



section 101(14) of the Bankruptcy Code. The Court further finds that the Application should be **GRANTED** on an interim basis subject to the terms set forth below. **IT IS THEREFORE**

**ORDERED** that the Application is granted on an interim basis (the “Interim Order”); and it is further

**ORDERED** that the retention of CB as real estate broker to the Debtors and Debtors-in-Possession is hereby **GRANTED** on an interim basis pursuant to 11 U.S.C. § 327(a) for the purposes set forth in the Application and Merrill Affidavit; and it is further

**ORDERED** that, within three (3) business days of the entry of this Interim Order, counsel for the Debtors shall serve the Interim Order upon all parties entitled to receive notice of the Application; and it is further

**ORDERED** that CB shall be compensated in the manner described in the Application and Merrill Affidavit and shall be subject to review only in accordance with section 328(a) of the Bankruptcy Code:

- a. CB is hereby relieved of the obligation to maintain time records; and
- b. CB shall be entitled to a commission only if a lease with respect to the Perimeter property (as described in the Application) is fully executed; and it is further

**ORDERED** that the Debtors shall be required to file and serve notice upon the Office of the United States Trustee and counsel for the official committees of their intent to pay a commission to CB. If none of those parties file and serve an objection to such intent such that it is received by the Debtors not later than 5:00 Central time on the 5th business day after service of the notice, on the 6<sup>th</sup> business day, the Debtors are permitted to pay such commission as an

administrative expense without further order of the Court. If a party objects to such intent, the matter shall be set as soon as reasonably practicable thereafter.

**ORDERED** that to the extent of any conflict between the terms and conditions of the Application and the Interim Order, the terms and conditions of this Interim Order shall govern; and it is further

**ORDERED** that this Interim Order shall become a Final Order on the twenty-seventh (27<sup>th</sup>) day after entry of this Interim Order without further notice or hearing unless an objection to the Interim Order is timely filed with the Court and served on counsel for the Debtors on or before twenty-six (26) days after entry of the Interim Order.

DATED: December 4, 2003



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HONORABLE D. MICHAEL LYNN  
UNITED STATES BANKRUPTCY JUDGE

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