



SO ORDERED,

A handwritten signature in blue ink that reads "Katharine M. Samson".

Judge Katharine M. Samson
United States Bankruptcy Judge
Date Signed: May 15, 2015

The Order of the Court is set forth below. The docket reflects the date entered.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

In re:)	
)	
MISSISSIPPI PHOSPHATES)	
CORPORATION, <i>et al.</i> ¹)	CASE NO. 14-51667-KMS
)	Chapter 11
)	
Debtors)	Jointly Administered
)	

**AGREED ORDER RESOLVING THE LIMITED OBJECTION OF
BROCK SERVICES LLC TO THE MOTION OF DEBTORS TO DETERMINE CURE
AMOUNTS FOR EXECUTORY CONTRACTS AND UNEXPIRED LEASES THAT
MAY BE ASSUMED AND ASSIGNED AS PART OF THE SALES MOTION**

[Dkt. ## 512, 604]

This matter came before the Court on the Debtors' *Motion of Debtors to Determine Cure Amounts for Executory Contracts and Unexpired Leases that May Be Assumed and Assigned as Part of the Sales Motion* [Dkt. # 512] (the "**Cure Amount Motion**") and the *Limited Objection of Brock Services to the Motion of Debtors to Determine Cure Amounts for Executory Contracts and Unexpired Leases that May Be Assumed and Assigned as Part of the Sales Motion*

¹ The chapter 11 cases of the following affiliated Debtors have been administratively consolidated for joint administration pursuant to that certain *Order Granting Motion of the Debtor for Order Directing Joint Administration of Affiliated Cases Pursuant to Bankruptcy Rule 1015(b)*, dated October 29, 2014 [Dkt. # 62]: Mississippi Phosphates Corporation ("**MPC**"), Case No. 14-51667, Ammonia Tank Subsidiary, Inc. ("**ATS**"), Case No. 14-51668 and Sulfuric Acid Tanks Subsidiary, Inc. ("**SATS**", and, collectively with MPC and ATS, the "**Debtors**"), Case No. 14-51671. These chapter 11 cases are sometimes referred to herein as the "**Bankruptcy Cases**."

[Dkt. # 604] (the “**Objection**”)² filed by Brock Services LLC (“**Brock**”). Brock and the Debtors are collectively referred to herein as the “**Parties**.”

The Court finds as follows:

1. On October 27, 2014, each of the Debtors filed a voluntary petition in this Court for reorganization relief under Chapter 11 of the United States Bankruptcy Code.

2. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 157 and 1334(b). This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (B), and (O). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. On February 20, 2015, Brock filed its Proof of Claim # 175-1 in these Bankruptcy Cases asserting a prepetition claim in the amount of \$275,592.32. On March 10, 2015, Brock amended the Proof of Claim by filing Amended Proof of Claim # 175-2 asserting a prepetition claim in the amount of \$298,874.20. Additionally, as of the time of the filing of the Objection, MPC owed \$3,089.73 to Brock for two unpaid post-petition invoices. The total cure amount asserted by Brock is \$301,963.93.

4. The Debtors filed the Cure Amount Motion on February 20, 2015, asserting a Cure Amount under the *Mississippi Phosphates Corporation Master Services Agreement*, dated June 8, 2010, between MPC and Brock (including all amendments and exhibits (together, the “**Master Agreement**”) of \$269,470.00.³

5. Brock filed the Objection to the Cure Amount Motion on March 16, 2015. A hearing on the Motion and the Objection has not yet been scheduled as this Court entered that certain *Agreed Order for Continuing Hearing on Brock’s Limited Objection of Brock Services, LLC to the Motion of Debtors to Determine Cure Amounts for Executory Contracts and Unexpired Leases that May Be Assumed and Assigned as Part of the Sales Motion* [Dkt. # 629] on March 20, 2015.

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Objection.

³ The Cure Amount Motion defines **Cure Amount** as any applicable cure amounts as of the Petition Date.

6. The Parties have reached an agreement concerning the Cure Amount, and have agreed that the Cure Amount for Brock concerning the Master Agreement is \$301,799.45 as of the time of the filing of the Objection.⁴

IT IS, THEREFORE, ORDERED that the Cure Amount for Brock concerning the Management Agreement shall be \$301,799.45.

IT IS FURTHER ORDERED that the *Limited Objection of Brock Services to the Motion of Debtors to Determine Cure Amounts for Executory Contracts and Unexpired Leases that May Be Assumed and Assigned as Part of the Sales Motion* [Dkt. # 604], is fully resolved as set forth herein.

##END OF ORDER##

ORDER PREPARED AND SUBMITTED BY:

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ONE OF THE ATTORNEYS FOR THE DEBTORS

AGREED TO AND APPROVED FOR ENTRY:

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⁴ This amount may be reduced by any amounts paid by the Debtors to Brock on account of post-petition invoices.