

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: February 27, 2009


C. Kathryn Preston
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

----- X
In re: : Chapter 11
: :
TRIAD RESOURCES, INC., *et al.*,¹ : Case No. 08-62733
: (Jointly Administered)
Debtors. :
: Judge C. Kathryn Preston
----- X

ORDER GRANTING APPLICATION FOR ORDER AUTHORIZING EMPLOYMENT OF ORDINARY COURSE PROFESSIONALS NUNC PRO TUNC AS OF THE PETITION DATE AND ESTABLISHING RETENTION AND COMPENSATION PROCEDURES FOR FUTURE ORDINARY COURSE PROFESSIONALS

This matter came before the Court pursuant to the *Application for Order Authorizing Employment of Ordinary Course Professionals Nunc Pro Tunc as of the Petition Date and Establishing Retention and Compensation Procedures for Future Ordinary Course Professionals* dated December 31, 2008 [Docket No. 24] (the "Application"), filed on behalf of Triad

¹ The Debtors in the instant cases include each of Triad Resources, Inc. (Case No.08-62733, "TRI"); Triad Energy Corporation, (Case No. 08-62744, "TEC"); TriTex Energy, L.L.C. (Case No. 08-62747, "TEL"); TriTex Resources, L.L.C., Case No. 08-62749, "TRL"); Triad Oil & Gas Co., Ltd. (Case No. 08-62757, "TOG"); and Alpha Drilling, Ltd. (Case No. 08-62759, "ADL" or "Alpha").

Resources, Inc. (“TRI”), Triad Energy Corporation (“TEC”), TriTex Energy, L.L.C. (“TEL”), TriTex Resources, L.L.C. (“TRL”), Triad Oil & Gas Co., Ltd. (“TOG”) and Alpha Drilling, Ltd. (“ADL”) (each a “Debtor” and debtor-in-possession and, collectively, the “Debtors”). The Court has reviewed the Application and the *Affidavit of James R. Bryden in Support of Chapter 11 Petition and First-Day Motions* filed contemporaneously with the Application; and, after due deliberation, the Court finds that: (i) it has jurisdiction over the matters raised in the Application under 28 U.S.C. §§ 157 and 1334; (ii) venue of this matter is proper under 28 U.S.C. §§ 1408 and 1409; (iii) this matter is a core proceeding under 28 U.S.C. § 157(b)(2); (iv) the relief requested in the Application is in the best interests of Debtors, their estates, creditors, and other parties in interest; (v) adequate and proper notice of the Application was provided and no objections or responses to the Application or the relief requested therein were filed; and (vi) good and sufficient cause exists for the granting of the relief requested in the Application as set forth herein. Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The Application is GRANTED as set forth herein.

2. Unless otherwise defined or stated herein, all capitalized terms used herein shall have the meanings ascribed to them in the Application.

3. The following retention and payment procedures (the “Retention and Payment Procedures”) apply to Future Professionals:

Retention Procedures. As promptly as possible following (i) the entry of this Order, or (ii) the date on which a Future Professional commences services for the Debtors, each Future Professional shall provide to the Debtors’ attorneys: (a) an affidavit (the “Professional Affidavit”), substantially in the form attached to hereto as Exhibit 1, certifying that the professional does not represent or hold any interest adverse to the Debtors or their estates with respect to the matter on which the professional is to be employed; and (b) a completed retention questionnaire (the “Retention Questionnaire” and, together with the Professional Affidavit, the “Retention Documents”), substantially in the form attached hereto as Exhibit 2.

Promptly after receipt of the Retention Documents, the Debtors shall file the Retention Documents with the Court and serve a copy thereof upon (i) the Office of the United States Trustee (the "UST") and (ii) counsel to the official committee of unsecured creditors and any other official committees appointed in these Cases or, if there is no such counsel, the individual members of such committees (the "Creditor Recipients") and, together with the UST and the Debtors, the "Reviewing Parties").

The Reviewing Parties shall have seven (7) business days following service of the Retention Documents (the "Objection Deadline") to file an objection based upon the contents of Retention Documents to the subject Future Professional. If no objection is filed on or before the Objection Deadline, then the retention, employment, and compensation of the subject Future Professional shall be deemed approved, without further order from the Court. If an objection is filed on or before the Objection Deadline and such objection cannot be resolved within ten (10) business days after the filing thereof, then the matter shall be set for a hearing before the Court.

4. Compensation Procedures. If a Future Professional is retained in accordance with the Retention and Payment Procedures, then the Debtors may pay 100% of such Future Professional's fees and expenses incurred, if the Debtors approve an appropriate invoice submitted by the Future Professional setting forth in reasonable detail the nature of the services rendered and expenses actually incurred; provided, however, that, if any amount owed for the Future Professional's fees and expenses exceeds a total of \$22,000 per month (the "Monthly Amount"), then the payments to the Future Professional for such excess amounts shall be subject to the prior approval of the Court in accordance with sections 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules, Local Bankruptcy Rules, and the Fee Guidelines promulgated by the UST.

5. To the extent any of the services rendered by a Future Professional are bankruptcy services related to the bankruptcy case, such services shall be invoiced separately by the Future Professional and compensation for such services shall be governed by the Court's *Order Granting Motion Of Debtors And Debtors In Possession For An Administrative Order Establishing Procedures For Interim Compensation And Reimbursement Of Expenses Of*

Professionals entered February 13, 2009 [Docket 181] and shall be subject to the prior approval of the Court in accordance with sections 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules, Local Bankruptcy Rules, and the Fee Guidelines promulgated by the United States Trustee.

6. The requirement pursuant to Local Bankruptcy Rule 9013-1(a) that the Debtors file a separate memorandum of law in support of the Application is hereby waived with respect to the Application only.

7. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation of this Order.

IT IS SO ORDERED.

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Prepared and submitted by:

/s/ Daniel A. DeMarco

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PROPOSED ATTORNEYS FOR DEBTORS

Copies to:

The following is the list of **parties** who are currently on the list to receive e-mail notice/service for this case and who were served by the Court's electronic noticing system:

- Asst US Trustee (Col) ustpregion09.cb.ecf@usdoj.gov
- Robert L Bays rbays@bowlesrice.com,
bmartin@bowlesrice.com;bnichols@bowlesrice.com;jchincheck@bowlesrice.com
- James P Botti jbotti@porterwright.com
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- Christopher B Wick cwick@hahnlaw.com, hlpcr@hahnlaw.com
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BMC Group, Inc., the Debtors claims and noticing agent, is, at the direction of the Debtors' counsel, serving the instant document on the parties set forth on the attached Service Lists via electronic mail and/or United States Mail, postage prepaid (the "BMC Service"). An affidavit detailing the BMC Service will be filed with the Court.

SUPPLEMENTAL SERVICE LISTS

Triad Companies Service List

Total number of parties: 24

Core Group

BAILEY CAVALIERI LLC
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CHRYSLER FINANCIAL
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CNH CAPITAL AMERICA LLC
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Core Group

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Triad Companies Service List

Total number of parties: 13

2002 List

BAKER OIL TOOLS
(RE: COMMITTEE OF UNSECURED
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2002 List

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CREDITORS)
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EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: :
: Chapter 11
TRIAD RESOURCES, INC., *et al.*¹, :
: Case No. 08-62733
Debtors. : (Jointly Administered)

Judge C. Kathryn Preston

**AFFIDAVIT IN SUPPORT OF EMPLOYMENT AND COMPENSATION AS
ORDINARY COURSE PROFESSIONAL**

STATE OF _____)
) SS:
COUNTY OF _____)

Pursuant to Rule 2014(a) of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 2014-1, _____, first being duly sworn, hereby states:

1. I am over twenty-one (21) years of age and competent to make this affidavit.

2. I am the _____ of _____ (the "Firm"). I submit this affidavit in support of the Firm's retention and compensation as ordinary course professionals by the debtors the above-captioned bankruptcy cases (collectively, the "Debtors")

3. Neither I, nor any member, associate, or professional employee of the Firm are a relative, as that term is defined under section 101(45) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code"), of any judge of the United States Bankruptcy Court for the Southern District of Ohio, or of the United States Trustee for Region 9.

¹ The Debtors in the instant cases include each of Triad Resources, Inc. (Case No.08-62733, "TRI"); Triad Energy Corporation, (Case No. 08-62744, "TEC"); TriTex Energy, L.L.C. (Case No. 08-62747, "TEL"); TriTex Resources, L.L.C., Case No. 08-62749, "TRL"); Triad Oil & Gas Co., Ltd. (Case No. 08-62757, "TOG"); and Alpha Drilling, Ltd. (Case No. 08-62759, "ADL" or "Alpha").

4. Neither I, nor any member, associate, or professional employee of the Firm are or have been so connected with any judge of the United States Bankruptcy Court for the Southern District of Ohio, the United States Trustee for Region 9, or any person employed by the United States Trustee for Region 9.

5. Neither I, nor any member, associate, or professional employee of the Firm have any connection with the Debtors, their creditors, their equity security holders, any other party in interest in this case, or their respective attorneys and accountants, except as set forth below:

A. Connection with the Debtors:_____.

B. Connection with the Debtors' equity security holders:_____.

C. Connection with the Debtors' creditors and other interested parties: the Debtors have hundreds of creditors and hundreds of interested parties with whom they maintain business relationships. The Firm may have (or have had in the past) advisory or other commercial or professional relationships with such entities or persons completely unrelated to the Debtors or their business affairs. No such relationships are related to the Debtors' cases. The Firm may have in the past represented, may currently represent, and likely in the future will represent, parties-in-interest in these cases in connection with matters unrelated to the Debtors and their chapter 11 cases.

D. Connection with attorneys and accountants of Debtors, their creditors, their equity security holders, and other interested parties: The Firm participates in numerous cases and matters involving many different attorneys and accountants, some of which may represent claimants and interested parties with respect to the Debtors and their estates. The Firm has in the past and likely will in the future be working with or against other professionals involved in these cases in matters unrelated to the Debtors' cases. Based on my current knowledge, none of these business relations constitutes an interest materially adverse to the Debtors herein in matters upon which the Firm is to be employed.

6. During the period of one (1) year prior to Petition Date through the date of this Application, the Firm received the following fees and expenses for services related to the Cases:

<u>Date</u>	<u>Amount</u>	<u>Source</u>

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7. During the period of one (1) year prior to Petition Date through the date of this Application, the Firm received the following fees and expenses for services unrelated to the Cases:

<u>Date</u>	<u>Amount</u>	<u>Source</u>

8. The total revenue paid to the Firm by the Debtors during the period of one (1) year prior to the date of this affidavit did not exceed one (1) percent of the Firm's total revenue during the same period.

9. Neither I, nor any principal of, or professional employed by the Firm has agreed to share or will share any portion of the compensation to be received from the Debtors with any other person other than the principals and regular employees of the Firm.

10. Based on the foregoing, I do not believe that the Firm holds an adverse interest to the Debtors or their estates. In reaching this conclusion, and in making the disclosures set forth herein, I reviewed and considered the following information: _____. I believe that these efforts were reasonable. The Firm intends to update its review and disclose any other or further relationships when and if they become known, as necessary and proper during these Cases.

FURTHER AFFIANT SAYETH NAUGHT.

Printed Name:

SWORN TO and subscribed before me this _____ day of _____ 200__.

Notary Public: _____

Printed: _____

My commission expires: _____

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: :
: Chapter 11
TRIAD RESOURCES, INC., *et al.*¹, :
: Case No. 08-62733
Debtors. : (Jointly Administered)

Judge C. Kathryn Preston

**RETENTION QUESTIONNAIRE IN SUPPORT OF EMPLOYMENT AND
COMPENSATION AS ORDINARY COURSE PROFESSIONAL**

DO NOT FILE THIS QUESTIONNAIRE WITH THE COURT.
RETURN IT, FOR FILING BY THE DEBTORS, TO:

Hahn Loeser & Parks LLP
200 Public Square, Suite 2800
Cleveland, Ohio 44114
Attention: Rocco I. Debitetto, Esq.

All questions **must** be answered. Please use “none,” “not applicable,” or “N/A,” as appropriate.
If more space is needed, please complete on a separate page and attach.

1. **Name of Individual Completing Questionnaire:** _____
2. **Firm Name:** _____
3. **Firm Address:** _____
4. **Firm Telephone Number:** _____
5. **Date of Retention by Debtors:** _____
6. **Type of Services Being or to be Provided (legal, accounting, etc.):** _____

¹ The Debtors in the instant cases include each of Triad Resources, Inc. (Case No.08-62733, “TRI”); Triad Energy Corporation, (Case No. 08-62744, “TEC”); TriTex Energy, L.L.C. (Case No. 08-62747, “TEL”); TriTex Resources, L.L.C., Case No. 08-62749, “TRL”); Triad Oil & Gas Co., Ltd. (Case No. 08-62757, “TOG”); and Alpha Drilling, Ltd. (Case No. 08-62759, “ADL” or “Alpha”).

7. **Brief Description of Scope of Services:** _____

8. **Arrangements for compensation (hourly, contingent, etc.):** _____

(a) Average hourly rate (if applicable): _____

(b) Estimated average monthly compensation based on prepetition retention (if firm was employed prepetition): _____

9. **Prepetition claims against the Debtors held by the firm:**

Amount of claim: \$ _____

Date claim arose: _____

Source of Claim: _____

10. **Prepetition claims against the Debtors held individually by any member, associate, or professional employee of the firm:**

Name: _____

Status: _____

Amount of Claim: \$ _____

Date claim arose: _____

Source of claim: _____

11. **Disclose the nature and provide a brief description of any interest adverse to the Debtors or to their estates with respect to the matters on which the above-named firm is to be employed:** _____

