

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	
UBI LIQUIDATING CORP., et al.,	:	Chapter 11
Debtors.	:	Case No. 10-13005 (KJC)
	:	(Jointly Administered)
	:	Re: Docket No. 472

**AGREED ORDER APPROVING HARTZ MOUNTAIN METROPOLITAN’S
MOTION FOR ALLOWANCE AND PAYMENT OF STUB RENT
PURSUANT TO 11 U.S.C. §503(b)(1)(A)**

Upon *Hartz Mountain Metropolitan’s (“Hartz”) Motion For Allowance And Payment Of Stub Rent Pursuant To 11 U.S.C. §503(B)(1)(A* [Docket No. 472], filed November 8, 2010 (the “Motion”)¹ seeking allowance and payment of an administrative expense claim for Stub Rent pursuant to §503(b)(1)(A); and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and the Motion is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and the Debtors and Hartz having agreed to the entry of this Order; and due, adequate and sufficient notice of the Motion having been given; and it appearing that no other notice need be given; and after due deliberation and sufficient cause appearing therefore, it is hereby

ORDERED, that the Motion is granted, as modified by this Order; and it is further

ORDERED, that Hartz shall have an allowed administrative expense claim pursuant to 11 U.S.C. § 503(b)(1)(A) in the amount of \$38,542.16 (the “Allowed Administrative Expense Claim”) against ASNJ 10, Inc.; and it is further

¹ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.

ORDERED, that with respect to timing of the payment of the aforesaid Allowed Administrative Expense Claim, Debtors have represented to Hartz that sufficient funds exist within the Estate to pay this claim in full and in reliance thereon, Hartz has agreed to resolve this Motion by consent based on that representation as follows: (i) in the event the Lease (as identified in the Motion) is assumed and assigned, then the Allowed Administrative Expense Claim shall be paid by either the Debtor or any assignee along with all other amounts required to be paid pursuant to the Lease as part of the cure and not addressed by the Motion; or (ii) in the event the Lease is rejected, then the claim will be paid at the time that the Debtors make any distributions to creditors holding administrative expense claims creditors, whether on a pro rata basis or in full, or at such other time ordered by the Court or (iii) with respect to amount and timing as may otherwise be mutually agreed by the parties; and it is further

ORDERED, that Hartz is not required to file any additional claims to confirm, perfect or evidence its Allowed Administrative Expense Claim; and it is further

ORDERED, that this Order shall be binding upon (i) any liquidating trustee; plan administrator; distribution agent and/or any other responsible person appointed pursuant to any chapter 11 plan confirmed in these cases; (ii) any chapter 11 trustee appointed in these cases and/or (iii) any chapter 7 trustee appointed or elected in these cases; and it is further

ORDERED that this Court retains jurisdiction with respect to all matters arising from or related to the implementation of this order.

Dated: _____
Wilmington, Delaware

THE HONORABLE KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE