

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

SAMUEL ADAMS ENTERPRISES, LLC,

Debtor.

Chapter 11

Case No. 13-40381 (ESS)

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ORDER DISMISSING CASE

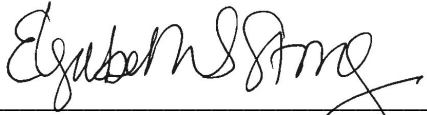
Upon the motion of Tracy Hope Davis, United States Trustee for Region 2, filed on June 6, 2013 to dismiss this case, pursuant to 11 U.S.C. § 1112(b), and upon the hearing held before this Court on July 2, 2013, and it appearing that appropriate notice has been given, and cause existing for the relief requested, it is

ORDERED that the case of Samuel Adams Enterprises, LLC, commenced under chapter 11 of the Bankruptcy Code, be and hereby is dismissed pursuant to 11 U.S.C. § 1112(b); and it is further

ORDERED, that the Debtor pay to the United States Trustee the appropriate sum required, if any, pursuant to 28 U.S.C. § 1930, within ten (10) days of the entry of this order and simultaneously provide to the United States Trustee an appropriate affidavit indicating the cash disbursements, if any, for the relevant period.

**Dated: Brooklyn, New York
July 15, 2013**





Elizabeth S. Stong
United States Bankruptcy Judge

Douglas J. Pick, Esq.
Eric C. Zabicki, Esq.
PICK & ZABICKI LLP
369 Lexington Avenue, 12th Floor
New York, New York 10017
(212) 695-6000

Hearing Date: July 2, 2013
Time: 10:00 a.m.

Counsel to Hoosac Bank

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:
SAMUEL ADAMS ENTERPRISES, LLC,

Chapter 11
Case No. 13-40381 (ESS)

Debtor.

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**JOINDER OF HOOSAC BANK TO MOTION OF THE
UNITED STATES TRUSTEE TO DISMISS THE DEBTOR'S CHAPTER 11 CASE**

TO THE HONORABLE ELIZABETH S. STONG
UNITED STATES BANKRUPTCY JUDGE:

Hoosac Bank, by and through its undersigned counsel, respectfully represents and alleges as follows:

1. As this Court is aware, Hoosac Bank is a secured creditor of debtor Samuel Adams Enterprises, LLC (the "Debtor"). Specifically, Hoosac Bank holds first priority mortgages, security interests and assignments of leases and rents with regard to the real properties owned and operated by the Debtor which are located at 39-45 and 49-51 Park Street, Adams, Massachusetts (together, the "Properties"). The amounts presently owed by the Debtor to Hoosac Bank which are secured by the Properties total approximately \$1,300,000.00.

2. On June 6, 2013, the United States Trustee for Region 2 (the "U.S. Trustee") filed a motion with this Court seeking the entry of an Order, pursuant to §1112(b) of title 11 of the United States Code (the "Bankruptcy Code"), dismissing the Debtor's chapter 11 case (the

“Dismissal Motion”). Hoosac Bank hereby adopts and incorporates by reference the arguments asserted by the U.S. Trustee in support of the Dismissal Motion as if set forth at length herein.

3. In addition to the persuasive arguments for the dismissal of the Debtor’s case set forth by the U.S. Trustee, the Court should further note that, since the inception of this case in January 2013, the Debtor has not sought Hoosac Bank’s consent to the Debtor’s use of Hoosac Bank’s cash collateral (in the form of rents being collected by the Debtor from tenants in the Properties) nor has the Debtor sought any authority from this Court to do so. “[U]nauthorized use of cash collateral substantially harmful to 1 or more creditors” is among the specifically enumerated bases for dismissal set forth in §1112(b) of the Bankruptcy Code. (See 11 U.S.C. §1112(b)(4)(D).

4. Moreover, the Debtor had previously acknowledged (in connection with Hoosac Bank’s prior motion seeking to transfer venue of this matter) that its case was “essentially” a single asset real estate case. Accordingly, and pursuant to §362(d)(3) of the Bankruptcy Code, the Debtor *was required* to either: (a) file a plan of reorganization having a reasonable possibility of being confirmed within a reasonable time; or (b) commence making any adequate assurance payments to Hoosac Bank concerning its obligations secured by the Property. As of the date hereof, the Debtor has done neither. In fact, the Debtor does not appear to have taken any material steps of any kind to address its financial situation so as to emerge from bankruptcy and does not appear to have any meaningful intention to do so in the future if it were permitted to remain under the protections of the Bankruptcy Code.

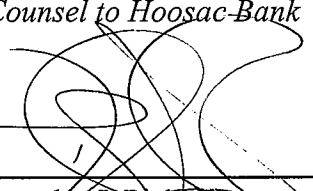
5. For the foregoing reasons and those more fully set forth in the Dismissal Motion, Hoosac Bank respectfully supports the U.S. Trustee’s request for the dismissal of the Debtor’s chapter 11 case.

WHEREFORE, Hoosac Bank respectfully requests that the Court grant the Dismissal Motion in its entirety and grant such other and further relief as the Court may deem just and proper.

Dated: New York, New York
June 21, 2013

PICK & ZABICKI LLP
Counsel to Hoosac Bank

By: _____


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