

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re))	Chapter 11 Case
))	
MIRANT CORPORATION, <u>et al.</u> ,))	Case No. 03-46590-DML
))	Jointly Administered
))	
Debtors.))	
))	
))	

**ORDER PURSUANT TO 11 U.S.C. § 365(d)(4) EXTENDING TIME
WITHIN WHICH THE WRIGHTSVILLE DEBTORS MAY ASSUME OR REJECT
AN UNEXPIRED LEASE OF NONRESIDENTIAL REAL PROPERTY**

Upon the motion dated November 19, 2003 (the "Motion") of Mirant Corporation and its affiliated debtors (collectively, the "Debtors"), as debtors and debtors-in-possession, for the entry of an Order, pursuant to section 365(d)(4) of the Bankruptcy Code¹ extending the time within which the Wrightsville Debtors may assume or reject an unexpired lease of nonresidential real property; and it appearing that this Court has jurisdiction to consider this Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and it appearing that this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b); and it appearing that venue of this proceeding and this Motion is proper in this district in accordance with 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been given as set forth on the certificate of service annexed to the Motion and the affidavit filed by Bankruptcy Services LLC; and it appearing that no other or further notice is necessary; and it further appearing that the relief requested in the Motion is in the best interests of the Debtors, their estates and their creditors; and after due consideration and sufficient cause appearing therefor, it is hereby:

¹ Capitalized terms not otherwise defined herein shall have those meanings ascribed to such terms in the Motion.

ORDERED that the Motion is granted; and it is further

ORDERED that this Order applies to the unexpired lease of nonresidential real property described in the Motion, dated as of July 14, 2000, between Pulaski County, Arkansas, as lessor, and Wrightsville Power Facility, L.L.C., as lessee (the "Lease"); and it is further


ORDERED that the Wrightsville Debtors' time to elect to assume or reject the Lease is extended pursuant to section 365(d)(4) of the Bankruptcy Code through and including March 10, 2004; and it is further

ORDERED that nothing contained herein will be construed to characterize the Lease as a "true" lease and not a financing lease. Nothing contained herein will affect the ability of the Debtors to seek to recharacterize the Lease if facts and law support such; and it is further

ORDERED that the nothing contained herein will affect the ability of non-Debtor parties to the Lease to seek appropriate relief, including an order of this Court, for payment of post-petition rent or the shortening of the Debtors' time to elect to assume or reject the Lease; and it is further

ORDERED that the extension granted by this Order is without prejudice to: (i) the Debtors' right to seek a further extension(s) of their time to assume or reject the Lease; and (ii) the Debtors' right to seek further or different relief regarding the Lease.

Dated: December 11, 2003


HONORABLE D. MICHAEL LYNN
UNITED STATES BANKRUPTCY JUDGE

PREPARED BY:

Robin Phelan
State Bar No. 15903000
Judith Elkin
State Bar No. 06522200
Ian Peck
State Bar No. 24013306
HAYNES AND BOONE, LLP
901 Main Street
Suite 3100
Dallas, TX 75202
(214) 651-5000

-and-

Thomas E Lauria
State Bar No. 11998025
Erika Ruiz
WHITE & CASE LLP
Wachovia Financial Center
200 South Biscayne Blvd.
Miami, Florida 33131
(305) 371-2700