UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS AT KANSAS CITY

In re:	)	
	)	
JOHN Q. HAMMONS FALL 2006, LLC, *et al.*,	)	**Case No. 16-21142-11**
	)	
Debtors.	)	**(Jointly Administered)**
	)	

STIPULATION AND ORDER GRANTING LIMITED RELIEF FROM THE AUTOMATIC STAY

NOW COME the above-captioned debtors (the "Debtors"), and Mary Kuhn (the "Claimant"), and hereby stipulate as follows:

WHEREAS, On June 26, and July 5, 2016 (the "Commencement Date"), the Debtors commenced these bankruptcy cases (the "Bankruptcy Cases"); and

WHEREAS, prior to the Commencement Date, the Claimant alleges that she incurred personal injuries at a hotel managed and/or owned by one or more of the Debtors (the "Potential Claim"); and

WHEREAS, after these Bankruptcy Cases were commenced, the Claimant contacted counsel for the Debtors to determine whether the Debtors would agree to lift the stay to continue to litigate the Potential Claim (the "Lift Stay Request");

WHEREAS, the parties have negotiated a resolution of the Lift Stay Request as set forth herein.

NOW THEREFORE, the parties hereto agree, and the Court hereby orders, as follows:

1. The Claimant is hereby granted relief from the automatic stay of § 362(a) of the Bankruptcy Code to the extent applicable only for the limited purposes set forth hereafter.

2. The Claimant shall be permitted to commence a lawsuit to litigate the Potential Claim and to litigate the Potential Claim to completion in a court of competent jurisdiction (the "Potential Action"), and the parties in the Potential Action shall be permitted to pursue any appeals of any decisions from that court to any court with appellate jurisdiction over such court, for the purpose of establishing the amount, if any, of their claims (the "Claim Amount"). The Claimant shall also be permitted to settle, enforce and collect the Claim Amount directly from all insurance policies and proceeds without having to seek a further order of this Court.

3. Upon the entry of a Final Judgment, order, or agreed settlement determining the Claim Amount, if any, to the extent permitted under applicable non-bankruptcy law, the Claimant may enforce and collect the Claim Amount directly from the Debtors' insurance carriers, without having to seek a further order of this Court. Any collection from the Debtors shall be governed by the provisions of any plan to be filed and confirmed in these Bankruptcy Cases (the "Plan") and the allowance and payment of all or a portion of such Claim Amount that is not collected directly from the insurance carriers and insurance proceeds, including, but not limited to, the application of § 502(b) of the Bankruptcy Code to all or a portion of the Claim

Amount that is not collected directly from the insurance carriers and insurance proceeds.

4. Nothing contained herein shall be construed as modifying any discharge injunction granted or the automatic stay to permit the Claimant to in any way take any actions to collect the Claim Amount directly from the Debtors, property of the Debtors, this bankruptcy estate, or property of the estate; provided however, that Claimant may (i) continue to litigate the Potential Action as set forth above and (ii) participate in a Plan to be paid thereunder.

5. Nothing contained herein shall be construed to relieve the Claimant from timely filing a proof of claim in these Bankruptcy Cases. Notwithstanding any deadlines to the contrary, a proof of claim shall be deemed timely filed by the Claimant if it is filed on or before (30) days after full execution of a settlement agreement or an entry of judgment in favor of Claimant in the Potential Action.

6. Nothing contained herein shall be deemed an admission by the Debtors that the Claimant has any legal right to recover from any of the Debtors' insurance carriers and/or insurance proceeds. Any right the Claimant may have to such recovery shall be determined by the terms and conditions of the applicable insurance policies and applicable law.

IT IS SO ORDERED.

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SUBMITTED AND AGREED:

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