

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

<b>IN RE</b>	:	<b>Chapter 9</b>
	:	
<b>CITY OF CHESTER,</b>	:	
	:	<b>Bankruptcy No. 22-13032-AMC</b>
<b>DEBTOR.</b>	:	
<hr/>		
<b>CITY OF CHESTER,</b>	:	
	:	<b>Adv. Proc. No. 22-00084-AMC</b>
<b>PLAINTIFF,</b>	:	
	:	
<b>VS.</b>	:	
	:	
<b>PHCC LLC D/B/A PRESTON HOLLOW:</b>	:	
<b>COMMUNITY CAPITAL, ET AL.,</b>	:	
	:	
<b>DEFENDANTS.</b>	:	
<hr/>		

**ORDER<sup>1</sup>**

AND NOW, on this 3rd day of November 2023, upon consideration of the City’s Motion for Summary Judgment, the Bond Parties’ Summary Judgment Motion, Delaware County’s Summary Judgment Motion, and all objections thereto, it is hereby ORDERED that:

1. The City’s Motion for Summary Judgment is GRANTED.
2. The Bond Parties’ Summary Judgment Motion and Delaware County’s Summary Judgment Motion are DENIED.
3. Pursuant to Federal Rule of Civil Procedure 56 and Federal Rule of Bankruptcy Procedure 7056, summary judgment is entered in favor of the City and against the Creditor Defendants.

<sup>1</sup> All terms not otherwise defined in this order have the same meaning as defined in the accompanying Opinion.

4. Specifically, judgment is entered in favor of the City and against the Indenture Trustee in the amount of \$1,445,242.41. In satisfaction of the judgment, the Indenture Trustee shall turn over to the City \$1,445,242.41 from the amounts it holds pursuant to the Amended Stipulation and Consent Order entered by the Court on February 21, 2023 [Adv. Proc. ECF 58].
5. The Pledged Revenues payable to, and to be received by, the City from Covanta, Harrah's, and the PA DOR are not subject to a statutory lien and are not special revenues under the Bankruptcy Code, and, as a result, pursuant to 11 U.S.C. § 552(a), such payments are not subject to any lien of the Creditor Defendants following the commencement of the municipal debt adjustment case.
6. The Creditor Defendants are hereby required and directed to turn over to the City all Revenues received subsequent to the Petition Date.
7. Nothing in this Order is intended to, or shall constitute, or shall be deemed to constitute, the City's consent pursuant to § 904 of the Bankruptcy Code to this Court's interference with (a) any of the political or governmental powers of the City, (b) any of the property or revenues of the City, or (c) the City's use or enjoyment of any income-producing property.
8. This Court shall retain jurisdiction to hear and determine any disputes arising from or relating to the interpretation, implementation, and enforcement of the terms and provisions of this Order.



---

Honorable Ashely M. Chan  
United States Bankruptcy Judge