

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 (I) AUTHORIZING AND
APPROVING REJECTION OF AN UNEXPIRED LEASE OF
NONRESIDENTIAL REAL PROPERTY PURSUANT TO 11 U.S.C. §365
AND BANKRUPTCY RULE 6006, (II) AUTHORIZING AND APPROVING A
STIPULATION FIXING CLAIMS ARISING FROM REJECTION OF A CERTAIN
LEASE PURSUANT TO BANKRUPTCY RULE 9019, AND (III) AUTHORIZING
AND APPROVING ABANDONMENT OF PERSONAL PROPERTY
PURSUANT TO 11 U.S.C. § 554 AND BANKRUPTCY RULE 6007**

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 rejection of an unexpired lease of nonresidential real property (the “Lease”) pursuant to section 365 of title 11, United States Code (the “Bankruptcy Code”) and Rule 6006 of the Federal Rules of Bankruptcy Procedure the (the “Bankruptcy Rules”), (ii) authorizing and approving the stipulation (the “Stipulation”) fixing claims arising from the rejection of the lease pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rule 9019, (iii) authorizing and approving the abandonment of the Debtor’s personal property pursuant to section 554 of the Bankruptcy Code and Bankruptcy Rule 6007, and (iv) 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 B; ~~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~~

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



~~reference~~; and notice of the Motion, ~~the Hearing~~, and the relief sought in the Motion having been good and sufficient under the circumstances; **and upon the Certificate of No Objection to the Motion filed on July 29, 2024 at ECF No. 93**, 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 C, is hereby approved.
3. Claim Number 122 on the Debtor's claims register shall be an allowed general unsecured claim against the Debtor's estate in the amount of \$215,265.81.
4. The Premises is deemed surrendered to the Receiver as of July 1, 2024.
5. 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.
6. 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