

DOCKET NUMBER: 94-11702

ADV. NUMBER:

JUDGE: M. A. Mahoney

PARTIES: K & K Enterprises, Inc., Ard Oil, United States of America (IRS)

CHAPTER: 11

ATTORNEYS:

DATE: 11/22/95

KEY WORDS:

PUBLISHED:

SOUTHERN DISTRICT OF ALABAMA

In Re

K & K ENTERPRISES, INC.,

Case No. 94-11702-MAM-11

Debtor.

ORDER

This matter is before the Court on the Motions of Ard Oil and the United States of America (IRS) to convert the case to Chapter 7 pursuant to 11 U.S.C. § 1112. The Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Order of Reference of the District Court. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The Court held a hearing on the matter. Appearances were as noted in the record. The Court made findings of fact and conclusions of law on the record which are incorporated by reference in this order. For the reasons indicated on the record, the motions are denied without prejudice for so long as the Debtor complies with the conditions established by the Court.

THEREFORE, IT IS ORDERED that the Motions of Ard Oil and the United States of America (IRS) to convert this case to one under Chapter 7 are denied subject to the following conditions:

1. The Debtor shall file a Plan and a Disclosure Statement by January 16, 1996 at 4:00 p.m.
2. The Debtor must have complied with all reporting requirements of the Bankruptcy Administrator by December 11, 1995 at 4:30 p.m.

3. All monies of the Debtor must be placed in an account in the Bankruptcy Court Registry. Funds of the Debtor presently in the Debtor's possession or in any other party's possession must be placed in the Court Registry by no later than November 27, 1995 at 4:00 p.m. Any money the Debtor receives in the future must be placed in the same account.

4. If any of these requirements are not complied with by the Debtor, the Court will convert the case on an expedited basis if a motion to convert is filed.

Dated: November 22, 1995

MARGARET A. MAHONEY
U.S. BANKRUPTCY JUDGE