

all of the proceedings heretofore had before the Court and after due deliberation and sufficient cause appearing; and it appearing that no party-in-interest will be prejudiced hereby, therefore it is

ORDERED, FOUND AND DETERMINED THAT:

1. Pursuant to Section 1125(b) of the Bankruptcy Code and Rule 3017(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), (a) the Disclosure Statement is approved as containing adequate information within the meaning of Section 1125 of the Bankruptcy Code and (b) to the extent not withdrawn, settled or resolved, all objections to the Disclosure Statement are overruled.

2. The Disclosure Statement and the Motion are hereby approved.

3. For voting purposes and for the purpose of the mailing of notices and Solicitation Packages (as defined below), July 17, 2009, shall be the "Record Holder Date" for the holders of Claims.¹

4. Only the following creditors shall be entitled to vote on the Plan: (a) creditors asserting Secured Claims; (b) the holders of Claims that were not listed as contingent, unliquidated or disputed on the Debtor's Schedules; (c) the holders of Claims who have filed timely proofs of claim in the Voting Classes; and (d) the assignees of transferred and assigned Claims; provided, however, that such assignees shall be permitted to vote such claim only if evidence of the transfer and assignment has been filed in accordance with Federal Rule of Bankruptcy Procedure 3001 as of the close of business on the Record Holder Date.

¹ All capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.

5. On or before July 17 2009, the Debtor shall cause to be deposited in the United States mail, postage prepaid, a solicitation package (the "Solicitation Package") that shall include the following: (a) a copy of the proposed Plan; (b) a copy of the Disclosure Statement, as approved by the Court (with exhibits); (c) a Ballot, substantially in the form of the ballot attached to the Motion as Exhibit B (the "Ballot"); and (d) a copy of this Order.

6. The Solicitation Package shall be mailed to: (a) the Office of the United States Trustee; (b) known creditors holding Claims that are not classified in the Plan (e.g., holders of Administrative Expense Claims, Professional Fee Claims and Priority Tax Claims); and (c) holders of Claims in the Voting Classes (i) who have filed proofs of claim that have not been disallowed by Order of the Court, or (ii) whose Claims are scheduled in the Debtor's Schedules, other than those scheduled as unliquidated, contingent and/or disputed.

7. The Notice to Nonvoting Parties attached as Exhibit C to the Motion (the "Notice") is hereby approved. Creditors whose Claims were listed in the Debtor's Schedules as being contingent, unliquidated, and/or disputed, unless a proof of claim was timely filed (the "Notice Parties"), shall receive a copy of the Notice attached as Exhibit C to the Motion in lieu of receiving a Solicitation Package. On or before July 17, 2009, the Debtor shall cause to be deposited in the United States mail, postage prepaid, a Notice to each of the Notice Parties.

8. All persons and entities entitled to vote on the Plan shall deliver their Ballots by mail, hand delivery or overnight courier so as to be received no later than 5:00 p.m. Eastern Time on Aug. 14, 2009 (the "Voting Deadline") to Debtor's counsel (the "Balloting Agent") at:

Hanify & King, Professional Corporation
Attn: Harold B. Murphy, Esq.
One Beacon Street, 21st Floor
Boston, MA 02108

Any Ballot received after such time shall not be counted other than as provided for in this Order.

9. For purposes of voting, the amount of a Claim used to tabulate acceptance or rejection of the Plan shall be one of the following:
- a. the amount set forth as a Claim in the Debtor's Schedules that is not listed as contingent, unliquidated or disputed (excluding scheduled Claims that have been superseded by filed Claims);
 - b. the amount set forth on a filed proof of claim which has not been disallowed, disqualified, suspended, reduced or estimated and temporarily allowed for voting purposes prior to computation of the vote on the Plan; or
 - c. the amount estimated and temporarily allowed with respect to a Claim pursuant to an order of this Court.
10. With respect to Ballots submitted by a holder of a Claim:
- a. any Ballot that is properly completed, executed and timely returned to the Balloting Agent that does not indicate an acceptance or rejection of the Plan, shall be deemed to be a vote to accept the Plan;
 - b. any Ballot that is returned to the Balloting Agent indicating acceptance or rejection of the Plan but that is unsigned shall not be counted;
 - c. whenever a holder of a Claim casts more than one Ballot voting the same Claim prior to the Voting Deadline, only the last timely Ballot received by the Balloting Agent shall be counted;
 - d. if a holder of a Claim casts simultaneous duplicative ballots that are voted inconsistently, such Ballots shall count as one vote accepting the Plan;
 - e. each holder of more than one Claim in a particular Class shall be entitled to cast only one Ballot regardless of the number of timely-filed proofs of claim in such Class by such holder;
 - f. each holder of a Claim shall be deemed to have voted the full amount of its Claim or Claims in each particular Class;
 - g. each holder who holds a Claim or Claims in more than one Class shall be entitled to cast one Ballot per Class;
 - h. any Ballots that partially reject and partially accept the Plan shall be deemed a vote to accept the Plan in the full amount of such Claim;

- i. a Ballot cast by a holder of a Claim that is subject to a pending objection on the Voting Deadline shall not be counted;
- j. any Ballot that is returned to the Balloting Agent indicating a vote for acceptance or rejection of the Plan and is signed, but fails to provide a complete mailing address, shall be counted if the Balloting Agent can reasonably determine the identity of the holder of the Claim by reference to the Creditor Matrix, Schedules, or otherwise; and
- k. any Ballot received by the Balloting Agent by telecopier, facsimile or other electronic communication, including by email in portable document format (".pdf") or other similar format, shall not be counted.


11. The hearing to consider confirmation of the Plan is scheduled for Aug 19, 2009, at 9:30 a.m. Eastern Time, at the United States Bankruptcy Court, District of Massachusetts, 10 Causeway Street, Boston, Massachusetts, 02222. This hearing may be adjourned from time to time without further notice other than an announcement of the adjourned date(s) at said hearing and at any adjourned hearing(s).

12. Any objection to confirmation of the Plan must be filed with the Clerk of the Bankruptcy Court, United States Bankruptcy Court, 10 Causeway Street, Boston, Massachusetts, 02222, together with proof of service, no later than 4:30 p.m., Eastern Time, on or before Aug 14, 2009 and must be served on (i) counsel to the Debtor, Hanify & King, Professional Corporation, One Beacon Street, 21st Floor, Boston, Massachusetts, 02108 (Attn: Harold B. Murphy, Esq. and D. Ethan Jeffery, Esq.); (ii) the Office of the United States Trustee for the District of Massachusetts, 1182 Thomas P. O'Neill Federal Building, 10 Causeway Street, Boston, Massachusetts, 02222 (Attn: Eric K. Bradford, Esq.); (iii) counsel to the Committee, Jager Smith, P.C., One Financial Center, Boston, Massachusetts, 02111 (Attn: Steven C. Reingold, Esq. and Michael J. Fencer, Esq.); and (iv) counsel to the Debtor's debtor-in-possession financing lenders, DLA Piper US LLP, 6225 Smith Avenue, Baltimore, Maryland, 21209-3600 (Attn: Richard Kremen, Esq.). Any objection to confirmation of the Plan must (a)

be in writing, (b) state the name and address of the objecting party, (c) comply with the Bankruptcy Rules and the Court's Local Rules, and (d) state the amount of its claim or the nature of its interest, and the nature of the objection or modification and the legal basis therefore.

13. ANY CONFIRMATION OBJECTION NOT FILED AND SERVED AS SET FORTH IN THIS ORDER SHALL BE DEEMED WAIVED AND SHALL NOT BE CONSIDERED BY THE COURT.

Dated: July 15, 2009


The Honorable William C. Hillman
United States Bankruptcy Judge

In Re: Modern Continental Construction Co., Case Number: 08-14558

Ch: 11

Matter:

#965 Motion filed by Debtor Modern Continental Construction Co., Inc. For Order (Re: [964] Disclosure Statement) (I) Approving Disclosure Statement with Respect to Plan of Liquidation of Modern Continental Construction Co., Inc., (C. Urbano)
#964 Disclosure Statement
#1034 Statement Under MLBR 3017 (E. Bradford)

MOVANT/APPLICANT/PARTIES

OUTCOME:

By Agreement of the Parties

___ Granted ___ Denied ___ Approved ___ Sustained

___ Denied ___ Denied without prejudice ___ Withdrawn in open court ___ Overruled

___ OSC enforced/released

___ Continued to: _____ For: _____

___ Formal order/stipulation to be submitted by: _____ Date due: _____

___ Findings and conclusions dictated at close of hearing incorporated by reference

___ Taken under advisement: Brief(s) due _____ From _____

Response(s) due _____ From _____

___ Fees allowed in the amount of: \$ _____ Expenses of: \$ _____

___ No appearance/response by: _____

___ DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

Hearing held. See formal order regarding hearing on confirmation.

IT IS SO NOTED:

IT IS SO ORDERED:



Courtroom Deputy

William C. Hillman, U.S. Bankruptcy Judge

Dated: 07/15/2009