



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

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.

Signed September 20, 2021


United States Bankruptcy Judge

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

In re:

FRESH ACQUISITIONS, LLC, *et al.*,¹

Debtors.

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Chapter 11

Case No. 21-30721 (SGJ)

(Jointly Administered)

Re: Docket No. 423

SECOND AGREED ORDER
EXTENDING THE REMEDIES NOTICE PERIOD UNDER THE DIP ORDER

Upon the second unopposed motion (the "Motion")² filed by the above-captioned debtors and debtors in possession (collectively, the "Debtors") for entry of this Agreed Order; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Alamo Fresh Payroll, LLC (1590); Fresh Acquisitions, LLC (2795); Alamo Ovation, LLC (9002); Buffets LLC (2294); Hometown Buffet, Inc. (3002); Tahoe Joe's Inc. (7129); OCB Restaurant Company, LLC (7607); OCB Purchasing, Co. (7610); Ryan's Restaurant Group, LLC (7895); Fire Mountain Restaurants, LLC (8003); Food Management Partners, Inc. (7374); FMP SA Management Group, LLC (3031); FMP-Fresh Payroll, LLC (8962); FMP-Ovation Payroll, LLC (1728); and Alamo Buffets Payroll, LLC (0998). The Debtors' principal offices are located at 2338 N. Loop 1604 W., Suite 350, San Antonio, TX, 78248, United States.

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

found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Motion is GRANTED.
2. The Remedies Notice Period is extended through and including **October 18, 2021**, without prejudice to further extensions by mutual agreement in writing by the Debtors and VitaNova; provided, this Order expressly excludes other and further extensions of the Remedies Notice Period or of the underlying automatic stay beyond October 18, 2021, by order or otherwise, absent such express, mutual agreement of VitaNova and the Debtors.
3. During the Remedies Notice Period, as set forth in the Termination Notice, the Debtors may continue to use cash collateral as the Debtors deem reasonable and necessary to maximize the value of their Assets through a sale of the Debtors' assets.
4. This Court retains jurisdiction over the interpretation and implementation of this Agreed Order.

END OF ORDER

AGREED AS TO FORM AND CONTENT:

/s/ Jason S. Brookner

GRAY REED

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