

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

<p>IN RE</p> <p>ABC DENTISTRY, P.A., <i>et al.</i>¹</p> <p>DEBTORS.</p>	§ § § § § § §	<p>Chapter 11</p> <p>Case No. 16-34221</p> <p>Jointly Administered</p>
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**ORDER (I) AUTHORIZING PAYMENT OF CERTAIN SECTION 503(B)(9) CLAIMS
AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for the entry of an order (this “Order”) (a) authorizing the Debtors to pay, in their sole discretion, in the ordinary course of business prepetition claims entitled to administrative priority under section 503(b)(9) of the Bankruptcy Code and (b) approving certain conditions on the Debtors’ payment of prepetition obligations, all as more fully set forth in the Motion; and the Court having jurisdiction to consider this Motion and the relief requested therein in accordance with 28 U.S.C. § 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(1)–(2); and venue being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion being adequate and appropriate under the particular circumstances; and a hearing having been held to consider the relief requested in the Motion (the “Hearing”); and upon the record of the Hearing, and all proceedings had before the Court; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties in interest, and that the legal and factual bases

¹ The Debtors in these chapter 11 cases are: ABC Dentistry, P.A.; ABC Dentistry West Orem, P.L.L.C.; and ABC Dentistry Old Spanish Trail, P.L.L.C.

² Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before the Court; and any objections to the relief requested herein having been withdrawn or overruled on the merits; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Debtors are authorized, but not directed, in their sole discretion, to pay the Prepetition Critical Vendor Claims to Benco; *provided that* such payments shall not exceed \$15,500 in the aggregate.

2. The Debtors are authorized, in their sole discretion, to pay such Prepetition Critical Vendor Claims, in whole or in part, upon such terms and in the manner provided in this Order, provided, however, that if Benco accepts any payment pursuant to the authority granted in this Order, it agrees to supply goods and services on the Standard Trade Terms.

3. Should Benco accept payment from the Debtors on account of all or a portion of a prepetition claim pursuant to this Order, Benco shall be deemed to (a) agree to the terms and provisions of this Order and (b) have waived, to the extent so paid, any and all prepetition claims, of any type, kind, or priority (including any reclamation claim), against the Debtors, their assets, and properties.

4. Nothing herein shall impair or prejudice the Debtors' ability to contest, in their sole discretion, the extent, perfection, priority, validity, or amounts of any claims held by Benco.

5. The Debtors are authorized to issue postpetition checks, or to effect postpetition fund transfer requests, in replacement of any checks, or fund transfer requests in respect of the obligations described in the Motion that are dishonored or rejected.

6. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry to avoid immediate and irreparable harm as that phrase is used in Rule 6003.

7. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

8. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

9. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated:

The Honorable Marvin Isgur
United States Bankruptcy Judge