



SO ORDERED,

Katharine M. Samson

Judge Katharine M. Samson
United States Bankruptcy Judge
Date Signed: June 11, 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 OBJECTION OF ALABAMA ELECTRIC
MOTOR SERVICES, LLC d/b/a TMC ELECTRIC MOTOR SERVICES TO NOTICE
OF MOTION OF DEBTORS TO DETERMINE CURE AMOUNTS FOR EXECUTORY
CONTRACTS AND UNEXPIRED LEASES THAT MAY BE ASSUMED AND
ASSIGNED AS PART OF THE SALE MOTION**
[Dkt. ## 512, 587]

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 *Objection of Alabama Electric Motor Services, LLC d/b/a TMC Electric Motor Services to Debtors' February 20, 2015 Notice of Motion of Debtors to Determine Cure Amounts for Executory Contracts and*

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**."

Unexpired Leases that May Be Assumed and Assigned as Part of the Sale Motion [Dkt. # 587] (the “**Objection**”)² filed by Alabama Electric Motor Services, LLC d/b/a TMC Electric Motor Services (“**TMC**”). TMC 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, TMC filed its Proof of Claim # 248 in these Bankruptcy Cases asserting a prepetition claim in the amount of \$172,979.00 (\$2,800.00 of which is entitled to priority treatment as an administrative expense claim under Section 503(b)(9) of the Bankruptcy Code).³

4. The Debtors filed the Cure Amount Motion on February 20, 2015, asserting a Cure Amount for the TMC Contract between MPC and TMC of \$160,979.00.⁴

5. TMC filed the Objection to the Cure Amount Motion on March 13, 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 Objection of Alabama Electric Motor Services, LLC d/b/a TMC Electric Motor Services to Debtors’ February 20, 2015 Notice of 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. # 631] on March 20, 2015.

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

³ On or around February 20, 2015, TMC filed a proof of claim with the Clerk of Court in the amount of \$172,979.00, assigned as claim number 137. By letter dated March 6, 2015, BMC Group, claims agent for the Debtors (the “**Agent**”), notified TMC that it assigned a new claim number 248 to the First Claim. Out of an abundance of caution, TMC also filed an identical proof of claim with the Agent, which was assigned claim number 217. By separate motion, TMC has, or will, withdraw claim number 217, leaving claim 248 as its proof of claim in this Bankruptcy Case.

⁴ The Cure Amount Motion defines **Cure Amount** as any applicable cure amounts as of the Petition Date.

6. The Parties filed that certain *Joint Stipulation Regarding the Certain Administrative Expense Claim Filed by Alabama Electric Motor Services, LLC d/b/a TMC Electric Motor Services [Claim # 375]* [Dkt. # 792], which deemed the portion of TMC's unsecured prepetition claim as an administrative expense claim under Section 503(b)(9) of the Bankruptcy Code in the amount of \$2,800.00 (the "***Allowed TMC 503(b)(9) Claim***").

7. The Parties have reached an agreement concerning the Cure Amount, and have agreed that the Cure Amount for TMC concerning the TMC Contract is \$172,979.00.

IT IS, THEREFORE, ORDERED that the Cure Amount for TMC concerning the TMC Contract shall be \$172,979.00, which amount includes the Allowed TMC 503(b)(9) Claim.

IT IS FURTHER ORDERED that the *Objection of Alabama Electric Motor Services, LLC d/b/a TMC Electric Motor Services to Debtors' February 20, 2015 Notice of Motion of Debtors to Determine Cure Amounts for Executory Contracts and Unexpired Leases that May Be Assumed and Assigned as Part of the Sale Motion* [Dkt. # 587], 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:

/s/J. Leland Murphree

J. Leland Murphree

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