

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
(Eastern Division)**

In re:)		
)		
)	Chapter 11	
MODERN CONTINENTAL)		
CONSTRUCTION CO., INC.,)	Case No. 08-14558 (WCH)	
)		
Debtor.)		
)		

STIPULATION AND ORDER FOR RELIEF FROM THE AUTOMATIC STAY

WHEREAS, Angel Del Valle and Raquel Ibarra Mora, Co-Administrators of the Estate of Milena Del Valle, and Angel Del Valle, individually (“Plaintiffs”), filed their Motion For Relief From The Automatic Stay (the “Motion”) pertaining to Civil Action No. 06-3654-BLS2 (the “State Court Action”) pending in the Suffolk County Superior Court (the “Superior Court”) against Modern Continental Construction Co., Inc. (the “Debtor”) and several other non-debtor defendants;

WHEREAS, Plaintiffs and the Debtor, subject to the approval of the Bankruptcy Court, have agreed to the terms and conditions pursuant to which the Motion may be allowed;

Now, therefore, it is agreed as follows:

1. The Plaintiffs are hereby granted relief from the automatic stay provisions of 11 U.S.C § 362 to prosecute the State Court Action; provided that, any judgment, assessment or other recovery by Plaintiffs against the Debtor arising from or related to the State Court Action shall be limited solely to the Debtor’s insurers and/or to the extent of insurance proceeds available through applicable insurance policies. The Plaintiffs shall not be entitled to any

recovery against the Debtor, the Debtor's bankruptcy estate and/or the assets of each of the foregoing (except to the extent that applicable insurance policies and/or their proceeds constitute assets of the foregoing).

2. This Stipulation and Order is effective immediately upon approval by the Bankruptcy Court, and is not subject to the ten day stay provided for in Federal Rule of Bankruptcy Procedure 4001 (a) (3).

Dated: July 8, 2008

Angel Del Valle and Raquel Ibarra Mora, Co-Administrators of the Estate of Milena Del Valle, and Angel Del Valle, individually,

By their counsel

/s/ Jacob Aaron Esher

Jacob Aaron Esher (BBO No. 544885)

Lynne F. Riley (BBO# 561965)

Altman Riley Esher LLP

100 Franklin Street

Boston, MA 02110

Telephone: (617) 399-7300

Telecopier: (617) 399-7410

[signatures cont'd on next page]

Dated: July 8, 2008

**Modern Continental Construction Co., Inc.,
Debtor-in-Possession**

By its counsel

/s/ Harold B. Murphy

Harold B. Murphy (BBO #326610)
D. Ethan Jeffery (BBO #631941)
Christian J. Urbano (BBO #644471)
HANIFY & KING, Professional Corporation
One Beacon Street, 21st Floor
Boston, MA 02108
Tel: (617) 423-0400
Fax: (617) 556-8985

IT IS SO ORDERED.

Signed in said District this ____ day of _____, 2008.

Honorable William C. Hillman
U.S. Bankruptcy Judge

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