

**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.**

*Henry G. C. George*  
\_\_\_\_\_  
United States Bankruptcy Judge

Signed April 27, 2010

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

**IN RE:**

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

**Debtors.**

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§  
§  
§

**Case No. 09-37010**

**Chapter 11**

**Jointly Administered**

**ORDER GRANTING MOTION FOR SETTING AND REQUEST FOR EMERGENCY HEARING ON EMERGENCY MOTION OF M&T BANK, AS COLLATERAL AND ADMINISTRATIVE AGENT, CONCERNING UMBC BUILDING CONSTRUCTION LOAN CLAIMS UNDER THE DEBTORS' FOURTH AMENDED JOINT PLAN OF REORGANIZATION UNDER CHAPTER 11 OF THE BANKRUPTCY CODE**

The matter having come before this Court on the *Motion for Setting and Request for Emergency Hearing On Emergency Agreed Motion of M&T Bank, as Collateral and Administrative Agent, to (A) Preserve Status of Claims Under Sections 4.2.6, 4.3.5, and 4.4.3 of the Debtors' Fourth Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code, and (B) Clarify Paragraph 11 and 47 of the Amended Findings of Fact, Conclusions of Law, and Order Confirming the Debtors' Fourth Amended Joint Plan of Reorganization Under*

*Chapter 11 of the Bankruptcy Code* (the “Motion”) filed by M&T, the Court finds that it has jurisdiction over this matter pursuant to 11 U.S.C. § 105; the Court finds that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); the Court finds that the relief requested in the Motion is in the best interests of the Debtors, their estates, and the creditors thereof; the Court finds that, under the circumstances, proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and the Court finds that, upon the record herein after due deliberation thereon; cause exists to grant the Motion; accordingly,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

An emergency hearing on the Motion is hereby GRANTED, and such hearing shall take place on **April 29, 2010 at 2:30 p.m.**

**### End of Order ###**

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COLLATERAL AND ADMINISTRATIVE  
AGENT

# CERTIFICATE OF NOTICE

District/off: 0539-3  
Case: 09-37010

User: dmoroles  
Form ID: pdf012

Page 1 of 1  
Total Noticed: 2

Date Rcvd: Apr 27, 2010

The following entities were noticed by first class mail on Apr 29, 2010.  
aty +DLA Piper LLP US, 1717 Main St., Ste. 4600, Dallas, TX 75201-4629  
aty +Gregg P. Hirsch, 1095 Ave. of the Americas, New York, NY 10036-6797

The following entities were noticed 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 sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**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: Apr 29, 2010

Signature:

