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14 **UNITED STATES BANKRUPTCY COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 In re

17 BORREGO COMMUNITY
18 HEALTH FOUNDATION,

19 Debtor and Debtor in
20 Possession.

Case No. 22-02384-11

Chapter 11 Case

Judge: Honorable Laura S. Taylor

**STIPULATION REGARDING
ASSUMPTION AND ASSIGNMENT
OF LEASE WITH RAMONA
CROSSINGS, LLC**

23 Borrego Community Health Foundation, the debtor and debtor in possession in
24 the above-captioned case (the “Debtor”) and Ramona Crossings, LLC (“Ramona
25 Crossings” and collectively with the Debtor, the “Parties”), hereby enter into this
26 *Stipulation Regarding the Assumption and Assignment of Debtor’s Lease with*
27 *Ramona Crossings* (the “Stipulation”). In support of the Stipulation, the Parties refer

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1 to the following recitals:

2 **RECITALS**

3
4 WHEREAS, on September 12, 2022, the Debtor filed a voluntary petition for
5 relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”)
6 commencing the above referenced bankruptcy case (the “Bankruptcy Case”) in the
7 United States Bankruptcy Court for the Southern District of California (the “Court”);

8
9 WHEREAS, Ramona Crossings is a creditor of the Debtor and the lessor under
10 a lease with the Debtor of the premises at 651 State Street, San Jacinto, California
11 (the “Lease”);

12
13 WHEREAS, on November 17, 2022, Ramona Crossings filed Proof of Claim
14 No. 120 in the amount of \$18,287.82 for pre-petition amounts owed by the Debtor to
15 Ramona Crossings under the Lease;

16
17 WHEREAS, on January 16, 2023, the Debtor filed a *Notice to Counterparties*
18 *to Executory Contracts and Unexpired Leases of the Debtor That May Be Assumed*
19 *and Assigned* (“Notice to Counterparties”) [Dkt. No. 389]. The Notice to
20 Counterparties lists the Lease (Internal Reference Nos. 499-501) that may be assumed
21 and assigned to the winning bidder in connection with the sale of the Debtor’s assets.
22 The Notice to Counterparties lists a Cure Amount in the amount of \$14,255.36 with
23 respect to the Lease;

24
25 WHEREAS, on February 7, 2023, Ramona Crossings filed an Objection to
26 Cure Amount [Dkt. No. 426], asserting that the Cure Amount with respect to the Lease
27
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1 should be \$23,006.29;

2 WHEREAS, on February 16, 2023, the Debtor filed a *Notice of Executory*
3 *Contracts and Unexpired Leases Designated by Desert Aids Project d/b/a DAP*
4 *Health for Assumption and Assignment Re Debtor’s Bidding Procedures and Sale*
5 *Motion* (“Notice of Designated Contracts”) [Dkt. No. 478]. The Notice of Designated
6
7 Contracts, Exhibit A, Schedule 1.11(a), Designated Contract List, lists the Lease with
8
9 Ramona Crossings (Internal Reference Nos. 409-411) to be assumed by the Debtor
10
11 and assigned to DAP in connection with the Sale; and

12 WHEREAS, the Parties subsequently met and conferred, and upon further
13
14 review, have reached agreement that the correct and accurate amount of the Cure
15
16 Amount owed to Ramona Crossings is \$21,589.09 (the “Cure Amount”).

17 **STIPULATION**

18 **NOW THEREFORE**, subject to approval of the Court, the Parties hereby
19
20 agree and stipulate as follows:

21 The Cure Amount due to Ramona Crossings under the Lease is \$ 21,589.09
22
23 (twenty-one thousand, five-hundred and eighty-nine dollars and nine cents).

24 **IT IS SO STIPULATED.**

25
26
27
28 SEEN AND AGREED:

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1 Dated: July 27, 2023

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By /s/ Tania M. Moyron
Tania M. Moyron

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Attorneys for the Chapter 11 Debtor and
Debtor In Possession

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8

9

AND

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11 Dated: July 27, 2023

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DEAN T. KIRBY, JR.

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By: /s/ Dean T. Kirby, Jr.
Dean T. Kirby, Jr.

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Attorneys for Ramona Crossings, LLC

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