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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In Re:

LEGACY CARES, INC.,

Debtor.

WHOLESALE FLOORS, LLC,

Plaintiff,

v.

LEGACY CARES, INC., et al.

Defendants.

Proceedings Under Chapter 11

Case No. 2:23-bk-02832-DPC

Adv. Case No. 2:23-ap-00089-DPC

**E&K OF PHOENIX, INC.'S NOTICE
REGARDING VOLUNTARY
MEDIATION**

Pursuant to the Court's September 14, 2023 Order, E&K of Phoenix, Inc. ("E&K") provides the following information to counsel for Debtor, UMB Bank, N.A., and Pacific Proving, LLC.

E&K will participate in the mediation scheduled to take place on October 11, 2023, but only if the debtor verifies, as represented and promised, that a legitimate buyer will be involved in the mediation with a reliable offer (or offers) from which E&K can reasonably negotiate a settlement of its lien and other claims against the debtor.

The amount owed to E&K is \$2,360,072.15. The principal amount owed to E&K for work performed on the Project is \$1,750,743.00. Interest is accruing at a rate of 18% per annum pursuant to A.R.S. § 32-1183(H) from May 18, 2022. As of September 29, 2023,

the total interest accrued is \$431,690.00 (\$863.38 per diem). The total amount of attorneys' fees accrued since the onset of the payment dispute and up to the present date is approximately \$175,000.00. The total amount of costs accrued, as of September 26, 2023, is \$4,100.65. Attorneys' fees, costs, and interest continue to accrue and will be supplemented at the mediation, as necessary.

RESPECTFULLY SUBMITTED this 2nd day of October, 2023.

SNELL & WILMER L.L.P.

By: s/Benjamin W. Reeves

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Original of the foregoing filed and copies
emailed/mailed this 2nd day of October, 2023, to:

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