

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Winston-Salem Division

IN RE:

Esby Corporation
Debtor

Case No. 17-50228

AMENDED
MOTION TO EXTEND EXCLUSIVE PERIOD TO FILE AND SOLICIT ACCEPTANCE
OF PLAN PURSUANT TO 11 USC SECTION 1121(d)

NOW COMES, the debtor, **Esby Corporation**, who moves the Court pursuant 11 U.S.C. §1121(e)(3) to extend the exclusive period during which the debtor may file a plan and solicit acceptance of a plan, and in support thereof would show the Court:

1. On March 2, 2017 the debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. The debtor brings the instant motions pursuant to Sections 1121(1)(A); 1121(1)(B); 1121(3); and Section 365(d)(4)(B) of the Bankruptcy Code.
3. The Court has jurisdiction over the motions pursuant to 28 USC Section 1334(b). The motion is a core proceeding under 28 USC Section 1257 (b)(2).
4. Pursuant to Section 1121(e) of the Bankruptcy Code, only the debtor may file a plan until 120 days after the petition date. Section 1121(c)(3) further provides that other parties in interest may file a plan of reorganization if, and only if, the debtor has not filed a plan that has been accepted within 120 days after the petition date.
5. Pursuant to Section 1121(d) of the Bankruptcy Code, the Court may, upon request of a party in interest, increase the exclusive period in which a debtor may file a plan and solicit acceptances of a plan for cause if the request is made within the 120 day periods.

6. The debtor would show that cause exists to increase the exclusive periods in the case at hand on the basis that the Debtor needs additional time to formulate, propose and solicit acceptance of a plan.

7. The debtor would show that the debtor, upon information and belief, has to unsecured debt. All debt involved with this debtor is either secured through mortgage loans or is owed for ad valorem property taxes. The requested extension is not an attempt to pressure such creditors into the acceptance of a plan.

8. In addition, the debtor would show that its secured creditors in this case are all, upon information and belief, adequately secured.

9. The debtor's income is based upon real property ownership and rental. The debtor is attempting to find means to increase its rental income to more readily facilitate the funds a Plan.

10. Accordingly, the Debtor requests that the Court extend time for filing a plan under Section 1121(e) through and including September 29, 2017.

WHEREFORE, Debtor respectfully requests that the Court extend the exclusive periods for filing a plan under 11 USC Section 1121(e) through and including September 29, 2017, and for such other relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED this the 29th day of May, 2017.

/s/ Brian P. Hayes
Brian P Hayes
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CERTIFICATE OF SERVICE

I, Brian P Hayes, attorney for Debtor do hereby certify that I served a copy of the foregoing upon:

Credit Bureau PO Box 26140 Greensboro, NC 27402	William P. Miller U. S. Bankruptcy Court Administrator Federal Law Center 101 South Edgeworth Street Greensboro, NC 27402	First Bank P.O. Box 615 Troy, NC 27371
Rowan County Tax Collector 402 N. Main St. Salisbury, NC 28144	Steve Bailey Bailey & busby PLLC 14865 US Highway 17 P.O. Box 818 Hampstead, NC 28443	Wells Fargo Bank Two Wells Fargo Center 301 S. Tryon St. T-30 Mail Code D1130-305 Charlotte, NC 28288
Yadkin Bank 3600 Glenwood Ave. Suite 300 Raleigh, NC 27612	Katherine R. Trotter, Esq. First Bank 4201 Congress Street, Ste. 100 Charlotte, NC 28210	Charles N. Anderson, Jr. Ellis & Winters, LLP P.O. Box 33550 Raleigh, NC 27636
George F. Sanderson, III Ellis & Winters, LLP P.O. Box 33550 Raleigh, NC 27636	Lauren A. Golden Ellis & Winters, LLP P.O. Box 33550 Raleigh, NC 27636	

by either electronic service through CM/ECF or by depositing a copy of the aforesaid document in an envelope in the exclusive care and custody of the U.S. Postal Service with sufficient postage thereon addressed to them at the aforesaid address.

This the 29th day of May, 2017

/s/ Brian P. Hayes
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