

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In re:

Young Mens Christian Association of
Marquette County,

Debtor.

Case No. 17-90131-jtg
Chapter 11

Honorable John T. Gregg

Filed: May 5, 2017

**ORDER AUTHORIZING DEBTOR TO ASSUME LEASE *NUNC PRO TUNC* TO
PETITION DATE AND TO ENTER INTO RESTATED LEASE AGREEMENT WITH
THE CITY OF MARQUETTE**

This matter has come before the Court on the *Stipulated Motion for Order Authorizing Debtor to Assume Lease Nunc Pro Tunc to Petition Date and to Enter Into Restated Lease Agreement With the City of Marquette* (the “**Motion**”) [Dkt. No. 197], agreed to by Debtor Young Mens Christian Association of Marquette County (“**Debtor**”), the Official Committee of the Unsecured Creditors (the “**Committee**”), the United States Trustee, the United States Department of Agricultural – Rural Development (“**USDA**”), and the City of Marquette pursuant to sections 105(a), 363, and 365 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “**Bankruptcy Code**”), Rules 6006 and 9014 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”). The Motion seeks an order authorizing, but not requiring, Debtor to assume a lease *nunc pro tunc* to the Petition Date and to enter into a Restated Lease agreement with the City of Marquette. Due and adequate notice of the Motion has been given, the relief requested in the Motion is in the best interests of Debtor’s estate, its creditors, and other parties in interest, and good and sufficient cause exists.

THEREFORE, IT IS ORDERED:

1. The Motion is GRANTED.

2. Debtor is authorized, but not directed or required, to assume the Lease (as defined in the Motion) *Nunc Pro Tunc* to the Petition Date and to sign the Lease Assumption and Agreement that was attached as Exhibit B to the Motion.

3. Debtor is authorized, but not directed or required, to sign the Restated Lease that was attached as Exhibit C to the Motion.

4. Debtor is authorized to take any action necessary or appropriate to implement the terms of this Order and to effect the assumption of the Lease without further order from this Court.

5. Nothing in this Order requires the City of Marquette to execute the Lease Assumption and Agreement or the Restated Lease. Debtor may not assume the Lease without the approval of the City of Marquette.

6. This Court retains exclusive jurisdiction and power to resolve any dispute arising from or related to this Order.

END OF ORDER

Order prepared and submitted by:
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