



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 GRANTING, *IN PART*,  
DEBTOR’S MOTION (I) AUTHORIZING  
DEBTOR TO PAY PREPETITION  
EMPLOYEE SALARIES AND BENEFITS;  
AND (II) AUTHORIZING AND  
DIRECTING FINANCIAL INSTITUTIONS  
TO HONOR CHECKS RELATED TO  
SUCH OBLIGATIONS**

Hearing Date: March 6, 2012

Hearing Time: 2:00 p.m.

The Court, having reviewed and considered Debtor’s<sup>1</sup> Motion [Docket No. 15] (the “Motion”) for an order pursuant to 11 U.S.C. sections 105(a), 363(b) and 507(a), Bankruptcy Rules 6003 and

<sup>1</sup> All capitalized, undefined terms shall have the meaning ascribed to them in the Motion.

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1 6004, and Local Rule 4001(e) to pay prepetition Salary Obligations and Employee Benefits, as more  
2 fully set forth in the Motion; and upon consideration of the Omnibus Declaration of Robert M. Evans in  
3 Support of First Day Motions [Docket Nos. 56 and 57]; and Debtor having appeared by and through its  
4 proposed counsel, Fox Rothschild LLP, and all other appearances having been noted on the record, the  
5 Court having stated its findings of fact and conclusions of law on the record at the hearing on the  
6 Motion, which findings of fact and conclusions of law are incorporated herein by this reference in  
7 accordance with Federal Rule of Civil Procedure 52, as made applicable by Bankruptcy Rule 9014, and  
8 it appearing that the relief requested is necessary to preserve Debtor's ongoing business operations and  
9 to avoid immediate and irreparable harm; and in the best interests of Debtor, the estate and creditors,  
10 given the emergency nature of the relief requested; after due deliberation and sufficient cause appearing  
11 therefor, it is hereby

12 **ORDERED** that the Motion is granted in part such that Debtor is authorized to pay up to  
13 \$56,000 in commissions due prior to the Petition Date; and

14 **IT IS FURTHER ORDERED** that, with respect to the payment of commissions due prior to  
15 the Petition Date,

- 16 1. Debtor is excepted from the operation of Bankruptcy Rule 6003(b);
- 17 2. Any stay pursuant to Bankruptcy Rule 6004(h) or otherwise is hereby waived, and this  
18 Order shall be effective immediately; and
- 19 3. All applicable banks and other financial institutions are authorized to receive, process,  
20 honor and pay any and all checks related to commissions, including specifically those drawn from the  
21 Account, whether presented prior to or after the Petition Date in accordance with the stated policies  
22 with regard thereto, provided sufficient funds exist in the Account to cover such payment; and
- 23 4. The payments authorized by this Order are not exempt from subsequent operation of  
24 sections 547, 548, 549 and 550 of the Bankruptcy Code
- 25 5. This Court shall, and hereby does, retain jurisdiction with respect to all matters arising  
26 from or related to the implementation and interpretation of this Order.

27 **IT IS FURTHER ORDERED** that

1           6.       The hearing on the remaining requests for relief in the Motion shall be continued to  
2 March 27, 2012 at 3:00 p.m.

3

4 Prepared and Respectfully Submitted by:

5 **FOX ROTHSCHILD LLP**

6 By           /s/Brett A. Axelrod          

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

14

15 APPROVED/DISAPPROVED:

16 **OFFICE OF THE UNITED STATES TRUSTEE**

17

18 BY: \_\_\_\_\_

19       Athanasios Agelakopoulos, Trial Attorney  
20       Foley Federal Building and U.S. Courthouse  
21       300 Las Vegas Boulevard South, Suite 4300  
22       Las Vegas, Nevada 89101

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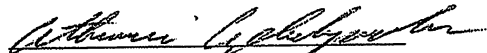
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*[Proposed] Counsel for American West Development, Inc.*

~~APPROVED~~ DISAPPROVED:

**OFFICE OF THE UNITED STATES TRUSTEE**

BY: 

Athanasios Agelakopoulos, Trial Attorney

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**CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

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 / Disapproved

- 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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