

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**In Re: )  
Summit National, Inc. )  
          an Illinois Corporation )  
  
          Debtor )**

**Chapter 11  
05 B 15565  
Hon. Jacqueline P. Cox  
Hearing Date: 11/02/05  
Hearing Time: 11:00 p.m.**

**AGREED ORDER**

This cause coming to be heard upon the continued hearings on Nancy J. Fox's "Motion for Relief from the Automatic Stay" and the Debtor's "Motion Seeking Approval of Debtor's Adequate Protection Offer and Other Relief," proper notice having been provided, and the Court being fully advised in the premises,

**THE COURT HEREBY FINDS THAT:**

A. The Debtor's president and majority shareholder, Kenneth Duffy, has made a contribution of \$165,000 to the Debtor, which was in turn paid to Nancy J. Fox, as contemplated in the Orders entered by the Court on October 19, 2005 and October 27, 2005; and

B. The trial of the Debtor's claim against Daimler-Chrysler Financial Services, LLC ("DCS"), which claim is asserted in matter No. 02-71871 (the "DCS Claim Litigation") and which was previously scheduled to go to trial on November 1, 2005, has been continued to commence on April 4, 2006.

**NOW THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The automatic stay, which was previously modified to enable Ms. Fox to proceed with a UCC Sale of all of the Debtor's assets (the "UCC Sale"), is hereby reinstated and, subject to the further terms of this Order, Ms. Fox is stayed from proceeding with the UCC Sale.

2. The automatic stay will remain in full force and effect until January 31, 2006, at which time the automatic stay will be deemed to be automatically modified to enable Ms. Fox to take the steps necessary and to conduct the UCC Sale unless the Debtor shall have by that time delivered to Ms. Fox a Qualifying Bond in the amount of \$835,000. If such a bond is so provided to Ms. Fox, the automatic stay will thereafter remain in full force and effect until such time as a final non-appealable order has been entered concluding the DCS Claim Litigation and all appeals pursued in connection therewith as long as the "Qualifying Bond" remains in effect.

3. For the purpose of this Order, a "Qualifying Bond" will mean a bond issued by an entity (with an AM BEST rating of "A-" or higher) that provides that on the "Payment Date," Ms. Fox will be paid an amount equal to the stated amount of the bond less any amounts Ms. Fox will have received in payment of the Debtor's indebtedness to her after the date hereof other than the \$165,000 referred to in paragraph A above. The "Payment Date" will be the date on which a final non-appealable order has been entered concluding the trial with respect to the DCS Claim and all appeals pursued in connection therewith.

4. This Order is effective immediately, and the ten-day stay under Fed. R. Bank. P. 4001(a) (3) is not applicable.

Dated: 2 NOV 2005

Entered: \_\_\_\_\_

*Jacqueline P. Cox*  
*J.P. Cox*

Bankruptcy Judge

AGREED:

*Nancy McDougal Fox*  
\_\_\_\_\_  
Attorney for Nancy McDougal Fox

*[Signature]*  
\_\_\_\_\_  
Attorney for Summit National, Inc.