




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 November 2, 2018**

  
**United States Bankruptcy Judge**

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

In re:	§	Chapter 11
	§	
ROCKIES REGION 2006 LIMITED PARTNERSHIP,	§	Case No. 18-33513-sgj--11
	§	
Debtor.	§	
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In re:	§	Chapter 11
	§	
ROCKIES REGION 2007 LIMITED PARTNERSHIP,	§	Case No. 18-33514-sgj-11
	§	
Debtor.	§	(Request for Joint Administration Pending)
	§	

**ORDER AUTHORIZING THE EMPLOYMENT AND  
RETENTION OF BMC GROUP, INC. AS NOTICING,  
SOLICITATION, AND TABULATION AGENT AND (II) APPOINTING  
BMC GROUP, INC. AS AGENT OF THE BANKRUPTCY COURT**

Upon the Application Pursuant to 28 U.S.C. § 156(c) for Order (i) Authorizing the Employment and Retention of BMC as Noticing, Solicitation and Tabulation Agent and (ii) Appointing BMC as Agent of the Bankruptcy Court (the "Application") filed by the above-

captioned debtors and debtors in possession (collectively, the “Debtors”);<sup>1</sup> and upon the Declaration of Tinamarie Feil in Support of the Application (the “Feil Declaration”); and it appearing that the employment of BMC is appropriate and in the best interests of the Debtors and their respective estates; and it appearing that this proceeding is a core proceeding; and it appearing that sufficient notice of the Application has been given and that no other or further notice need be provided; and BMC and the Debtors having represented that BMC is a “disinterested person” as such term is defined under section 101(14) of the Bankruptcy Code; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED** that the Application is hereby granted, to the extent provided herein; it is further

**ORDERED** that the terms of the Services Agreement are hereby approved; it is further

**ORDERED** that the Debtors are hereby authorized to retain and employ BMC under the terms set forth in the Services Agreement, dated as of October 15, 2018, to perform the solicitation, tabulation, and other services described in the Application and the Services Agreement; it is further

**ORDERED** that BMC is hereby appointed as agent for the Clerk’s Office and custodian of court records and, as such, is designated as the authorized repository for all ballots returned in connection with voting on a chapter 11 plan or plans in these cases and shall provide the Clerk’s Office with a certified duplicate thereof as directed by the Clerk’s Office; it is further

**ORDERED** that the Debtors and BMC are authorized to perform their respective obligations set forth in the Services Agreement, and BMC is authorized to perform all related tasks to solicit a chapter 11 plan or plans, tabulate the votes thereon and serve and keep track of the various solicitation materials to be provided to parties in interest, all as more fully described in the

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

Application and the Services Agreement; it is further

**ORDERED** that BMC is authorized to take such other action as is reasonably necessary to comply with all duties set forth in the Application and this Order; it is further

**ORDERED** that the Debtors are authorized to compensate BMC in accordance with the Services Agreement, to the extent provided herein. BMC shall maintain records of all services showing dates, categories of services, fees charged and expenses incurred, and shall serve monthly invoices on the Responsible Party, counsel for the Debtors, the United States Trustee for the Northern District of Texas, and counsel for any official committee monitoring the expenses of the Debtors; it is further

**ORDERED** that, upon the conclusion of providing services for the Debtors (either upon the consummation of a plan of reorganization or the conversion of these cases to chapter 7 of the Bankruptcy Code), BMC shall file with this Court a summary fee application to obtain final approval of its fees and expenses; it is further

**ORDERED** that in the event BMC is unable to provide the services set forth in this Order or BMC's services are terminated, BMC will immediately notify the Clerk's Office and the Debtors' attorneys and will cause to have all original ballots and computer information turned over to another solicitation agent or the Clerk's Office with the advice and consent of the Clerk's Office and Debtors' attorneys; *provided, however*, that BMC shall be paid for such transition services in accordance with the terms of the Services Agreement; and it is further

**ORDERED** that this Court shall retain jurisdiction to resolve all matters arising out of the Services Agreement or this Order.

### END OF ORDER ###

Submitted by:

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**PROPOSED COUNSEL TO THE DEBTORS**