

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BUTH-NA-BODHAIGE, INC.,

Case No.: 24-10392 (DSJ)

Debtor.
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ORDER GRANTING CHAPTER 7 TRUSTEE’S MOTION FOR AN ORDER APPROVING SETTLEMENT PROVIDING FOR (I) SURRENDER OF NONRESIDENTIAL REAL PROPERTY, (II) WAIVER OF CLAIMS ARISING FROM DEBTOR’S LEASE, AND (III) ABANDONMENT OF PERSONAL PROPERTY PURSUANT TO 11 U.S.C. § 554 AND BANKRUPTCY RULE 6007

1. Upon the motion (the “Motion”)¹ of Kenneth P. Silverman, Esq., the chapter 7 trustee (the “Trustee”) of the bankruptcy estate of Buth-Na-Bodhaige, Inc. (the “Debtor”), seeking the entry of an order (i) authorizing and approving the Trustee’s stipulation (the “Stipulation”) with SA Retail Holdings LLC (the “Landlord”), (ii) authorizing and approving the surrender of the real estate located at 60 East 8th Street, New York, New York 10003 and known as “Broadway 1” (the “Premises”) annexed as Exhibit B to the Motion, (iii) authorizing and approving the abandonment of the Debtor’s personal property pursuant to section 554 of the Bankruptcy Code and Bankruptcy Rule 6007, (iv) authorizing and approving the Landlord’s waiver of any and all claims to be asserted against the Debtor’s estate, except as permitted by the Stipulation, (v) authorizing and approving the stipulation (the “Stipulation”), and (vi) for such further relief as the Court deems proper, and upon the Declaration of Kenneth P. Silverman, Esq. filed in support of the Motion, annexed to the Motion as Exhibit C; ~~and upon the hearing on the Motion held before the Court on August 1, 2024 (the “Hearing”), the transcript of which is incorporated herein by reference;~~ and notice of the Motion, ~~the Hearing,~~ and the relief sought in the Motion having been

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.



good and sufficient under the circumstances; **and upon the Certificate of No Objection to the Motion filed on July 29, 2024 at ECF No. 94**, and the Court having determined that the legal and factual bases set forth in the Motion establishing sufficient cause for the relief requested; now, therefore, **[DSJ 7/29/2024]**

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. The Stipulation, annexed to the Motion as Exhibit B, is hereby approved.
3. The proof of claim filed by Landlord, designated Claim No. 76 on the Debtor's claims register, is hereby disallowed.
4. The abandonment of the Debtor's personal property remaining in the premises subject to Lease is hereby approved, as set forth in the Stipulation. The Trustee is authorized to take any and all actions reasonably necessary to perform or enforce any and all obligations contemplated by this Order.
5. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: New York, New York
July 29, 2024

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE