

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET



The following constitutes the ruling of the court and has the force and effect therein described.

Hay G. C. Jones

United States Bankruptcy Judge

Signed April 6, 2010

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

**ERICKSON RETIREMENT
COMMUNITIES, LLC, *et al.*¹**

Debtors.

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CASE NO. 09-37010 (SGJ)

CHAPTER 11

Jointly Administered

**ORDER APPROVING THE MOTION OF DEBTORS FOR ORDER AUTHORIZING
DEBTORS TO REJECT A CERTAIN UNEXPIRED LEASE OF NON-RESIDENTIAL
REAL PROPERTY AND RELATED EXECUTORY AGREEMENTS**

This matter comes before the Court on the motion [Doc. No. 794] (the “Motion”) for an order authorizing the Debtors and Debtors in possession in the above captioned case (collectively the “Debtors”) to reject a certain unexpired lease (the “Lease”) of nonresidential real property

¹ The Debtors in these chapter 11 cases are Erickson Retirement Communities, LLC, Ashburn Campus, LLC, Columbus Campus, LLC, Concord Campus GP, LLC, Concord Campus, LP, Dallas Campus GP, LLC, Dallas Campus, LP, Erickson Construction, LLC, Erickson Group, LLC, Houston Campus, LP, Kansas Campus, LLC, Littleton Campus, LLC, Novi Campus, LLC, Senior Campus Services, LLC, Warminster Campus GP, LLC, Warminster Campus, LP.

between one of the Debtors, Columbus Campus, LLC, as landlord and Hickory Chase, Inc. as tenant, as well as certain executory agreements related to and depended upon the Lease, including the Lockbox Account Agreement, the Management Agreement, the Community Loan Agreement, the Community Loan Mortgage Agreement, the Community Loan Promissory Note, the Working Capital Loan Agreement, and the Working Capital Promissory Note. (collectively the “Related Agreements”), pursuant to section 365(a) of title 11 of the United States Code (the “Bankruptcy Code”), effective *nunc pro tunc* as of the date of the Motion (the “Rejection Date”), and the Court having reviewed the Motion and having heard the statements of counsel regarding the relief requested in the Motion at a hearing (the “Hearing”); the Court finding that (a) the Court has jurisdiction over 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), (c) venue of these chapter 11 cases in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409, and (d) notice of the Motion and the Hearing was sufficient, the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein and it appearing that the relief requested is in the best interest of the Debtors and their estates; it is hereby

ORDERED, that the Motion is granted in its entirety; and it is further

ORDERED, that the Debtors are hereby authorized to reject the Lease and Related Agreements pursuant to Bankruptcy Code section 365(a) effective as of the Rejection Date; and it is further

ORDERED, that upon entry of the Order the relief granted herein shall be effective immediately; and it is further

ORDERED, that the Bankruptcy Court shall retain exclusive jurisdiction to resolve any dispute arising from or related to the rejection of the Lease or Related Agreements pursuant to the Order.

End of Order