

Lloyd King



Honorable Lloyd King
United States Bankruptcy Judge

Entered on Docket
April 13, 2012

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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 AUTHORIZING DEBTOR TO
HONOR AND PAY PREPETITION BOND
OBLIGATIONS IN THE ORDINARY
COURSE OF ITS BUSINESS**

Hearing Date: April 10, 2012
Hearing Time: 9:30 a.m.

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1 The Court, having reviewed and considered the amended motion [Docket No. 168] (the
2 “Motion”) filed by American West Development, Inc. (“AWDI” or “Debtor”), for entry of an order in
3 the above-captioned case (the “Chapter 11 Case”), authorizing, but not directing, Debtor to continue to
4 honor and pay its obligations on prepetition surety bonds (the “Bond Obligations”), including obtaining
5 new surety bonds, as needed; and it appearing that the relief requested is in the best interests of Debtor’s
6 estate, its creditors and all other parties in interest; and the Court having jurisdiction to consider the
7 Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the
8 Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and
9 venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having
10 reviewed and considered all other pleadings and evidence submitted by the parties in connection with
11 the Motion, with no opposition to the Motion having been filed; and due and proper notice of the
12 Motion having been provided; and it appearing that no other or further notice need be provided; and the
13 Court having determined that the legal and factual bases set forth in the Motion establish just cause for
14 the relief granted herein; and the Court having considered the oral arguments of counsel at the hearing
15 held on April 10, 2012, and having made findings of fact and conclusions of law on the record, which
16 are incorporated herein pursuant to Rule 52 of the Federal Rules of Civil Procedure, made applicable to
17 these proceedings by Rule 7052 of the Federal Rules of Bankruptcy Procedure; and good and sufficient
18 cause appearing therefor,

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

- 20 1. The Motion is GRANTED.
- 21 2. Debtor is hereby authorized, but not directed, to continue to honor and pay its prepetition
22 Bond Obligations, as defined in the Motion and set forth on Exhibit B to the Motion, by continuing to
23 make regular installment payments on account of the Bond Obligations, and, if necessary, to obtain new
24 surety bonds, in the ordinary course of business.
- 25 3. Debtor is authorized to take all actions necessary or appropriate to effectuate the relief
26 granted pursuant to this order in accordance with the Motion.
- 27 4. Fed. R. Bankr. P. 6004(h) is hereby waived such that the terms and conditions of this
28 Order shall be immediately effective and enforceable upon its entry.

