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E-Filed on: 5-4-05

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:	)	BK-S-03-17939-LBR
	)	
VSS ENTERPRISES, LLC,	)	
dba, CASTAWAYS HOTEL CASINO AND BOWLING	)	
Debtor.	)	Chapter 7

NOTICE OF ENTRY OF STIPULATION & AGREED ORDER PROVIDING FOR MODIFICATION OF THE AUTOMATIC STAY PURSUANT TO SECTION 362 OF THE BANKRUPTCY CODE IN FAVOR OF TAMMY M. VANDERHEIDEN, AND WAIVER OF CLAIMS AGAINST THE DEBTOR'S ESTATE

TO DEBTOR, CREDITORS AND ALL PARTIES IN INTEREST:

YOU ARE HEREBY NOTICED that the above-referenced Order filed on May 4, 2005, was entered on May 4, 2005. A copy of said Order is attached hereto.

DATED this May 4, 2005.

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

Entered on Docket
May 04, 2005

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:	)	BK-S-03-17939-LBR
	)	
VSS ENTERPRISES, LLC, dba, CASTAWAYS HOTEL CASINO AND BOWLING	)	
Debtor.	)	Chapter 7

STIPULATION & AGREED ORDER PROVIDING FOR MODIFICATION OF THE AUTOMATIC STAY PURSUANT TO SECTION 362 OF THE BANKRUPTCY CODE IN FAVOR OF TAMMY M. VANDERHEIDEN, AND WAIVER OF CLAIMS AGAINST THE DEBTOR'S ESTATE

WHEREAS, on May 5, 2003, Tammy M. Vanderheiden (hereinafter, "Creditor"), was involved in an incident, while she was an invitee, on the grounds of the Castaways Hotel & Casino (hereinafter, "Debtor"), which resulted in her suffering bodily injury (hereinafter, the "Personal Injury Claim"); and,

WHEREAS, Creditor has asserted that her rights with respect to the events giving rise to the Personal Injury Claim arose during a period in which the Debtor maintained insurance coverage of the kind which would cover injuries the type of which Creditor suffered while on Debtor's premises; and,

WHEREAS, Debtor was at all times aware of the incident wherein Creditor was injured on Debtor's premises, and Debtor's employees filled out an incident report detailing Creditor's injuries at the time said injuries were suffered; and,

WHEREAS, on June 26, 2003, Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (The "Bankruptcy Code"), which was later converted to a Chapter 7 petition under the Bankruptcy Code; and,

WHEREAS, Neither the Debtor nor the Trustee have notified the Debtor of the Debtor's bankruptcy filing, nor the claims bar date, which was June 21, 2004; and,

WHEREAS, Creditor has asserted her intent to seek relief from the automatic stay in order to prosecute her Personal Injury Claim against Debtor and Debtor's insurance policy(s); and,

WHEREAS, Trustee Timothy S. Cory has no objection to lifting the automatic stay to allow Creditor to pursue her Personal Injury Claim against Debtor's insurance policy(s); and,

WHEREAS, the undersigned parties wish to consensually resolve any and all claims that the Creditor may hold against the bankruptcy estate, including, but not limited to, damages as a result of the Personal Injury Claim. The execution of this Stipulation in no way constitutes a resolution of the underlying Personal Injury Claim to the extent of the insurance coverage available, which Personal Injury Claim continues to be contested as of this date.

WHEREAS, the Creditor wishes to have the automatic stay lifted, pursuant to 11 U.S.C. § 362(d), so that she may proceed against the Debtor's Insurance Company(s) under the applicable policy limits of the Debtor's insurance policy(s).

NOW, THEREFORE, in consideration of the mutual promises, agreements, releases and covenants contained in this stipulation and agreed order (the "Stipulation"), Trustee and Creditor hereby agree as follows:

1. The automatic stay under Section 362 of the Bankruptcy Code is hereby modified in this Chapter 7 case to permit Creditor to proceed against Debtor's Insurance Company(s) and Debtor's Insurance policy(s) for any damages arising under her Personal Injury Claim.

2. Creditor hereby waives any and all claims against the bankruptcy estate, including, but not limited to the Personal Injury Claim, to the extent such claims exceed the amount of available insurance coverage.

3. This Stipulation, and the obligations of the parties hereto, are specifically subject to, and conditioned upon, the entry of the Stipulation as an order of the Bankruptcy Court. If the Bankruptcy Court declines to approve the Stipulation, the provisions stated herein shall be null, void and of no force and effect.

4. This Stipulation may be signed in counterpart and faxed copies of signatures shall be deemed originals for purposes of this Stipulation.

5. This Stipulation shall be binding upon (i) all successors and assigns of each of the parties to the Stipulation, and (ii) any subsequently appointed Chapter 7 trustee.

DATED this 28 day of April, 2005.

GOLDSMITH & GUYMON, P.C.

Marjorie A. Guymon, Esq.
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Attorneys for Tammy M. Vanderheiden

DATED this _____ day of April, 2005.

TIMOTHY S. CORY

Timothy S. Cory
Chapter 7 Trustee
P.O. Box 27498
Las Vegas, Nevada 89126

IT IS SO ORDERED.

W:\MAG\Client Matters\BK Clients\Vanderheiden 8877-1\stip and order lift stay.wpd

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