

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
BUYK CORP. ¹)	Case No. 22-10328 (MEW)
)	
Debtor.)	
)	

**INTERIM ORDER GRANTING DEBTOR’S MOTION FOR ENTRY OF
AN ORDER AUTHORIZING PAYMENT OF SALES, FRANCHISE, AND
ANNUAL REPORTING TAXES AND FEES AND SETTING A HEARING TO
CONSIDER ENTRY OF A FINAL ORDER**

UPON the *Debtor’s Motion For Entry of an Order Authorizing Payment of Sales, Franchise, and Annual Reporting Taxes and Fees* (the “Motion”) [ECF No. 4], by which Buyk Corp., the debtor and debtor-in-possession herein (the “Debtor”), seeks entry of an interim order (the “Interim Order”), pursuant to 541(d), 507(a)(8), 363(b), and 1107(a), of title 11 of the United States Code, (the “Bankruptcy Code”) and Rules 6003(b), 6004(a), and 6004(h) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), (i) authorizing, but not directing, the Debtor to pay any unpaid Taxes, (ii) authorizing banks and financial institutions to honor and process all checks and electronic payment requests relating to the foregoing; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this proceeding being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue of this proceeding and the Motion in the Court being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and no other or further notice need be provided; and the Court having reviewed and considered the Motion and the First Day Declaration; and the Court having heard the statements in support of the relief requested in the Motion at the first-day hearing (the

¹ The Debtor in this case, along with the last four digits of its federal tax identification number is Buyk Corp. (1477). The principal place of business for the Debtor is 360 West 31st Street, Floor 6, New York, NY 10001.



“Hearing”); and the Court having determined that the legal and factual basis set forth in the Motion, the First Day Declaration establishes just cause for the relief granted herein; and the relief requested in the Motion being in the best interests of the Debtor, its estate, creditors, and other parties-in-interest; and any objections to the relief requested in the Motion having been withdrawn or overruled on the merits; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED that:

1. The Motion is granted on an interim basis as set forth herein.
2. The Debtor is authorized, but not directed, in its sole discretion and to the extent it deems necessary, to pay up to \$40,000 any taxes and fees that (a) arose prior to the Petition Date, or (b) become due and payable subsequent to the Petition Date.
3. All applicable banks and other financial institutions are authorized to receive, process, honor, and pay any and all pre-petition wire transfer requests, checks drawn, drafts issued, and electronic funds transfers by the Debtor and related to the payment of taxes, or any other of the Debtor’s obligations approved herein, whether prior to or after the Petition Date.
4. The Debtor is authorized to issue new post-petition checks or effect new electronic fund transfers on account of the taxes and fees, and to replace any prepetition checks or electronic fund transfer requests that may have been dishonored or rejected as a result of the commencement of the Chapter 11 Case, regardless of whether such checks were presented or fund transfer requests were submitted prior to or after the Petition Date; provided, however, that (a) funds are available in the Debtor’s accounts to cover the checks and fund transfer, and (b) all the banks and other financial institutions are authorized to rely on the Debtor’s designation of any particular check as approved by this Order.

5. Nothing in this Order or any action taken by the Debtor in furtherance of the implementation hereof shall be construed as (a) an admission or concession by the Debtor or any other party-in-interest as to the extent, validity, or perfection of any liens (contractual, common law, statutory, or otherwise) asserted on account of unpaid taxes, or (b) as a waiver or impairment of the Debtor's right to contest the extent, validity, or perfection of such liens or to seek the avoidance of all such liens.

6. Nothing in this Order or any action taken by the Debtor in furtherance of the implementation hereof shall be deemed to constitute an assumption or rejection of any executory contract or unexpired lease pursuant to section 365 of the Bankruptcy Code, and all of Debtor's rights with respect to such matters are expressly reserved.

7. Nothing in this Order or the Debtor's payment of claims pursuant to this Order shall be construed as (a) an agreement or admission by the Debtor as to the validity of any claim on any grounds, (b) a waiver or impairment of the Debtor's rights to dispute any claims on any grounds, (c) a promise by the Debtor to pay any claim, or (d) an implication or admission by the Debtor that such claim is payable pursuant to this Order. Nothing herein shall acknowledge, grant, or otherwise permit any right of offset or recoupment by a non-debtor with respect to any claim asserted against the Debtor.

8. All applicable banks and other financial institutions are authorized to receive, process, honor, and pay any and all prepetition wire transfer requests, checks drawn, drafts issued, and electronic funds transfers by the Debtor and related to the payment of taxes and fees, or any of the Debtor's obligations approved herein, whether prior to or after the Petition Date.

9. The requirements set forth in Bankruptcy Rule 6003(b) are satisfied because the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtor.

10. Notwithstanding the possible applicability of Bankruptcy Rules 6004(a) and 6004(h) or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry and the requirements of Bankruptcy Rules 6004(a) and 6004(h) are hereby waived.

11. The Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

12. The Final Hearing to consider the relief requested in the Motion is scheduled before the Court for **April 19, 2022 at 10:00 a.m. (Eastern Time)**, and any objections or responses to the Motion shall be in writing, filed with the Court, and served upon (i) proposed counsel to the Debtor, Akerman LLP, 1251 Avenue of The Americas, 37th Floor (Attn: Mark S. Lichtenstein, Esq.) and Akerman, LLP, 750 Ninth Street, N.W., Suite 750, Washington D.C. 20001 (Attn: John Thompson, Esq.) and (ii) Office of the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, N.Y. 10014 so as to actually be received on or prior to **April 12, 2022**.

13. On or before **March 25, 2022**, the Debtor shall serve, by United States mail, first-class postage prepaid, this Interim Order upon (a) the parties having been given notice of the Interim Hearing, (b) any party which has filed prior to such date a request for notices with the Court, and (c) counsel to any statutory committee appointed in the Chapter 11 Cases.

Dated: New York, New York
March 23, 2022

s/Michael E. Wiles
UNITED STATES BANKRUPTCY COURT