

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

**R. Brown and Sons, Inc.,
Debtor-in-possession.**

**Chapter 11 Case
13-10449**

*Appearances: Ray Obuchowski, Esq.
Jennifer Emens-Butler, Esq.
Obuchowski and Emens-Butler, PC
Bethel, Vermont
For the Debtor-in-Possession*

*Andre Bouffard, Esq.
Downs Rachlin Martin, PLLC
Burlington, Vermont
For Rathe Salvage, Inc.*

*Peter F. Langrock, Esq.
Langrock Sperry & Wool, LLP
Burlington, Vermont
Special Counsel to the Debtor-in-Possession*

*Stephen J. Craddock, Esq.
Berlin, Vermont
For LaRoche Towing and Recovery, Inc.*


ORDER
DETERMINING AMOUNT AND ADMINISTRATIVE PRIORITY OF STORAGE CHARGES,
OVERRULING THE DEBTOR'S OBJECTION TO THE ACCOUNTINGS,
AND FIXING ALLOWED AMOUNT OF THE STORAGE COMPANY CLAIMS

For the reasons set forth in the memorandum of decision of even date, IT IS HEREBY ORDERED

1. pursuant to 11 U.S.C. § 543(C)(2), the Debtor must pay LaRoche Towing & Recovery, Inc. and Earth Waste & Metal Systems the allowed pre-petition and post-petition charges related to the levy and storage of the Debtor's Equipment¹ and must pay all of these storage charges as administrative expenses;
2. the Debtor's Objection to the Accountings is overruled;
3. LaRoche Towing & Recovery, Inc. is allowed a claim in this case in the amount of \$25,300;
4. Earth Waste & Metal Systems is allowed a claim in this case in the amount of and \$43,000; and
5. both allowed claims reflect a credit for the \$10,000 payment required by the Stipulation and are subject to the Debtor's right to timely demonstrate a right of offset.

SO ORDERED.

September 18, 2013
Burlington, Vermont


Colleen A. Brown
United States Bankruptcy Judge

¹ All capitalized terms in this order shall have the same meaning that they are ascribed in the memorandum of decision.