



Keith M. Lundin  
U.S. Bankruptcy Judge

Dated: 10/4/2013



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

In re:	)	
	)	Chapter 11
<b>ORECK CORPORATION, et al</b>	)	Case No. 13-04006
	)	
565 Marriott Dr., Suite 300	)	Judge Lundin
Nashville, TN 37214	)	(Jointly Administered)
	)	
Debtors.	)	

**AGREED ORDER ADJOURNING HEARING WITH RESPECT TO ASSUMPTION  
AND ASSIGNMENT OF UNEXPIRED LEASES TO ORECK ACQUISITION  
HOLDINGS LLC [STORE #133 & #181]**

This is before the Court upon the Notice Of Proposed Assumption And Assignment Of Certain Unexpired Leases To Oreck Acquisition Holdings LLC (the “Assignment Notice”)<sup>1</sup> of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (this “Order”) pursuant to section 365 of the Bankruptcy Code, authorizing the Debtors to assume and assign the TO Leases to OAH and granting such other and further relief as is just and proper; and the Court having reviewed the Assignment Notice; and the Court having found 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)(2); (c) venue of this proceeding and the Proposed Assignment in this district are proper pursuant to 28 U.S.C. §§ 1408 and 1409; (d) each of the TO Leases is an “Additional Contract” as defined in the Royal APA; (e) the Debtors have demonstrated and provided evidence of adequate assurance of future performance by OAH under the TO Leases; (f) the relief requested in the Assignment Notice is a valid exercise of the

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Debtors' business judgment and is in the best interests of the Debtors, their estates, their creditors, and other parties in interest; (g) the Debtors provided appropriate notice of the Proposed Assignment and the opportunity for a hearing on the Proposed Assignment under the circumstances; (h) and Regency Centers Corporation ("Regency"), the landlord for the Store 133 Lease (as defined below), and BRE DDR Riverdale Village Inner Ring, LLC ("DDR", together with Regency, the "Landlords"), the landlord for the Store 181 Lease (as defined below), have consented to entry of the relief provided herein; and the Court having determined that the legal and factual bases set forth in the Assignment Notice, the record of these cases, and any hearing on the Proposed Assignment (as applicable) establish just cause for the relief granted herein; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. A continued hearing on the Assignment Notice solely as it relates to the lease for Store #133 in Wayne, Pennsylvania (the "Store 133 Lease") and Store #181 in Coon Rapids, Minnesota (the "Store 181 Lease") shall be held before the Court on October 22, 2013 at 9:00 a.m., Courtroom Two, 701 Broadway, Nashville, TN (the "Continued Hearing")... Until further order of the Court, the Debtors shall remain the tenants under the Store 181 Lease provided, however, that OAH shall be permitted to occupy and operate Store #181 on an interim basis pending the Continued Hearing.

2. The Debtors, Royal and OAH are authorized and empowered to take all actions necessary or desirable, including execution of any documents or agreements, to implement or evidence the relief granted in this Order.

3. This Order shall be effective immediately upon entry on the Court's docket and shall not be stayed by any provisions of the Bankruptcy Code, Bankruptcy Rules and/or local

rules of this Court, including without limitation Bankruptcy Rule 6006.

4. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

**This Order Was Signed And Entered  
Electronically As Indicated At The Top Of The  
First Page**

APPROVED FOR ENTRY:

*/s/ William L. Norton III*

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