



Honorable Mike K. Nakagawa
United States Bankruptcy Judge

Entered on Docket
March 08, 2012

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[Proposed] Counsel for American West Development, Inc.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

AMERICAN WEST DEVELOPMENT,
INC., a Nevada corporation,

Debtor.

Case No. BK-S-12-12349-MKN

Chapter 11

**ORDER AUTHORIZING
EMPLOYMENT OF THE GARDEN
CITY GROUP, INC. AS CLAIMS
AND NOTICING AGENT**

Hearing Date: March 6, 2012
Hearing Time: 2:00 p.m.

The Court, having reviewed and considered the Application of American West Development, Inc. ("AWDI" or "Debtor"), debtor and debtor in possession in the above-referenced chapter 11 bankruptcy case (the "Chapter 11 Case") for an Order Authorizing Employment of The Garden City Group, Inc. ("GCG") as Claims and Noticing Agent [Docket No.

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37] (the “Application”),¹ filed on March 1, 2012 by Debtor, and (ii) the Declaration of Angela Ferrante in Support of the Application [Docket No. 38] (the “Ferrante Declaration”), and (iii) the Omnibus Declaration of Robert M. Evans filed in Support of Debtor’s First Day Motions [Docket Nos. 56 and 57] (the “Omnibus Declaration”), and with all other findings set forth in the record at the hearing noted above incorporated herein, pursuant to Bankruptcy Rule 7052; and it appearing that this Court has jurisdiction to consider the Application pursuant to 28 U.S.C. §§ 157 and 1334; it appearing that venue of this Chapter 11 Case in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); the Court hereby finds (1) that notice of the Application was good and sufficient as provided therein and under the circumstances; (2) GCG (a) does not represent any other entity having an interest materially adverse to the interests of Debtor in connection with this Chapter 11 Case; (b) GCG is a “disinterested person” within the meaning of Bankruptcy Code section 101(14); (c) the employment of GCG as Debtor’s claims and noticing agent is necessary and in the best interests of Debtor’s estate and (3) good cause exists to approve the employment of GCG.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Application is granted in all respects.
2. Pursuant to 28 U.S.C. § 156(c) and Bankruptcy Rule 2002, Debtor is authorized to employ and retain GCG as claims and noticing agent, effective as of the Petition Date, to perform the services set forth in the Application and under the terms of the retention agreement attached as Exhibit 1 to the Ferrante Declaration (“Engagement Agreement”).
3. GCG is disinterested as that term is defined in Bankruptcy Code section 101(14), as modified by Bankruptcy Code section 1107(b), and used in Bankruptcy Code section 327(a).
4. Pursuant to the Guidelines For A Claims Agent” issued by the Bankruptcy Court in this District (the “Guidelines”),² GCG shall relieve the Clerk’s office of all noticing under any applicable Bankruptcy Rules and processing of claims.

¹ All capitalized terms not otherwise defined herein shall have the same meaning ascribed in the Application.

⁴ The Guidelines are available at: <http://www/nvb.uscourts.gov/downloads/cm-ecf/guidelines-claims-agent.pdf>.

1 5. Without further order of the Court, Debtor is authorized to compensate GCG on a
2 monthly basis in accordance with the terms and conditions of the Engagement Agreement, upon
3 GCG's submission to Debtor of monthly invoices summarizing in reasonable detail the services
4 rendered and expenses incurred in connection therewith.

5 6. The terms of this Order shall be immediately effective and enforceable upon its
6 entry.

7 7. The Court retains jurisdiction with respect to all matters arising from or related to
8 the implementation of this Order.

9
10 Prepared and Respectfully Submitted by:

11 **FOX ROTHSCHILD LLP**

12 By /s/Micaela Rustia Moore

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20 *[Proposed] Counsel for American West Development, Inc.*

21 APPROVED/DISAPPROVED:

22 **OFFICE OF THE UNITED STATES TRUSTEE**

23 BY: _____
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18 **APPROVED** DISAPPROVED:

19 **OFFICE OF THE UNITED STATES TRUSTEE**

20 BY: *Athanasios Agelakopoulos*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

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In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- The Court has waived the requirement of approval in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion
- I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

ATHANASIOS
AGELAKOPOULOS, OFFICE OF
THE UNITED STATES TRUSTEE

Approved

- I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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