

Below is the Order of the Court.



Christopher M. Alston
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

NORTHWEST TERRITORIAL MINT, LLC,

Debtor.

Case No. 16-11767-CMA

ORDER ON LANDLORD’S
EMERGENCY MOTION TO COMPEL
IMMEDIATE AND ONGOING
COMPLIANCE WITH LEASE
AGREEMENT, AND FOR ADEQUATE
PROTECTION AND ASSURANCES

This matter having come before the Court on the motion of Gatewood-California, LLC’s (the “Landlord”) Emergency Motion to Compel Immediate and Ongoing Compliance with Lease Agreement, and for Adequate Protection and Assurances (the “Motion”); the Court having considered the Motion, the accompanying declarations, any objections and reply materials, the arguments of counsel, and the pleadings and papers herein, the Court hereby finds as follows:

1. The Landlord and Northwest Territorial Mint, LLC (the “Debtor”) are parties to a written commercial lease dated November 2, 2006 as amended (the “Lease”).
2. On April 11, 2016, Mark Calvert (the “Trustee”) was appointed as the Chapter 11 in this case. The Trustee is the authorized representative of the bankruptcy estate.

ORDER ON LANDLORD’S EMERGENCY MOTION TO
COMPEL IMMEDIATE AND ONGOING COMPLIANCE
WITH LEASE AGREEMENT, AND FOR ADEQUATE
PROTECTION AND ASSURANCES - 1

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1 3. There is no provision in the Lease for a separate environmental policy. Therefore, the
2 Trustee and the estate are not required to provide a separate environmental insurance policy from the
3 insurance required under the terms of the Lease;

4 4. Under prepetition practices of the parties, the Debtor has historically paid NNN
5 property taxes and insurance on a prorated monthly basis. The Landlord may not modify this
6 prepetition payment practice to accelerate these expenses;

7 5. The bankruptcy estate is current on Lease payments for the initial sixty (60) days
8 since filing of the bankruptcy case;

9 6. Relying upon the Trustee’s representations to the Court, the Landlord’s interests
10 under the lease are adequately protected.

11 Now, therefore it is hereby ORDERED as follows:

12 1. In the event of a postpetition default by the Debtor under the Lease, the Landlord may
13 seek relief from stay on seven days’ notice to the Trustee, creditors and parties in interest with the
14 hearing for such motion to be set on the Court’s next regularly scheduled chapter 11 hearing date.

15 2. All other relief requested in the Motion is denied.

16 *///END OF ORDER///*

17
18 Presented by:

19 K&L GATES LLP

20 */s/ Michael J. Gearin*

21 Michael J. Gearin, WSBA #20982

22 David C. Neu, WSBA #33143

23 Brian T. Peterson, WSBA #42088

24 Attorneys for Mark Calvert, Chapter 11 Trustee

25
26 ORDER ON LANDLORD’S EMERGENCY MOTION TO
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1 Agreed as to Form
2 Notice of Presentation Waived
3 LANE POWELL PC

4 By: /s/ James B. Zack
5 Mary Jo Heston, WSBA #11065
6 James B. Zack, WSBA #48122
7 Attorneys for Gatewood-California, LLC
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ORDER ON LANDLORD'S EMERGENCY MOTION TO
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