

UNITED STATES BANKRUPTCY COURT

DISTRICT OF IDAHO

RE: ) Chapter 11  
 ) Case No. 10-42241-JDP  
Gables Management, LLC, )  
 ) **ORDER GRANTING STIPULATION**  
 ) **BETWEEN CHAPTER 11 TRUSTEE AND**  
 ) **SBA RE: ADEQUATE PROTECTION**  
\_\_\_\_\_Debtor. )

This matter is before the court based upon the Stipulation between Wayne Klein, Chapter 11 Trustee (“Trustee”), and The Small Business Administration (“SBA”), the SBA filed a Motion for Order Prohibiting or Conditioning Debtor’s Use of Cash Collateral (Docket No. 350) (the “Motion”). The Chapter 11 Trustee and SBA resolved their disputes concerning the Motion in the Stipulation filed May 18, 2012 (Docket No. 360) and good cause having been shown;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Trustee shall pay SBA monthly adequate protection payments of \$3,335.00 per month concerning SBA’s junior lien interest in the real property located at 2805 South Grant, Pocatello, Idaho. That property is legally described as Lot 4 (R) (R1), Block 1, FALCON RIDGE SUBDIVISION, Bannock County, Idaho, as the same appears in the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho (“Pocatello Property”). The first payment shall be due upon entry of the Court order approving the Stipulation. Thereafter, monthly payments shall be due on the 5<sup>th</sup> day of each month and Trustee shall have a grace period of 10 days to make all payments. A payment made after that 10 day grace period shall be considered a late payment. SBA shall retain its existing lien.

2. As additional adequate protection for Trustee's use of cash collateral, SBA is granted an adequate protection lien in the Debtor's postpetition revenue generated by the Pocatello Property to the extent cash collateral is used and with the same extent, validity, and priority as existed as of the petition date.

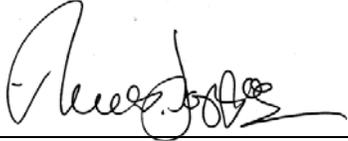
3. The Motion and the Stipulation also address SBA's junior lien interest in real property located at 830 and 840 East 1<sup>st</sup> Avenue in Idaho Falls, Idaho, more particularly described as Lots 1 and 2, Block 1, Beehive Homes, to the City of Idaho Falls, Bonneville County, Idaho, according to the official Plat recorded July 31, 1995 as Recorder's Number 903217 (hereinafter "Idaho Falls Property"). Regarding the Idaho Falls Property, SBA has acknowledged that late payments due under its note secured by that property are now cured by the existing tenant and monthly payments continue to be made under that note. No further adequate protection shall be ordered. Nothing herein shall be construed as any waiver by the Trustee of the right to reject the existing lease or the SBA's right to pursue further relief in the event of a default.

4. The Motion has been resolved and the hearing scheduled by SBA shall be vacated. Nothing herein shall be construed as any waiver by the SBA of its right to reset the Motion for hearing in the event the payments described in the Stipulation are not made.

5. In the Stipulation, the Trustee and SBA have also agreed to certain claim treatment regarding SBA's claims in this proceeding, which claim treatment is approved.

6. The parties shall execute all documents required by the terms of the Stipulation.//end of text//.

Dated: May 21, 2012



Honorable Jim D. Pappas  
United States Bankruptcy Judge



APPROVED as to form

/s/ John S. Gygi  
John S. Gygi  
Special Assistant U.S. Attorney for Small Business Administration

Submitted by Joseph M. Meier, Cosho Humphrey, LLP, attorneys for Trustee.