

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:	§	Chapter 11
	§	
BRIGGS & STRATTON	§	Case No. 20-43597-399
CORPORATION, <i>et al.</i> ,	§	
	§	(Jointly Administered)
	§	
Debtors.	§	Related Docket No. 1290

**[PROPOSED] ORDER EXTENDING TIME TO ASSUME OR REJECT
UNEXPIRED LEASE OF NONRESIDENTIAL REAL PROPERTY**

Upon the motion dated November 17, 2020 (the “**Motion**”)¹ of Briggs & Stratton Corporation and its debtor affiliates, as debtors in the above-captioned chapter 11 cases (collectively, the “**Debtors**”) for entry of an order pursuant to section 365(d)(4)(B)(i) of title 11 of the United States Code (the “**Bankruptcy Code**”) extending the initial 120-day period to assume or reject that certain *Land Lease Agreement*, dated October 20, 2018, by and between KWT Railway, Inc. and Briggs & Stratton Corporation (the “**Murray Lease**”), an unexpired lease of nonresidential real property, by an additional ninety (90) days, from November 17, 2020 up to and including February 15, 2021, without prejudice to the Debtors’ right to seek further extensions in accordance with the Bankruptcy Code, all as more fully set forth in the Motion; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Debtors having represented that adequate and proper notice of the Motion has been given and that no other or further notice need be given; and this Court

¹ Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to such terms in the Motion.

having reviewed the Motion; and this Court having held a hearing to consider the relief requested in the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is in the best interests of the Debtors and their respective estates and creditors; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor, **it is hereby ORDERED that the Motion is GRANTED in that:**

1. The Motion is granted to the extent set forth herein.
2. Pursuant to section 365(d)(4) of the Bankruptcy Code, the time period within which the Debtors may assume or reject the Murray Lease is extended from November 17, 2020, for an additional ninety (90) days through and including February 15, 2021.
3. Entry of this Order is without prejudice to the Debtors' right to request further extensions of the time to assume or reject the Murray Lease in accordance with section 365(d)(4) of the Bankruptcy Code.
4. The Debtors are authorized, but not directed, to take all action necessary to effectuate the relief granted in this Order.
5. Not later than two (2) business days after the date of this Order, the Debtors shall serve a copy of the Order and shall file a certificate of service no later than twenty-four (24) hours after service.

DATED: _____, 2020
St. Louis, Missouri

HONORABLE BARRY S. SCHERMER
UNITED STATES BANKRUPTCY JUDGE

Order Prepared By:

Robert E. Eggmann, #37374MO
Christopher J. Lawhorn, #45713MO
Thomas H. Riske, #61838MO
CARMODY MACDONALD P.C.
120 S. Central Avenue, Suite 1800
St. Louis, Missouri 63105
Telephone: (314) 854-8600
Facsimile: (314) 854-8660
Email: ree@carmodymacdonald.com
cjl@carmodymacdonald.com
thr@carmodymacdonald.com

*Local Counsel to the Debtors and
Debtors in Possession*

-and-

Ronit J. Berkovich (admitted *pro hac vice*)
Debora A. Hoehne (admitted *pro hac vice*)
Martha E. Martir (admitted *pro hac vice*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Email: Ronit.Berkovich@weil.com
Debora.Hoehne@weil.com
Martha.Martir@weil.com

*Counsel to the Debtors and
Debtors in Possession*