

Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
April 03, 2012

BRETT A. AXELROD, ESQ.
Nevada Bar No. 5859
MICAELA RUSTIA MOORE, ESQ.
Nevada Bar No. 9676
FOX ROTHSCHILD LLP
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
Telephone: (702) 262-6899
Facsimile: (702) 597-5503
Email: baxelrod@foxrothschild.com
mmoore@foxrothschild.com
[Proposed] Counsel for American West Development, Inc.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

AMERICAN WEST DEVELOPMENT,
INC., a Nevada corporation,

fdba Castlebay 1, Inc.
fdba Development Management, Inc.
fdba Fairmont 1, Inc.
fdba Glen Eagles 3, Inc.
fdba Heritage 1, Inc.
fdba Inverness 5, Inc.
fdba Kensington 1, Inc.
fdba Kingsbridge 1, Inc.
fdba Promontory Estates, LLC
fdba Promontory Point 4, Inc.
fdba Silverado Springs 1, Inc.
fdba Silverado Springs 2, Inc.
fdba Tradition, Inc.
fdba Windsor 1, Inc.

Debtor.

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

Chapter 11

**ORDER GRANTING 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 27, 2012
Hearing Time: 3:00 p.m.

FOX ROTHSCHILD LLP
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
(702) 262-6899
(702) 597-5503 (fax)

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Las Vegas, Nevada 89169
(702) 262-6899
(702) 597-5503 (fax)

1 The Court, having reviewed and considered Debtor’s¹ Motion [Docket No. 15] (the “Motion”)
2 for an order pursuant to 11 U.S.C. sections 105(a), 363(b) and 507(a), Bankruptcy Rules 6003 and
3 6004, and Local Rule 4001(e) to pay prepetition Salary Obligations and Employee Benefits, as more
4 fully set forth in the Motion; and upon consideration of the Omnibus Declaration of Robert M. Evans in
5 Support of First Day Motions; and Debtor having appeared by and through its proposed counsel, Fox
6 Rothschild LLP, and all other appearances having been noted on the record, the Court having stated its
7 findings of fact and conclusions of law on the record at the hearing on the Motion, which findings of
8 fact and conclusions of law are incorporated herein by this reference in accordance with Federal Rule of
9 Civil Procedure 52, as made applicable by Bankruptcy Rule 9014, and it appearing that the relief
10 requested is necessary to preserve Debtor’s ongoing business operations and to avoid immediate and
11 irreparable harm; and in the best interests of Debtor, the estate and creditors, given the emergency
12 nature of the relief requested; after due deliberation and sufficient cause appearing therefor, it is hereby

13 **ORDERED** that the Motion is GRANTED² as modified on the record at the hearing.

14 **IT IS FURTHER ORDERED** that Debtor is authorized to pay any Vacation Accruals that
15 remain unpaid prior to the Petition Date up to the amount allowed under 11 U.S.C. § 507(a)(4).

16 **IT IS FURTHER ORDERED** that

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

26 _____
27 ¹ All capitalized, undefined terms shall have the meaning ascribed to them in the Motion.

28 ² This Court entered an Order [Docket No. 103] granting the Motion, in part, on March 8, 2012.

