**The relief described hereinbelow is SO ORDERED.**

**SIGNED this 6th day of January, 2017.**

Robert D. Berger
United States Bankruptcy Judge

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**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 Dana Courtney (the "Plaintiff"), 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 Plaintiff commenced the following action against, *inter alia*, John Q. Hammons Hotels Management, LLC captioned *Dana Courtney v. John Q. Hammons Hotels Management, LLC, et al.*, Case No. 03-CV-2015-900767.00 (the

"Action") which is pending in the Circuit Court of Montgomery County, Alabama (the "Court"); and

WHEREAS, after these Bankruptcy Cases were commenced, the Plaintiff contacted counsel for the Debtors to determine whether the Debtors would agree to lift the stay to continue to litigate the Action (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 Plaintiff 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 Plaintiff shall be permitted to litigate the issues she has raised in the Action to completion in the Court, and the parties in the Action shall be permitted to pursue any appeals of any decisions from that Court to any court with appellate jurisdiction over the Court, for the purpose of establishing the amount, if any, of their claims (the "Claim Amount"). The Plaintiff 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, Plaintiff 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 Plaintiff 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 Plaintiff may (i) continue to litigate the 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 Plaintiff 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 Plaintiff if it is filed on or before (30) days after full execution of a settlement agreement or an entry of judgment in favor of Plaintiff in the Action.

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

7. This Order shall be effective immediately upon entry notwithstanding Federal Rule of Bankruptcy Procedure 4001(a)(3).

IT IS SO ORDERED.

# # #

SUBMITTED AND AGREED:

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