

04-27848

In re:

ACR Management, L.L.C., et al.,¹

Debtors.

ACR MANAGEMENT, L.L.C., et al.,

Movants,

v.

NO RESPONDENT.

Case No. 04-0____(____)

Chapter 11

(Jointly Administered)

Ref. to # 2

Docket No. ____

Upon consideration of the motion (the “Motion”)² filed by the above-captioned debtors and debtors-in-possession (the “Debtors”), seeking entry of an order (the “Order”) (a)

² Capitalized terms used but not defined herein shall have the same meanings ascribed to them in the Motion.

authorizing, but not requiring, the Debtors to remit and pay sales, franchise and use taxes and such other taxes as the Debtors, in their discretion, deem necessary, as well as fees, licenses and other similar charges and assessments, and (b) authorizing banks and other financial institutions to receive, process, honor and pay checks issued and electronic payment requests made relating to the foregoing; and it appearing that the relief requested is in the best interests of the Debtors' estates, their creditors and other parties in interest; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2); and it appearing that venue of this proceeding and this Motion is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and due and sufficient notice of the Motion having been given; and after due deliberation and cause appearing therefor; it is hereby:

ORDERED that the Motion is granted; and it is further

ORDERED that the Debtors are authorized, but not required, to pay the Authorities (a) taxes, including but not limited to, sales, franchise and use taxes incurred or collected by the Debtors in the ordinary course of business from their customers on behalf of the Authorities, subject to the DIP Budgets, the DIP Loan Amendment and the DIP Orders (as each term is defined in the First Day Affidavit); and (b) fees, licenses and other similar charges and assessments incurred by the Debtors in the ordinary course of its business, subject to the DIP Budgets, the DIP Loan Amendment and the DIP Orders (as each such term is defined in the First Day Affidavit); and it is further

ORDERED that all banks and other financial institutions on which checks were drawn or electronic payment requests made in payment of the prepetition obligations approved herein are authorized to receive, process, honor and pay all such checks and electronic payment requests

when presented for payment; provided, however, that sufficient funds are available in the Debtors' bank accounts to cover such payments; provided, further, that all such banks and financial institutions are authorized to rely on the Debtors' designation of any particular check or electronic payment request as approved by this Order; and it is further

ORDERED that the Debtors are authorized to reissue any check which was drawn in payment of any prepetition amount that is not cleared by a depository; and it is further

ORDERED that nothing herein shall impair the Debtors' ability to contest the amounts of the Taxes and/or Fees owing to the Authorities; and it is further

ORDERED that, notwithstanding the possible applicability of Bankruptcy Rules 6004(g), 7062, 9014, or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Pittsburgh, Pennsylvania
Dated : 6/16, 2004


United States Bankruptcy Judge

FILED

JUN 16 2004

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

Enterprise Systems Incorporated
11487 Sunset Hills Road
Reston, Virginia 20190-5234

CERTIFICATE OF SERVICE

District/off: 0315-2
Case: 04-27848

User: csus
Form ID: pdf900

Page 1 of 1
Total Served: 4

Date Rcvd: Jun 17, 2004

The following entities were served by first class mail on Jun 19, 2004.

db +ACR Management, L.L.C., 800 Waterfront Drive, Pittsburgh, PA 15222-4718
aty +David Bruce Salzman, Campbell & Levine, LLC, 1700 Grant Building, Pittsburgh, PA 15219-2348
aty +Norma Hildenbrand on Behalf of the United States T, Office of the United States Trustee,
Suite 960 Liberty Center, 1001 Liberty Avenue, Pittsburgh, PA 15222-3714
ust +Office of the United States Trustee, Liberty Center., 1001 Liberty Avenue, Suite 970,
Pittsburgh, PA 15222-3714

The following entities were served by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 19, 2004

Signature:

