

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

IN RE:
**MODERN CONTINENTAL
CONSTRUCTION CO., INC.,**
DEBTOR

Chapter 11
Case No. 08-14558-WCH

**ORDER GRANTING MOTION BY DEBTOR
AND DEBTOR-IN-POSSESSION FOR ENTRY OF
ORDER FIXING BAR DATES**

This matter having come before this Court on the *Motion by Debtor And Debtor-in-Possession For Entry of Order Fixing Bar Dates And Approving Form of Notice* (the “Motion”),¹ and this Court having review the Motion; and this Court having determined that the legal and factual bases establish just cause for the relief granted in this order;

THE COURT HEREBY FINDS THAT:

- A. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, venue of this case and this Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409, and this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
- B. Service of the Motion was appropriate.
- C. The entry of a date by which persons or entities asserting Claims (as that term is defined in the Bankruptcy Code) against the Debtor must file a proof of such claims and interests will expedite the administration of the Debtor’s estate and is in the best interest of creditors and

¹ Capitalized terms not otherwise defined in this Order shall have the meaning as defined in the Motion.

parties in interest.

NOW, THEREFORE, taking into consideration the foregoing findings and all the evidence before the Court, it is **HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

1. The Motion is **GRANTED IN PART**.
2. Except as provided in paragraphs 3 or 4 below, any individual or entity, including but not limited to partnerships, corporations, estates, and trusts, asserting a claim against the estate of the Debtor must file a proof of claim with the Clerk's Office, United States Bankruptcy Court for the District of Massachusetts, 1101 Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Boston, Massachusetts 02222-1074, on or before 4:00 p.m. on August 22, 2008 (the "Bar Date"). A proof of claim shall not be deemed filed until it is actually received and time stamped by the Clerk of the United States Bankruptcy Court at the above address.
3. In accordance with Section 502(b)(9) of the Bankruptcy Code, December 22, 2008 (the "Governmental Bar Date") is established as the deadline for governmental units to file proofs of claim against the Debtor.
4. The holders of the following Claims are not required to file a proof of Claim on or before the Bar Date:
 - a. Any entity that filed a proof of claim prior to the Bar Date or whose claim was allowed by order of the Court entered on or prior to the Bar Date;
 - b. Any claim arising after the Petition Date;
 - c. Any claim arising from the rejection or an unexpired lease or executory contract, in which case the holder of the claim shall file a proof of claim by

the later of (i) the Bar Date, and (ii) thirty days after the entry of an order authorizing the rejection of the unexpired lease or executory contract;

- d. Any claim that, as of the Bar Date, is not listed in the Debtor's schedules filed with the Court (the "Schedules") as contingent, unliquidated and/or disputed;
- e. Any claim newly listed as contingent, unliquidated and/or disputed in any amendment to the Schedules, in which case the holder of the claim shall file a proof of claim by the later of (i) the Bar Date, and (ii) thirty days following the filing of the amended schedules; and
- f. Any persons or entities asserting direct or indirect ownership or control of:
 - (i) an equity interest in the Debtor, whether transferable or denominated "stock" or similar security; or
 - (ii) a warrant or right to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subsection (i) of this sentence.

5. If the holder of a Claim against the Debtor is required to file a proof of claim on or before the Bar Date but fails to do so: (a) such holder will be forever barred, estopped, and enjoined from asserting its Claim against the Debtor (or filing a proof of claim with respect thereto); (b) the Debtor and its property will be forever discharged from any and all indebtedness or liability with respect to such a Claim; (c) such holder will be barred from voting to accept or reject any Chapter 11 plan or participate in any distribution in the Debtor's Chapter 11 case or in any subsequent Chapter 7 case on account of such claim; and (d) the Debtor shall not be required to provide such holder with further notices with respect to such Claim.

7. The form of notice attached as Exhibit A to the Motion (the "Notice") is

DISAPPROVED as it does not set forth a separate Governmental Bar Date as required by 11 U.S.C. § 502(b)(9). Service of this Order shall constitute effective notice of the Bar Date, or in the alternative, the Debtor may seek Court approval of an amended form or notice consistent with this order.

6. The manner of service proposed in the Motion is **APPROVED**. The Debtor shall promptly file a certificate of service with this Court.

Entered at Boston, Massachusetts, this 11th day of July, 2008.

A handwritten signature in cursive script, appearing to read "William Hillman".

William Hillman
United States Bankruptcy Judge