

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

In re:

IBCS Mining, Inc., et al.,¹

Debtors.

Chapter 11
Case No. 14-61215
Jointly Administered

**ORDER GRANTING THE DEBTORS'
MOTION TO SELL EQUIPMENT FREE AND CLEAR**

Upon the Amended Motion to Sell Equipment (the “**Motion**”)² filed by IBCS Mining, Inc., et al., as debtors and debtors in possession in these proceedings (collectively, the “**Debtors**”), by counsel, pursuant to sections 105 and 363 of the Bankruptcy Code, and Rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure, requesting the Court to enter an Order authorizing the sale free and clear of all liens, claims, encumbrances, and interests of certain personal property of the Debtors more particularly described as:

- Manufacturer: Gorman-Rupp Model: 16C2F4L Description: 6" Portable Water Machine Type: Pump
S/N: 1425103

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number include: IBCS Mining, Inc. (8425) and IBCS Mining, Inc., Kentucky Division (8711). The location of the Debtors’ service address is 3566 Teays Valley Road, Hurricane, West Virginia 25526.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

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*Counsel for the Debtors
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- Manufacturer: Caterpillar Model: XQ75 Description: 75 KW Skid Mounted Machine Type: Generator Sets - Industrial S/N: PAPF01424
- Year: 2004 Manufacturer: Magnum Model: MLT3060 Description: Portable 4000W Machine Type: Light Tower S/N: 46409
- Year: 2010 Manufacturer: Terex Model: RL4000 Description: Portable 4000W Machine Type: Light Tower S/N: RL4103416
- Year: 2010 Manufacturer: Terex Model: RL4000 Description: Portable 4000W Machine Type: Light Tower S/N: RL4103008

(collectively, the “**Equipment**”). The Court having reviewed the Motion, the Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and parties-in-interest; it appearing that proper and adequate notice of the Motion has been given under the circumstances and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is **GRANTED**.
2. The Debtors are authorized, but not directed, to sell the Equipment and, are further empowered to take all necessary and further actions for the purpose of transferring, granting, conveying, and/or conferring the Equipment.
3. Pursuant to sections 363(b) and 363(f) of the Bankruptcy Code, at auction, the Debtors’ rights, title, and interest in the Equipment shall be transferred to any successful bidder free and clear of any and all liens, claims, interests, and encumbrances, with any and all purported liens, claims, interests, and encumbrances to attach to the proceeds of the Equipment with the same purported validity, force, and effect which they had as against the Equipment

immediately before such transfer, subject to any claims and defenses the Debtors may possess with respect thereto.

4. Prior to the auction of the Equipment, if any person or entity that has filed financing statements, mortgages, mechanic's liens, lis pendens, or other documents or agreements evidencing liens, claims, interests, and/or encumbrances on or against the Equipment fails to deliver to the Debtors, in proper form for filing and executed by the appropriate parties, termination statements, instruments of satisfaction, release of all liens, claims, interests, and/or encumbrances that the person or entity has relating to the Equipment, or otherwise, then (a) the Debtors are hereby authorized to execute and file such statements, instruments, releases, and other documents on behalf of the person or entity with respect to the Equipment, and (b) Ritchie and/or any successful bidder or purchaser of the Equipment is hereby authorized to file, register, or otherwise record a certified copy of this Order, which, once filed, registered, or otherwise recorded, shall constitute conclusive evidence of the release of all purported liens, claims, interests, and/or encumbrances on or against the Equipment of any kind or nature whatsoever.

5. This Order (a) shall be effective as a determination that, at auction, all liens, claims, encumbrances, and/or interests of any kind or nature whatsoever existing as to the Equipment prior to the auction have been unconditionally released, discharged, and terminated, and that the conveyances described herein have been effected, and (b) shall be binding upon and shall govern the acts of all entities, including, without limitation, all filing agents, filing officers, title agents, title companies, recorders of mortgages, recorders of deeds, registrars of deeds, administrative agencies, governmental departments, secretaries of state, federal, state, and local officials, and all other persons and entities who may be required by operation of law, the duties of their office, or contract, to accept, file, register, or otherwise record or release any documents

or instruments, or who may be required to report or insure any title or state of title in or to any of the Equipment.

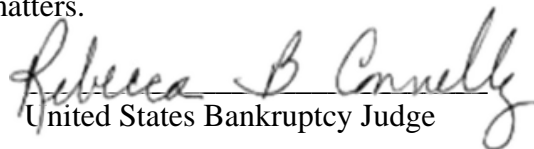
6. All persons and entities, including, without limitation, all debt security holders, equity security holders, governmental, tax, and regulatory authorities, and lenders holding purported liens, claims, encumbrances, and/or interests of any kind or nature whatsoever against the Equipment arising under or out of, in connection with, or in any way relating to the Equipment prior to the closing of the sale of the Equipment, or the transfer of the Equipment to any successful bidder(s) and/or purchaser(s), hereby are forever barred, estopped, and permanently enjoined from asserting against such successful bidder(s) and/or purchaser(s), its successors and assets, its property, or the Equipment, such persons' or entities' liens, claims, encumbrances, and/or interests.

7. Within ten (10) business days after the sales are completed, the Debtors shall file a notice with the Court indicating the sales price(s) for the Equipment and the corresponding commission(s) paid to Ritchie.

8. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry and the fourteen-day stay as provided in Bankruptcy Rule 6004(h) shall not be applicable to this Order.

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

Dated: May 1, 2015
Lynchburg, Virginia


United States Bankruptcy Judge

We ask for this:

/s/ Robert S. Westermann
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