

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

In re:

AMSTERDAM HOUSE CONTINUING CARE  
RETIREMENT COMMUNITY, INC.,<sup>1</sup>  
aka The Amsterdam at Harborside  
aka The Harborside  
aka The Harborside Legacy Fund  
aka The Harborside Legacy Foundation,  
  
Debtor.

Chapter 11

Case No. 21-71095 (AST)

**FINAL ORDER (I) AUTHORIZING THE DEBTOR  
TO PAY CERTAIN PREPETITION TAXES AND FEES,  
(II) AUTHORIZING FINANCIAL INSTITUTIONS TO HONOR AND PROCESS  
RELATED CHECKS AND TRANSFERS, AND (III) GRANTING RELATED RELIEF**

Upon the emergency motion (the "Motion")<sup>2</sup> of the debtor and debtor-in-possession in the above-captioned chapter 11 case (the "Debtor") for entry of a final order (this "Final Order"), pursuant to sections 363(b), 507(a), 541, 1107, and 1108 of title 11 of Bankruptcy Code, and rule 6003 of the Bankruptcy Rules, (i) authorizing, but not directing, the Debtor to remit and pay (or use tax credits to offset) the Taxes and Fees (as defined in the Motion) in the ordinary course of business, (ii) authorizing financial institutions to receive, honor, process, and pay all checks or electronic transfers related to such payments and obligations to the extent directed by the Debtor in accordance with the Motion and to the extent the Debtor has sufficient funds standing to their credit with such bank, whether such checks were presented or electronic requests were submitted before or after the Petition Date, (iii) authorizing all of the Debtor's banks to rely on the Debtor's

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<sup>1</sup> The last four digits of the Debtor's federal tax identification number are 1764. The Debtor's mailing address is 300 East Overlook, Port Washington, New York 11050.

<sup>2</sup> All capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Motion.



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designation of any particular check or electronic payment request as appropriate pursuant to this Motion, without any duty of further inquiry, and without liability for following the Debtor's instructions, and (iv) granting related relief; and upon consideration of the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the standing order with respect to referral of bankruptcy cases from the United States District Court for the Eastern District of New York dated December 5, 2012; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and this Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest; and this Court having found that the Debtor's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at an interim hearing and, if necessary, a final hearing, before this Court; and all objections, if any, to the Motion having been withdrawn, resolved or overruled; 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 after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The relief requested in the Motion is GRANTED as set forth herein on a final basis.
2. The Debtor is authorized, but not directed, to pay, in its sole discretion, subject to any budgets approved in this chapter 11 case, any and all Taxes and Fees owed to the Governmental Authorities and related to periods prior to the Petition Date as they come due in the ordinary course of business.

3. The Debtor's banks and financial institutions are authorized to receive, process, honor, and pay all checks, drafts, electronic fund transfers, or other forms of payment drawn or issued on the Debtor's bank accounts prior to the Petition Date in respect of Taxes and Fees that had not been honored and paid as of the Petition Date (or to re-issue checks, drafts, electronic fund transfers, or other forms of payment drawn or issued on the Debtor's bank accounts, as may be necessary), and are authorized to rely on the representations of the Debtor as to which checks, drafts, transfers, or other forms of payment drawn or issued on the Debtor's bank accounts are subject to this Order, provided that sufficient funds are on deposit in the applicable bank accounts to cover such payments.

4. All payments made pursuant to this Order (a) may be funded with Cash Collateral (as defined in the Cash Collateral Order) in which the Trustee (as defined in the Cash Collateral Order) has an interest, and (b) shall be subject to any interim or final order entered by the Court governing the Debtor's right to use the Trustee's cash collateral (as such order or orders may be amended, modified or supplemented, the "Cash Collateral Order"), including the budget attached thereto.

5. Notwithstanding the relief granted in this Final Order and any actions taken pursuant to such relief, nothing in this Final Order shall be deemed as (a) an admission as to the validity or priority of any claim or lien against the Debtor, (b) a waiver of the Debtor's right to subsequently dispute such claim or lien on any grounds, (c) a promise or requirement to pay any prepetition claim, (d) an implication or admission that any particular claim is of a type specified or defined in the Motion or this Final Order, (e) a request or authorization to assume any prepetition agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code, or (f) a waiver of

the Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable law.

6. Notice of the Motion shall be deemed good and sufficient notice of such Motion, and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are waived by such notice.

7. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Final Order shall be immediately effective and enforceable upon its entry.

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

9. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.

**Dated: June 25, 2021**  
**Central Islip, New York**



  
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**Alan S. Trust**  
**Chief United States Bankruptcy Judge**