



just cause for the relief granted in this Order and the Court having determined that the relief sought in the Motion is in the best interests of the Debtor and its estate; and after due deliberation and sufficient cause appearing therefore; it is hereby

**ORDERED**, that the Motion is granted as modified below; and it is further

**ORDERED**, that the Debtor is authorized and empowered to continue to manage its cash pursuant to the cash management system maintained by the Debtor prior to the Petition Date, provided, however:

- that the Debtor is authorized to make whatever changes to its cash management system as it deems necessary to facilitate the Debtor's use of cash collateral;
- that the Debtor will close and reopen the Master Operations Account as a DIP account at an authorized institution as soon as practicable;
- that, of its three Disbursement Accounts, the Debtor will close and to reopen its accounts payable account as a DIP account at an authorized institution as soon as practicable; and
- that pending the transition of the above accounts to DIP accounts, the Debtor, as to any accounts out of which it makes disbursements, will evidence a clear break in check sequence following the petition date; and it is further

**ORDERED**, that the Debtor, the Debtor will supplement its OIRR requirements by:

- providing the United States Trustee with copies of monthly bank statements along with its monthly operating reports;
- accounting in its monthly operating reports for all transfers by the Debtor to non-debtor entities, including affiliated entities, if any;
- accounting in its monthly operating reports for all inter-company transfers,

including post-petition inter-company balances, if any;

- listing, by account number, in its monthly operating reports all month end book balances for all accounts, with an attestation that each account has been reconciled;
- providing the United States Trustee, along with its monthly operating reports, the Debtor's most recent Federal tax return, whether consolidated, combined or individual;
- providing the United States Trustee, along with its monthly operating reports, the Debtor's most recent 941 quarterly payroll returns along with its monthly operating reports; and
- providing, as soon as practicable, the United States Trustee with a chart of all bank accounts, if it differs from Exhibit "A" to the Motion; and it is further

**ORDERED**, that the Debtor is directed to maintain records of all transfers within the cash management system so that all transfers and transactions shall be adequately and promptly documented in, and readily ascertainable from, its books and records, to the same extent maintained by the Debtor prior to the Petition Date; and it is further

**ORDERED**, that the Debtor is authorized to: (a) designate, maintain, and continue to use any or all of its existing Bank Accounts in the names and with the account numbers existing immediately prior to the Petition Date except as provided herein; provided, however, that the Debtor may close certain such Bank Accounts and open new debtor-in-possession accounts as may be necessary, in the Debtor's business judgment, to facilitate the Debtor's Chapter 11 case; (b) deposit funds in and withdraw funds from such bank accounts by all usual means including, without limitation, checks, wire transfers, automated clearinghouse transfers, and other debits;

and (c) treat its prepetition Bank Accounts for all purposes as debtor-in-possession accounts; and it is further

**ORDERED**, that all banks with which the Debtor maintains bank accounts as of the Petition Date are authorized and directed to maintain, service and administer such Bank Accounts; provided, however, that nothing contained in this Order shall authorize any such bank to honor any check issued or dated prior to the Petition Date, except as otherwise provided by order of this Court; and it is further

**ORDERED**, that subject to Section 553 of the Bankruptcy Code, all banks at which the Bank Accounts are maintained are prohibited from offsetting, affecting or otherwise impeding any funds of the Debtor deposited in the Bank Accounts on account of, or by reason of, any claim (as defined in Section 101(5) of the Bankruptcy Code) of any such bank against the Debtor that arose before the Petition Date, absent further order of this Court; and it is further

**ORDERED**, that the Debtor is authorized to maintain and continue to use any and all stationery, correspondence and business forms, including, but not limited to, purchase orders, letterhead, envelopes, promotional materials and other business forms, substantially in the forms existing immediately prior to the Petition Date, without reference to the Debtor's status as a debtor-in-possession; and it is further

**ORDERED**, that the Debtor is authorized to print checks without reference to its status as a debtor-in-possession until such time as adjustments can be made to the Debtor's system that will allow the Debtor to designate all postpetition checks with its debtor-in-possession status; and it is further

**ORDERED**, that the Debtor will undertake to designate all postpetition checks with its debtor-in-possession status as soon as practicable; and it is further

**ORDERED**, that the Debtor is granted an additional thirty (30) days from the Petition Date to come into compliance with Section 345 of the Bankruptcy Code, including as to the overnight deposit of funds under 31 CFR Part 225; provided, that if the Debtor determines that it is unable to comply with the requirements of Section 345 within the thirty (30) day period, the Debtor shall file a motion seeking authority to deviate from such requirements; and it is further

**ORDERED**, that the Debtor, its officers, employees and agents, are authorized to take or refrain from taking such actions as are necessary and appropriate to implement and effectuate the relief granted in this Order; and it is further

**ORDERED**, that this Court shall retain jurisdiction over all matters arising from or related to the interpretation and implementation of this Order.

Dated: June 27, 2008



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HON. WILLIAM C. HILLMAN  
United States Bankruptcy Judge

**AGREED AS TO FORM  
AND SUBSTANCE**

MODERN CONTINENTAL CONSTRUCTION CO., INC.  
By its Attorneys

By: /s/ Harold B. Murphy  
Hanify & King, P. C.  
One Beacon Street  
21st Floor  
Boston, MA 02108  
(617) 423-0400  
Fax : (617)556-8985  
Email: [bankruptcy@hanify.com](mailto:bankruptcy@hanify.com)

Dated: June 27, 2008,

Deleted: June 26, 2008

PHOEBE MORSE

United States Trustee

By: /s/ Eric K. Bradford  
Eric K. Bradford BBO#560231  
United States Department of Justice  
Thomas P. O'Neill Jr. Federal Bldg.  
10 Causeway Street, Room 1184  
Boston, MA 02222  
PHONE: (617) 788-0415  
FACSIMILE: (617) 565-6368  
[Eric.K.Bradford@USDOJ.gov](mailto:Eric.K.Bradford@USDOJ.gov)

Dated: June 27, 2008,

Deleted: June 26, 2008