

United States Bankruptcy Court
Northern District of Ohio

In re:
BCC Sandusky Permanent LLC
Debtor

Case No. 17-30905-maw
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0647-3

User: mknei
Form ID: pdf733

Page 1 of 1
Total Noticed: 6

Date Rcvd: Aug 02, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 04, 2017.

db +BCC Sandusky Permanent LLC, 9380 Montgomery Rd # 202, Cincinnati, OH 45242-7756
op +NAI Daus, 23240 Chagrin Blvd. Suite 250, Cleveland, OH 44122-5482
24791418 +20 Marshall Melhorn LLC, Attn: Benjamin Heywood, Four Seagate 8th Floor,
Toledo OH 43604-2608
24791424 +20 Randal J Goodman and, Goodman Real Estate Services Group, 25333 Cedar Road Suite 305,
Lyndhurst OH 44124-3788
24791428 +20 The Bank of New York Trust Company, 400 S Hope Street, Los Angeles CA 90071-2801

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
tr +E-mail/Text: rnelson@ctks.com Aug 02 2017 21:39:34 Richard D. Nelson,
Cohen Todd Kite & Stanford, LLC, 250 East Fifth Street, Suite 2350,
Cincinnati, OH 45202-5136

TOTAL: 1

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

op George Fels
cr Suzanne D Baird
cr The Bank of New York Mellon Trust Company National

TOTALS: 3, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 04, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 2, 2017 at the address(es) listed below:

Donald W. Mallory on behalf of Trustee Richard D. Nelson dmallory@ctks.com, ddccass@ctks.com
Eric R. Neuman on behalf of Debtor BCC Sandusky Permanent LLC eric@drlawllc.com,
kim@drlawllc.com;r50765@notify.bestcase.com
John Michael Debbeler on behalf of Creditor Suzanne D Baird mdebbeler@graydon.law
Kim Martin Lewis on behalf of Creditor The Bank of New York Mellon Trust Company National
Association kim.lewis@dinsmore.com, lisa.geeding@dinsmore.com
Paige L. Ellerman on behalf of Other Prof. NAI Daus pellerman@fbtlaw.com,
pellerman@ecf.inforuptcy.com
Patrick D. Burns on behalf of Creditor The Bank of New York Mellon Trust Company National
Association patrick.burns@dinsmore.com, lisa.geeding@dinsmore.com
Raymond L. Beebe on behalf of Debtor BCC Sandusky Permanent LLC RLBCT@buckeye-express.com
Richard Boydston on behalf of Other Prof. George Fels rboydston@bgdlegal.com,
rboydston@bgdlegal.com
Richard D. Nelson on behalf of Trustee Richard D. Nelson ricknelson@ctks.com
Ronald E. Gold on behalf of Other Prof. NAI Daus rgold@fbtlaw.com,
pellerman@fbtlaw.com;awebb@fbtlaw.com
Scott R. Belhorn ust35 on behalf of U.S. Trustee Daniel M. McDermott, United States Trustee
for Region 9 Scott.R.Belhorn@usdoj.gov
Steven L. Diller on behalf of Debtor BCC Sandusky Permanent LLC steven@drlawllc.com,
kim@drlawllc.com;eric@drlawllc.com;r50765@notify.bestcase.com

TOTAL: 12

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Mary Ann Whipple
United States Bankruptcy Judge

Dated: August 2 2017

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:) Chapter 11 Proceeding
)
) Case No. 17-30905
BCC Sandusky Permanent, LLC,)
) Judge Mary Ann Whipple
Debtor)

**FOURTH AGREED ORDER EXTENDING THE INTERIM AGREED ORDER
(Doc. Nos. 4 and 27) THROUGH AND INCLUDING AUGUST 20, 2017**

This matter is before the Court upon the *Motion for Entry of An Interim Order Authorizing Debtor (A) to Utilize Cash Collateral Pursuant to 11 U.S.C. §363, and (B) Granting Adequate Protection to the Prepetition Secured Lender Pursuant to 11 U.S.C. § 361, And (C) Request for Preliminary Hearing Thereon* (Doc. No. 4)(the “Cash Collateral Motion”)¹; the Court

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Cash Collateral Motion. “Lender” as used herein shall mean The Bank of New York Mellon Trust Company National Association (f/k/a The Bank of New York Trust Company, National Association) as Trustee for Morgan Stanley Capital, Inc., Commercial Mortgage Pass-Through Certificates, Series 2007 IQ14. “Receiver” as used herein shall mean NAI Daus, the previously appointed receiver of Debtor BCC Sandusky Permanent, LLC (the “Debtor”) pursuant to the *Order Appointing Receiver* (Doc. No. 33) dated June 8, 2016 and entered in the matter styled *The Bank of New York Mellon Trust Company National Association (f/k/a The Bank of New York Trust Company, National Association) As*

having held a hearing on the Cash Collateral Motion on April 5, 2017; the Court having entered the *Interim Agreed Order Granting Motion of Lender to Excuse Turnover, Direct Receiver to Make Necessary Expenditures, and Authorize Payment of Management Fees* on April 7, 2017 (Doc. No. 27) (the “*Status Quo Order*”) to preserve the Debtor’s Property and business on a temporary basis, which held the Cash Collateral Motion in abeyance until further order; the Court having held a hearing on the *Motion to Dismiss Chapter 11 Case* (Doc. No. 28) filed by the Office of the United States Trustee (the “UST”) and the *Motion of the Lender to Dismiss Chapter 11 Case* (Doc. No. 37)(collectively, the “Motions to Dismiss”) on May 10, 2017; the Court having entered its *Memorandum of Decision and Order Regarding Motions to Dismiss* (“Opinion”) (Doc. No. 79) on June 7, 2017; the Court having entered the *Second Agreed Order Extending the Interim Agreed Order Granting Motion Of Lender To Excuse Turnover, Direct Receiver To Make Necessary Expenditures, And Authorize Payment Of Management Fees (Doc. No. 27) Through And Including June 16, 2017* (“Second Extension Order”)(Doc. No. 87) on June 13, 2017; the Court having entered the *Amended Third Agreed Order Extending the Interim Agreed Order Granting Motion Of Lender To Excuse Turnover, Direct Receiver To Make Necessary Expenditures, And Authorize Payment Of Management Fees (Doc. No. 27) Through And Including August 1, 2017* (“Third Extension Order”)(Doc. No. 103) on June 28, 2017; the UST having filed a *Motion for Order Appointing A Chapter 11 Trustee* (the “Motion to Appoint”)(Doc. No. 98) on June 22, 2017 and the Court having entered the *Agreed Order Authorizing the Appointment of a Chapter 11 Trustee, and Resolving the Debtor’s Motion for Turnover of Property (DKT 5); the Motion of the Lender to Excuse Turnover, Authorize the Receiver to Make Necessary Expenditures and Authorize Payment of Management Fees (DKT*

Trustee for Morgan Stanley Capital, Inc., Commercial Mortgage Pass-Through Certificates, Series 2007 IQ14 v. BCC Sandusky Permanent, LLC, et al., Case No. 3:16-CV-000393 (N.D. Ohio, J. Zouhary).

18); the Debtor's Application for an Order (1) Authorizing the Debtor to Employ Goodman Real Estate Services Group LLC as Agent and Broker for Purposes of Leasing Space at the Debtor's Property and (2) Authorizing Debtor to Enter Into Lease Agreement for Said Agent the Exclusive Right to Lease Such Space and Approving Terms of Compensation Under the Agreement (DKT 108); the Debtor's Application for an Order (1) Authorizing the Debtor to Employ Marcus and Millichap Real Estate Investment Services of Ohio as Agent and Broker for Purposes of Marketing and Selling the Debtor's Property and (2) Authorizing the Debtor to Enter Into Lease Agreement Affording Said Agent and Broker the Exclusive Right to Market the Property and Approving Terms of Compensation of Agreement (DKT 109); the Motion of the Debtor for Entry of an Order (1) Authorizing the Debtor Pursuant to 11 U.S.C. § 363(b) to Enter Into a Lease Agreement with Party City Corporation and (2) Authorizing George Fels as the Debtor's Designated Person to Execute the Necessary Documents to Effectuate Said Lease (DKT 110); and Motion of the Debtor for Entry of an Order (1) Authorizing the Debtor to Retain Business Property Specialist, Inc. d/b/a NAI Daus as Property Manager for the Debtor and Authorizing Compensation to be Paid to Said Property Manager (Doc. No. 143) on July 12, 2017; Richard D. Nelson having been appointed the Chapter 11 trustee in this Bankruptcy Case (the "Trustee") by the Court on July 14, 2017 pursuant to the *Order Approving Selection of Trustee* (Doc. No. 149); the Trustee, Lender, UST and Receiver (the "Parties") having worked diligently to effectuate the transition of the management of the Debtor's business operations to the Trustee since July 14, 2017, but needing additional time; the Parties desiring to extend the *Status Quo* Order a fourth time, through and including August 20, 2017, to allow them to complete the transition to the Trustee while permitting the continued operation of the Debtor's business through the use of Cash Collateral as set forth herein; and the Court having found and determined

that the relief provided in this Fourth Agreed Order is in the best interests of the Parties, the Debtor's estate, the Debtor's creditors, and all other parties in interest,

IT IS HEREBY ORDERED THAT:

1. The *Status Quo* Order is extended a fourth time, through and including August 20, 2017, modifying only the existing May 31, 2017 deadline set forth in paragraph 37 of the *Status Quo* Order, with all other terms and conditions of the *Status Quo* Order remaining unchanged and in full force and effect through and including the August 20, 2017 deadline unless otherwise set forth herein.

2. The term "Budget" as defined in the *Status Quo* Order shall be modified to mean the budget attached hereto as Exhibit A, identifying the authorized use of Cash Collateral for the period through and including August 20, 2017.

3. The Cash Collateral Motion is adjourned to a future hearing date to be set by the Court.

IT IS SO ORDERED.

TENDERED AND AGREED BY THE FOLLOWING:

FROST BROWN TODD LLC

/s/ Paige L. Ellerman

Ronald E. Gold, Esq.

(Ohio Bar No. 0061351)

Paige L. Ellerman, Esq.

(Ohio Bar No. 0071561)

3300 Great American Tower

301 East Fourth Street

Cincinnati, Ohio 45202

Telephone:(513) 651-6800

Facsimile: (513) 651-6981

E-mail: rogold@fbtlaw.com

E-mail: pellerman@fbtlaw.com

COUNSEL FOR RECEIVER

DINSMORE & SHOHL LLP

/s/ Kim Martin Lewis

Kim Martin Lewis (OH #0043533)

255 East Fifth St., Ste. 1900

Cincinnati, OH 45202

Telephone:513-977-8020

Facsimile: 513-977-8141

E-mail: kim.lewis@dinsmore.com

COUNSEL FOR LENDER

COHEN, TODD, KITE & STANFORD, LLC

/s/ Donald W. Mallory

Richard D. Nelson (0003943)

Donald W. Mallory (0070875)

250 East Fifth Street, Suite 2350

Cincinnati, OH 45202

Telephone:(513) 421-4020

Facsimile: (513) 241-4490

E-mail: ricknelson@ctks.com

dmallory@ctks.com

COUNSEL FOR TRUSTEE

NO OBJECTION BY:

Daniel M. McDermott
United States Trustee Region 9
/s/ Scott R. Belhorn
Scott R. Belhorn (#0080094)
Trial Attorney
U. S. Department of Justice
Office of the U. S. Trustee
201 Superior Avenue E, #441
Cleveland, Ohio 44114
Telephone:(216) 522-7800, ext. 260
Facsimile: (216) 522-7183 (facsimile)
E-mail: Scott.R.Belhorn@usdoj.gov

ATTORNEY FOR U.S. TRUSTEE

EN03178.Private-03178 4817-9323-9628v4

Account Name	Week Ending 8/6/2017	Week Ending 8/13/2017	Week Ending 8/20/2017
BCC Sandusky Permanent LLC			
Budget			
Beginning Weekly Cash Balance	13,839	145,760	141,368
REVENUE			
RENTAL INCOME			
Rent	121,054	0	0
TOTAL RENTAL INCOME	121,054	0	0
OTHER INCOME			
CAM Reimbursements	8,942	0	0
TOTAL OTHER INCOME	8,942	0	0
CAM RECEIPTS			
Passthru Insurance	718	0	0
Passthru Property Tax-Bldg	5,639	0	0
Passthru Water and Sewer	884	0	0
TOTAL CAM RECEIPTS	7,241	0	0
CAM Reserve	0	40	0
TOTAL REVENUE	137,237	40	0
Total Cash Available	151,076	145,800	141,368
EXPENSES			
REPAIRS AND MAINTENANCE			
Maintenance Man	25	25	25
Electrical Repairs	167	167	167
Fire Suppression	0	0	0
Sweeping	0	650	0
HVAC Repairs	0	0	0
Landscaping	0	0	0
Repairs-Asphalt Concrete	0	0	0
Plumb Repairs	0	0	0
Roof Repair	0	0	0
Snow Removal	0	0	0
Repair or Maintenance-Unrecoverable	100	0	0
TOTAL REPAIRS AND MAINTENANCE	292	842	192
REIMBURSABLE EXPENSES			
Repair or Maintenance-Recoverable	0	0	0
TOTAL REIMBURSABLE EXPENSES	292	842	192
UTILITIES			
Public Electric	0	1,150	0
Vacant Electric	0	200	0
Gas-Vacant	0	0	54
Water and Sewer	0	1,200	0
Dumpster and Trash Removal	0	0	0

Account	Week Ending	Week Ending	Week Ending
Name	8/6/2017	8/13/2017	8/20/2017
BCC Sandusky Permanent LLC			
Budget			
TOTAL UTILITIES	0	2,550	54
MANAGEMENT FEES			
Management Fees	3,984	0	0
TOTAL MANAGEMENT FEES	3,984	0	0
TAXES AND LICENSES			
Property Tax	0	0	0
Bank Fees	0	0	0
Comm Activity Tax-Ohio	0	0	0
TOTAL TAXES AND LICENSES	0	0	0
INSURANCE			
Insurance	0	0	1,175
TOTAL INSURANCE	0	0	1,175
TOTAL EXPENSES	4,276	3,392	1,421
TOTAL NOI BEFORE OWNERS EXPENSE	132,961	-3,352	-1,421
OWNERS EXPENSES			
Legal and Accounting	0	0	0
Pre-Chapter 11 Trustee Admin/Professional Fees	0	0	0
Chapter 11 Trustee Professional Fees	0	0	0
Postage (Weekly FedEx to Bankruptcy Trustee)	40	40	40
Miscellaneous Expense	0	0	0
TOTAL OWNERS EXPENSES	40	40	40
TOTAL NET OPERATING INCOME	132,921	-3,392	-1,461
TOTAL NOI AFTER DEBT SERVICE	132,921	-3,392	-1,461
Legal and Bankruptcy Costs			
US Trustee	1,000	1,000	1,000
TOTAL DEPRECIATION AMORTIZATION DAUS CODES	1,000	1,000	1,000
TOTAL WEEKLY INCOME - NET AFTER BANKRUPTCY COSTS	131,921	-4,392	-2,461
DISTRIBUTION TO LENDER PER ORDER			
WEEKLY CASH FLOW	145,760	141,368	140,082