holder of a lien that is subordinate to West Virginia Economic Development Authority's ("WVEDA") duly perfected first lien Deed of Trust against the 689.40 acre parcel, as well as an additional judgment lien.

2. The Chapter 7 Trustee has filed a *Motion For An Order approving The Sale Of The Debtor's Real Property And Novating Certain Government Contracts Free And Clear of Liens, Claims, Interests, And Encumbrances Pursuant To 11 U.S.C. §363* (hereinafter referred to as "the Sale Motion").

3. It is in the best interest of all parties for the Trustee's *Sale Motion* to proceed and the WVEDA's *Motion* for stay relief be denied.

4. WVEDA argues that the Debtor's real property is not necessary to an effective reorganization and therefore relief may be granted pursuant to 11 U.S.C. § 365(d)(2).

5. WV Paving would disagree and say that the Trustee's proposed sale is essentially a reorganization and will infuse economic vitality into Hardy County. The Debtor's real property is necessary for such economic rejuvenation.

6. The WVEDA's *Motion* for stay relief should be denied.

WHEREFORE, West Virginia Paving, Inc. requests that, upon a full hearing of WVEDA's *Motion* and the Trustee's proposed Section 363 Sale, the Motion for stay relief be denied and that it do have such other relief as may be proper in the premises.

Dated: April 20, 2021

WEST VIRGINIA PAVING, INC.
By Counsel

/s/ Stephen L. Thompson
Stephen L. Thompson (WVSB # 3571)
Barth & Thompson
P. O. Box 129
Charleston, WV 25321
Telephone: (304) 342-7111
Facsimile: (304) 342-6215
E-mail: sthompson@barth-thompson.com

Counsel for West Virginia Paving, Inc.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing OBJECTION BY WEST VIRGINIA PAVING, INC. TO WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO FORECLOSE AGAINST THE DEBTOR'S REAL PROPERTY, AT 2506 FISH POND ROAD, OLD FIELDS, HARDY COUNTY, WEST VIRGINIA has been served electronically via the Court's CM/ECF system upon all parties designated to receive electronic service on April 20, 2021

/s/ Stephen L. Thompson
Stephen L. Thompson