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Honorable Christopher M. Alston
Chapter 11
Ex Parte

7 UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 In re:

Case No. 16-11767-CMA

10 NORTHWEST TERRITORIAL MINT, LLC,
11 Debtor.

**EX PARTE MOTION TO APPROVE
SECOND STIPULATION EXTENDING
DEADLINE FOR COMMENCEMENT
OF UNLAWFUL DETAINER FOR
DAYTON PREMISES UNDER THE
ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
RELIEF FROM STAY**

14 **I. STIPULATION**

15 WHEREAS, the Debtor operates a facility located at 80 East Airpark Vista Blvd., Dayton,
16 Nevada (the "Dayton Premises") owned by Robert and Connie Hoff (collectively, the "Hoffs");

17 WHEREAS, the bankruptcy estate is the tenant of the Dayton Premises under a lease with the
18 Hoffs.

19 WHEREAS, the Hoffs filed a Motion for Relief From Stay and for Related Relief (the
20 "Relief Motion") [Dkt. No. 1328] in which the Hoffs requested relief from the automatic stay to take
21 possession of the Dayton Premises;

22 WHEREAS, the Court entered an Order Granting in Part and Denying in Part Motion for
23 Relief from Stay [Dkt. No. 1450] which order allowed the Hoffs to commence proceedings under
24 Nevada law to take possession of the Dayton Premises on or after June 30, 2018 if the Trustee had
25 not vacated the Dayton Premises by that date;

26 MOTION TO APPROVE SECOND STIPULATION
EXTENDING DEADLINE FOR TRUSTEE TO VACATE
DAYTON PREMISES UNDER THE ORDER GRANTING
IN PART AND DENYING IN PART MOTION FOR
RELIEF FROM STAY-1

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1 WHEREAS, on May 22, 2018, the Trustee and the Hoffs stipulated to modify paragraph
2 three of the Order Granting in Part and Denying in Part Motion for Relief from Stay [Dkt. No. 1450]
3 extend the date by which the Hoffs may commence proceedings under Nevada law to take
4 possession of the Dayton Premises to on or after July 31, 2018, if the Trustee has not vacated the
5 Dayton Premises by that date [Dkt. No. 1673];

6 WHEREAS, the Trustee and the Hoffs have agreed to further modify paragraph three of the
7 Order Granting in Part and Denying in Part Motion for Relief from Stay [Dkt. No. 1450] to extend
8 the date by which the Hoffs may commence proceedings under Nevada law to take possession of the
9 Dayton Premises to on or after August 31, 2018, if the Trustee has not vacated the Dayton Premises
10 by that date

11 THEREFORE, in light of the foregoing, the Parties STIPULATE AS FOLLOWS:

- 12 1. Paragraph three of the Order Granting in Part and Denying in Part Motion for Relief from
13 Stay [Dkt. No. 1450] is may be modified to allow the Hoffs to commence proceedings under
14 Nevada law to take possession of the Dayton Premises on or after August 31, 2018, if the
15 Trustee has not vacated the Dayton Premises by that date, provided that the Trustee shall
16 timely pay the rent for the month of August, 2018.

17
18 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

19
20
21 DATED: July 31, 2018

K&L GATES LLP

22
23 By: /s/ Michael J. Gearin

Michael J. Gearin, WSBA #20982

David C. Neu, WSBA #33143

Brian T. Peterson, WSBA #42088

24 Attorneys for Mark Calvert,
25 Chapter 11 Trustee

26
MOTION TO APPROVE SECOND STIPULATION
EXTENDING DEADLINE FOR TRUSTEE TO VACATE
DAYTON PREMISES UNDER THE ORDER GRANTING
IN PART AND DENYING IN PART MOTION FOR
RELIEF FROM STAY-2

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1 DATED: July 31, 2018

PERKINS COIE LLP

2
3 By: /s/ Alan D. Smith
4 Alan D. Smith, WSBA #24964
5 Attorneys for Landlord Robert and Connie
6 Hoff

7 **II. MOTION**

8 On February 14, 2018, the Court entered an order granting in part and denying in part motion
9 for relief from stay. Dkt. No. 1450. The order modified the automatic stay to allow the Hoffs to
10 commence proceedings under Nevada law to take possession of the Dayton Premises on or after
11 June 30, 2018.

12 On May 23, 2018 the Court entered an agreed order extending the deadline for
13 commencement of unlawful detainer for Dayton premises under the order granting in part and
14 denying in part motion for relief from stay. Dkt. No. 1675. The agreed order modified the
15 automatic stay to allow the Hoffs to commence proceedings under Nevada law to take possession of
16 the Dayton Premises on or after July 31, 2018.

17 The Trustee moves the Court to enter an order extending the date by which the Hoffs are
18 allowed to commence proceedings under Nevada Law to take possession of the Dayton Premises to
19 on or after August 31, 2018. The Trustee requests that the Court enter the agreed order submitted
20 concurrently with this *ex parte* motion.

21 DATED this 31st day of July, 2018.

22 K&L GATES LLP

23 By /s/ Michael J. Gearin
24 Michael J. Gearin, WSBA #20982
25 David C. Neu, WSBA #33143
26 Brian T. Peterson, WSBA #42088
Attorneys for Mark Calvert, Chapter 11 Trustee

MOTION TO APPROVE SECOND STIPULATION
EXTENDING DEADLINE FOR TRUSTEE TO VACATE
DAYTON PREMISES UNDER THE ORDER GRANTING
IN PART AND DENYING IN PART MOTION FOR
RELIEF FROM STAY-3

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