

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA**

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| <p>In Re:<br/><br/>Vanity Shop of Grand Forks, Inc.,<br/><br/>Debtor.</p> | <p>Case No.: 17-30112<br/><br/>Chapter 11</p> |
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**INTERIM ORDER: (I) AUTHORIZING PAYMENT OF CERTAIN PREPETITION TAXES AND FEES AND (II) AUTHORIZING FINANCIAL INSTITUTIONS TO HONOR ALL RELATED CHECKS AND ELECTRONIC PAYMENT REQUESTS**

Debtor filed a Motion<sup>1</sup> for entry of this Interim Order: (i) authorizing it to pay all Taxes and Fees, and (ii) authorizing banks and financial institutions to honor all related checks and electronic payment requests. Debtor served the motion and notice of hearing.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334(b) and venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding under 28 U.S.C. § 157(b) and the Court finds that it has authority to enter a final order consistent with Article III of the United States Constitution.

After considering the Declaration of Jill Motschenbacher [Doc. 26] and other evidence offered at the hearing, reviewing other pleadings filed in this case and hearing arguments from counsel, the Court finds cause for granting the relief provided in this Order.<sup>2</sup>

<sup>1</sup> Capitalized terms used but not otherwise defined in this Order shall have the meanings ascribed to them in the Motion.

<sup>2</sup> The findings and conclusions set forth in this Order constitute this Court’s findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding pursuant to Bankruptcy Rule 9014. To the extent any of the following findings of fact constitute conclusions of law, they are adopted as such. To the extent any of the following conclusions of law constitute findings of fact, they are adopted as such.



**IT IS ORDERED:**

1. The Motion is GRANTED on an interim basis as provided below.
2. Debtors is authorized to pay the Taxes and Fees due and owing to federal, state and local taxing authorities and other governmental authorities listed on Exhibit C to the Motion [Doc. 86], including, without limitation, through the issuance of postpetition checks or wire transfer requests, as Debtor deems necessary in an amount not to exceed \$650,000.
3. The Banks are authorized, when requested by Debtor, in Debtor's discretion, to honor and process checks or electronic fund transfers drawn on Debtor's bank accounts to pay prepetition obligations authorized to be paid under this Order, whether such checks or other requests were submitted prior to, or after, the Petition Date, provided that sufficient funds are available in the applicable bank accounts to make such payments. The Banks may rely on the representations of Debtor with respect to whether any check or other transfer drawn or issued by Debtor prior to the Petition Date should be honored pursuant to this Order, and any such Bank shall not have any liability to any party for relying on such representations by Debtor, as provided for in this Order.
4. Nothing in this Order shall impair any right of Debtor to dispute or object to any taxes asserted as owing to the Taxing Authorities or those parties who ordinarily collect the Taxes and Fees as to amount, liability, classification, or otherwise.
5. Debtor is authorized to issue postpetition checks, or to effectuate postpetition fund transfer requests, in replacement of any checks or fund transfer requests that are dishonored as a consequence of this Chapter 11 Case with respect to prepetition amounts owed in connection with the Taxes and Fees.

6. Objections to entry of an order granting the Motion on a final basis must be filed by March 22, 2017 at noon CST and served on: (i) counsel to Debtor, Vogel Law Firm 218 NP Avenue, PO Box 1389, Fargo, North Dakota 58107-1389, Attn: Jon R. Brakke, Caren W. Stanley; (ii) the U.S. Trustee, Office of the United States Trustee, 314 S. Main Avenue, Suite 303, Sioux Falls, South Dakota 57104; and (iii) counsel to any statutory committee appointed in this Chapter 11 Case. A final hearing, if required, on the Motion will be held on March 23, 2017 at 9:00 a.m. CST. If no objections are filed to the Motion, this Court may enter a final order without further notice or hearing.

7. Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Order.

8. Bankruptcy Rule 6003(b) has been satisfied because the relief requested in the Motion is necessary to avoid immediate and irreparable harm to Debtor.

9. The requirements set forth in Bankruptcy Rule 6004(a) are waived, and pursuant to Bankruptcy Rule 6004(h), the terms and provisions of this Order shall be immediately effective and enforceable upon its entry.

10. Notwithstanding any provision in the Bankruptcy Rules to the contrary: (i) this Order shall be effective immediately and enforceable upon its entry; (ii) Debtor is not subject to any stay in the implementation, enforcement, or realization of the relief granted in this Order; and (iii) Debtor is authorized and empowered, and may in its discretion and without further delay, take any action necessary or appropriate to implement this Order.

11. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated this 6<sup>th</sup> day of March, 2017.

A handwritten signature in black ink that reads "Shon Hastings". The signature is written in a cursive, flowing style.

SHON HASTINGS, JUDGE  
UNITED STATES BANKRUPTCY COURT