

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

Case No. 12-01220

**CONSENT ORDER AS TO DEBTOR'S OBJECTION TO THE ALLOWANCE OF
CLAIM NO. 1361 FILED BY ATLAS ENVIRONMENTAL, INC.**

The relief set forth on the following pages, for a total of 5 pages including this page, is hereby ORDERED.

**FILED BY THE COURT
03/08/2013**



Entered: 03/11/2013

US Bankruptcy Judge
District of South Carolina

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

CCHG LIQUIDATION CO.,

Debtor

CCHG Liquidation Co.,

Movant

v.

Atlas Environmental, Inc. -Claim No. 1361

Respondent

CHAPTER 11

Case No. 12-01220

Substantively Consolidated

Contested Matter

**CONSENT ORDER AS TO DEBTOR'S OBJECTION TO THE ALLOWANCE OF
CLAIM NO. 1361 FILED BY ATLAS ENVIRONMENTAL, INC.**

Atlas Environmental, Inc. (hereinafter "Atlas") and the Debtor in the above-referenced bankruptcy case, by and through their respective counsel, respectfully present this Consent Order relating to Debtor's Objection to the Allowance of Claim No. 1361 filed by Atlas Environmental, Inc., and stipulate as follows:

WHEREAS, Atlas filed a Claim of Lien on Real Property (hereinafter "Claim of Lien") in Buncombe County, North Carolina on November 29, 2011 relating to real property owned by Longview Land Co., LLC. (hereinafter "Longview Real Property");

WHEREAS, prior to filing a civil action in North Carolina state court to perfect its Claim of Lien, Atlas became aware that Debtor claimed an interest in the Longview Real Property, as further described below;

WHEREAS, Debtor, through counsel, informed Atlas on March 29, 2012 that Debtor had filed a prior lien against the Longview Real Property and possessed an option to purchase the Longview Real Property, and that counsel for the Debtor accordingly believed that the filing of a lawsuit by Atlas to perfect its Claim of Lien would violate the automatic stay;

WHEREAS, the Longview Real Property was subject to the control of the Bankruptcy Court and, so to not violate the automatic stay, Atlas did not file a lawsuit to perfect its Claim of Lien against the Longview Real Property. Atlas instead perfected its Claim of Lien against the Longview Real Property by, pursuant to N.C. Gen. Stat. § 44A-13, filing a Proof of Claim (Claim No. 1361) on March 30, 2012, in the instant proceeding and by filing a Notice of Lis Pendens as to the Longview Real Property on April 2, 2012, in the Buncombe County, North Carolina, registry;

WHEREAS, Debtor now makes no claim as to the Longview Real Property and no longer contends the filing of a lawsuit by Atlas to perfect its Claim of Lien would violate the automatic stay; and

WHEREAS, Atlas has consented and agreed to withdraw its claim in the instant proceeding (Claim No. 1361) and pursue its lien claim against Longview Land Co., LLC and the Longview Real Property in North Carolina state court, and the Debtor has consented and agreed that the Longview Real Property is no longer subject to the control of this Court.

NOW, THEREFORE, having considered the foregoing and the stipulation of the parties, and it appearing to the Court that this Consent Order should be entered, and for good and sufficient cause showing, it is hereby ORDERED as follows:

1. Atlas' request to withdraw claim number 1361 is granted, and Atlas shall file with the claims agent appointed in this case a written withdrawal of such claim.

2. The Debtor shall have no obligation to Atlas or any other party with respect to claim number 1361 filed by Atlas Environmental, Inc.

3. The Longview Real Property, which was previously subject to the control of this Court following the February 28, 2012 petition date of the above-captioned case, is no longer subject to the control of this Court.

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

AND IT IS SO ORDERED.

**PREPARED, PRESENTED AND
CONSENTED TO BY:**

/s/ Däna Wilkinson

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