

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE:

REGIONAL HOUSING &  
COMMUNITY SERVICES CORP., et  
al,

Debtors.

Case No. 21-41034-PWB

Chapter 11

Jointly Administered

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that the United States of America on behalf of the United States Department of the Treasury – Internal Revenue Service (the “IRS”) has filed a Motion for Order Compelling the Debtors to File Tax Returns and Pay Taxes When Due (the “Motion”) and related papers with the Court seeking an order (i) compelling the Debtors to meet their tax obligations by not only filing any delinquent tax returns, but by filing tax returns as they come due post-petition, and timely making the required tax deposits, and (ii) providing that the failure of the Debtors to file tax returns and pay taxes when due during the pendency of the case shall be the basis for the Court to consider dismissal or conversion of the case.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the Motion at **9:25 A. M. on June 18, 2025** in Courtroom 342, United States Courthouse, 600 East First Street, Rome, GA 30161, which may be attended in person or via the Court’s Virtual Hearing Room. You may join the Virtual Hearing Room through the “Dial-In and Virtual Bankruptcy Hearing Information” link at the top of the homepage of the Court’s website, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov), or the link on the judge’s webpage, which can also be found on the Court’s website. Please also review the “Hearing Information” tab on the judge’s webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge’s webpage.

Your rights may be affected by the Court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney if you



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have one in this bankruptcy case. (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 these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk before the hearing. The address of the Clerk's Office is Clerk, U. S. Bankruptcy Court, 600 East First Street, Rome, GA 30161. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: May 13, 2025.

Respectfully submitted,

RICHARD S. MOULTRIE, JR.  
ACTING UNITED STATES ATTORNEY

/s/ Vivieon Kelly Jones  
VIVIEON K. JONES  
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**MOTION FOR ORDER COMPELLING DEBTORS TO  
FILE TAX RETURNS AND PAY TAXES WHEN DUE**

The United States of America, on behalf of the United States Department of the Treasury – Internal Revenue Service, through the undersigned U.S. Attorney and Assistant U.S. Attorney (“IRS”), hereby seeks an order compelling the Debtors<sup>1</sup> to file tax returns and pay taxes when due. In support thereof, the IRS states as follows:

1. On August 26, 2021, the Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code, 11 U.S.C. § 101 *et seq.*

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<sup>1</sup> The Debtors in these chapter 11 cases include: Regional Housing & Community Services Corporation, RHCSC Columbus AL Holdings LLC, RHCSC Columbus Health Holdings LLC, RHCSC Douglas AL Holdings LLC, RHCSC Douglas Health Holdings LLC, RHCSC Gainesville AL Holdings LLC, RHCSC Gainesville Health Holdings LLC, RHCSC Montgomery I AL Holdings LLC, RHCSC Montgomery I Health Holdings LLC, RHCSC Montgomery II AL Holdings LLC, RHCSC Montgomery II Health Holdings LLC, RHCSC Rome AL Holdings LLC, RHCSC Rome Health Holdings LLC, RHCSC Savannah AL Holdings LLC, RHCSC Savannah Health Holdings LLC, RHCSC Social Circle AL Holdings LLC, and RHCSC Social Circle Health Holdings LLC.

2. The Debtor have continued in possession of their property and management of their business as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

3. Federal law requires the timely filing of all tax returns or forms. See 26 U.S.C. § 6011(a) (imposing general requirement of “any person made liable for any tax imposed by this title...[to] make a return or statement according to the forms and regulations prescribed by the [Treasury] Secretary.”). This requirement is in no way displaced by the Bankruptcy Code. To the contrary, it is an express duty of a debtor-in-possession. See 28 U.S.C. § 960 (rendering applicable all federal tax laws as to “[a]ny officers and agents conducting any business under authority of a United States court” to the same extent under nonbankruptcy law, unless “excused under a specific provision of title 11.”); 11 U.S.C. §§ 1106(a)(6), 1116(6)(A), 1129(a)(1), 1184, 1187(a) (requiring a debtor-in-possession to timely file tax returns, pay taxes, and furnish tax information to the government).

4. Employers are required to withhold federal social security (FICA) and income taxes from employees and pay over the withheld amounts to the IRS. 26 U.S.C. §§ 3101, 3102(a), (b), 3402, and 3403. They are also required to pay their portion of the social security taxes. 26 U.S.C. § 3111. An employer is required to deposit the employment and income taxes withheld from employees’ wages in a

federal depository at various intervals during the calendar quarter, depending on the amount withheld. 26 U.S.C. § 6302 and Treas. Reg. Section 301.6302-1.<sup>2</sup>

5. As set forth below the IRS has no record of receiving FICA Tax Returns (Form 941) from the identified Debtors for the designated tax periods:

<i>Debtor</i>	<i>Tax Periods with outstanding FICA returns</i>
21-41035 - RHCSC Columbus AL Holdings LLC	1Q-4Q of tax year 2022 1Q-4Q of tax year 2023 1Q-4Q of tax year 2024
21-41039 - RHCSC Montgomery I AL Holdings LLC	1Q-4Q of tax year 2022 1Q-4Q of tax year 2023 1Q-4Q of tax year 2024
21-41041 - RHCSC Montgomery II AL Holdings LLC	3Q-4Q of tax year 2018 1Q-4Q of tax year 2019 2Q of tax year 2021 1Q-4Q of tax year 2022 1Q-4Q of tax year 2023 1Q-4Q of tax year 2024
21-41044 - RHCSC Savannah AL Holdings LLC	1Q-4Q of tax year 2022 1Q-4Q of tax year 2023 1Q-4Q of tax year 2024
21-41047 - RHCSC Social Circle AL Holdings LLC	1Q-4Q of tax year 2022 1Q-4Q of tax year 2023 1Q-4Q of tax year 2024

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<sup>2</sup> Failure to comply with the statutory requirements may subject a taxpayer to the imposition of penalties. Specifically, 26 U.S.C. § 6656 requires that federal tax deposits (for payroll taxes) be made within a certain number of days of the payroll. The penalty is assessed in the amount of 2% of the deposit if the deposit is less than five days late, 5% if the deposit is five to fifteen days late, and as much as 15% if the deposit is more than fifteen days late. In addition, 26 U.S.C. § 6651 provides that a penalty of ½ % per month, up to a total of 25%, shall be added for failure to pay the amount of tax shown on the return, on or before the due date for payment. Thus, together these penalties reach a cap over a period of time of forty percent (40%). Caselaw and legislative history indicate that the primary purpose of these penalties is to ensure compliance. *United States v. Boyle*, 469 U.S. 241, 245 (1985).

To the extent recently filed, copies of such returns have not been provided to undersigned counsel.

6. As set forth below the IRS has no record of receiving annual federal unemployment (FUTA) tax returns (Form 940) from the identified Debtors for the designated tax periods:

<i>Debtor</i>	<i>Tax Periods with outstanding FICA returns</i>
21-41035 - RHCSC Columbus AL Holdings LLC	Tax year 2022 Tax year 2023 Tax year 2024
21-41039 - RHCSC Montgomery I AL Holdings LLC	Tax year 2022 Tax year 2023 Tax year 2024
21-41041 - RHCSC Montgomery II AL Holdings LLC	Tax year 2022 Tax year 2023 Tax year 2024
21-41044 - RHCSC Savannah AL Holdings LLC	Tax year 2022 Tax year 2023 Tax year 2024
21-41047 - RHCSC Social Circle AL Holdings LLC	Tax year 2022 Tax year 2023 Tax year 2024

To the extent recently filed, copies of such returns have not been provided to undersigned counsel.

7. Despite inquiry, the IRS has been unable to resolve these issues. To the extent the Debtors can produce documentation evidencing that the filings are not required, the IRS welcomes a response and appropriate documentation.

8. The IRS seeks entry of an order (i) compelling the Debtors to meet their tax obligations by not only filing any delinquent tax returns, but by filing tax returns as they come due post-petition, and timely making all required tax deposits, and (ii) providing that the failure of the Debtors to file tax returns and pay taxes when due during the pendency of this case shall be the basis for the Court to consider dismissal or conversion of the case.

WHEREFORE, the IRS requests that this Court grant this Motion and grant such other and further relief as the Court deems just and proper.

Dated: May 13, 2025.

Respectfully submitted,

RICHARD S. MOULTRIE, JR.  
ACTING UNITED STATES ATTORNEY

/s/ Vivieon Kelly Jones  
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*Counsel for the Internal Revenue Service*

**CERTIFICATE OF SERVICE**

This is to certify that I have on May 13, 2025 electronically filed the foregoing Motion for Order Compelling Debtors to File Tax Returns and Pay Taxes when Due and Notice of Hearing Thereon using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in these cases under the Bankruptcy Court's Electronic Case Filing program:

Richard L. Robbins	rrobbins@robbinsfirm.com
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I further certify that on this day, I caused a copy of this document to be served via United States First Class Mail, with adequate postage prepaid on the following:

Regional Housing & Community Services Corporation  
c/o Katie S. Goodman  
GGG Partners, LLC  
2870 Peachtree Road, #502  
Atlanta, GA 30305

RHCSC Montgomery I AL Holdings LLC  
P.O. Box 2568  
Hickory, NC 28603



RHCSC Montgomery II AL Holdings LLC  
3300 Lynchburg Drive  
Montgomery, AL 36116

RHCSC Savannah AL Holdings LLC  
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RHCSC Social Circle AL Holdings LLC  
P.O. Box 2568  
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/s/ Vivieon Kelly Jones