## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW HAMPSHIRE

## ORDER GRANTING MOTION FOR RELIEF BY THE TOWN OF NOTTINGHAM

This matter came before the Court on February 21, 2017, on Motion for Relief from the Automatic Stay filed by the Town of Nottingham (the "Town") to exercise its tax deeding remedies under state law (the "Motion") for the real estate owned by the Estate and the consolidated parties (the "Real Estate"). An Objection was filed by, among others, Kevin Delaney ("Delaney"), the purchaser of the Real Estate under a purchase and sale agreement approved by this Court by order dated December 8, 2016 (the "Sale Order"). The Court finds that (a) cause exists for granting the requested relief, including lack of adequate protection for the Town's interest in the property; (b) the debtor does not have equity in the property; and (c) the property is not necessary to an effective reorganization.

Accordingly, the Court grants the Motion, subject to the following conditions:

- 1. <u>Effective Date</u>. Except as described below, the relief shall be effective as of March 9, 2017 (the "Effective Date").
- 2. <u>Tax Deed Notices</u>. Notwithstanding the Effective Date, the Town may issue and deliver notices of pending tax deeding in accordance with RSA 80:77 and 77-a on or after March 2, 2017.
- 3. <u>Sale Order</u>. The Sale Order shall remain in effect, subject to the following amendments (the "Amended Terms"):
- A. <u>Payments to Trustee</u>. Delaney shall pay \$5,000.00 to the Trustee, as an additional, nonrefundable deposit for the Real Estate, on or before February 24, 2017.
- B. <u>Payments to Towns</u>. Delaney shall pay to the Town of Nottingham and the Town of Barrington, as additions to the purchase price, upon the sale of the Real Estate, the following:
  - (1) <u>Nottingham</u>. To Nottingham, the sum of:
- a. <u>Per Diem Interest</u>. Interest on the outstanding taxes calculated at a daily amount of \$257.1838, from December 19, 2016, to the date of closing.
- b. <u>Attorneys' Fees</u>. The Town's reasonable attorneys' fees and filing costs incurred in connection with the Motion, as agreed by the Town and Delaney, or, if they cannot agreed, as determined by this Court.
- (2) <u>Barrington</u>. To Barrington, interest on the outstanding taxes from December 19, 2016, to the date of closing.
- 4. <u>Waiver of Stay of Effective Date</u>. This Order shall be effective as described above, and the stay under Rule 4001(a)(3) is waived.

Entered at Manchester, New Hampshire.

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Dated: February 28, 2017	/s/ J. Michael Deasy		
	J. Michael Deasy		
	Bankruptcy Judge		