

## Moore retail center plots path out of bankruptcy

by Brianna Bailey

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(File photo by Brent Fuchs)

OKLAHOMA CITY – Texas developer Burk Collins' \$45 million Shops at Moore retail center plans to sell off pad sites on the 19-acre property to help build out the development and exit Chapter 11 bankruptcy.

The 385,000-square-foot shopping center filed for Chapter 11 bankruptcy protection in August to stave off foreclosure.

Collins has been fighting lender Wachovia and its parent company Wells Fargo Bank in court to maintain control of the Interstate 35 development. Wells Fargo moved to foreclose on the center earlier this year.

Collins plans to sell off the pad sites to help finance building out the remaining 17,000 square feet of retail space in the Shops at Moore and exit bankruptcy, according to court documents. Collins and his business partner William Lippman also plan to invest an additional \$1 million in the shopping center.

The city of Moore inked a sales tax rebate deal in 2006 worth up to \$5 million with Collins to develop the center.

The rebate deal is set to expire in February, but the shopping center will only recoup about \$3.6 million in sales

tax rebate money from the city because of the subsequent recession that brought a sales slump and slowed construction, said Deidre Ebrey, Moore economic development director.

The rebate deal has worked out well for the city, Ebrey said. The Shops at Moore consistently generates good sales tax revenue for the city and is a draw for out-of-town shoppers, she said. The city assumed no risk in the deal and is not affected by the Shops at Moore bankruptcy, she said.

"We couldn't be more pleased with the shopping center," Ebrey said. "As bad as it is for (Collins) to file for Chapter 11, it's what they have to do to keep the project afloat."

Part of the sales tax rebate money is now tied up in the feud between Collins and Wells Fargo.

Collins claims in a lawsuit against Wells Fargo that the bank erroneously seized from the Shops at Moore nearly \$900,000 in sales tax rebate money that was earmarked for tenant improvements.

The developer moved to sue Wells Fargo Bank in Dallas County District Court on July 15 for breach of contract and fraud after the two parties failed to reach an agreement on a loan extension on the Shops at Moore. Wells Fargo and its subsidiary Wachovia began foreclosure proceedings in Cleveland County District Court three days after the Texas lawsuit was filed.

A call to Tulsa-based attorney Lewis Carter, who is representing Wells Fargo in the foreclosure action, was not immediately returned.

Attempts to reach Collins or his bankruptcy attorney were unsuccessful on Thursday.

Collins told The Journal Record in July that he planned to fight Wells Fargo to keep control of the shopping center.

"We're not going to let them take it. We're going to do battle," he said.

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