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Boundary Bay Capital, LLC

FILED & ENTERED
JUN 11 2013
CLERK U.S. BANKRUPTCY COURT
Central District of California
BY kent DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA ANA DIVISION

In re BOUNDARY BAY CAPITAL, LLC, a California limited liability company, Debtor-in-Possession.	Case No. 8:11-bk-14298-CB Chapter 11 **ORDER GRANTING MOTION FOR ORDER APPROVING: (1) THE SETTLEMENT AGREEMENT BETWEEN BOUNDARY BAY CAPITAL, LLC, THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS, THE DUNN CREDITORS, APEX INDUSTRIAL RAIL, LLC, AND ENHANCED INCOME FUND I, LLC; AND (2) THE NON-MATERIAL MODIFICATIONS TO THE DEBTOR'S THIRD AMENDED CHAPTER 11 PLAN** **DATE: June 5, 2013** **TIME: 10:00 a.m.** **PLACE: Courtroom 5D**

On June 5, 2013, at 10:00 a.m., in Courtroom 5D of the United States Bankruptcy Court located at 411 West Fourth Street, Santa Ana, California, the *Motion for Order Approving: (1) the Settlement Agreement between Boundary Bay Capital, LLC, the Official Committee of Unsecured Creditors, the Dunn Creditors, Apex Industrial Rail, LLC, and Enhanced Income Fund I, LLC; and (2) the Non-Material Modifications to the Debtor's Third Amended Chapter 11 Plan* (the "Motion") filed by Boundary Bay Capital, LLC (the "Debtor"), came on for hearing. Appearances were as noted on the record.

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Having considered the Motion and all papers filed in support, and oral arguments made at the hearing, and based on oral findings made by the Court on the record, and good cause appearing,

IT IS ORDERED that:

1. The Motion is granted;

2. The Debtor is authorized to enter into the Settlement Agreement[1];

3. The terms of the Settlement Agreement as set forth on the record and as contained in the fully executed copy filed on June 6, 2013 [Docket No. 433] are approved pursuant to Federal Rule of Bankruptcy Procedure 9019(a);

4. The Debtor is authorized to execute any documents or take any actions reasonably necessary to effectuate the terms of the Settlement Agreement; and

5. The non-material modifications to the Plan as set forth in Exhibit "2" to the Motion are approved.

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Date: June 11, 2013

Catherine Bauer
United States Bankruptcy Judge

[1] Any and all capitalized terms not expressly defined herein shall have the meaning ascribed to them in the Motion.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*): **ORDER GRANTING MOTION FOR ORDER APPROVING: (1) THE SETTLEMENT AGREEMENT BETWEEN BOUNDARY BAY CAPITAL, LLC, THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS, THE DUNN CREDITORS, APEX INDUSTRIAL RAIL, LLC, AND ENHANCED INCOME FUND I, LLC; AND (2) THE NON-MATERIAL MODIFICATIONS TO THE DEBTOR'S THIRD AMENDED CHAPTER 11 PLAN** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) B Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (*date*) **June 11, 2013**, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below:

Paul S Arrow parrow@buchalter.com, ifs_filing@buchalter.com;salarcon@buchalter.com
Frank Cadigan frank.cadigan@usdoj.gov
John W Cutchin jcutchin@san.rr.com
Melissa Davis mdavis@shbllp.com
Daniel Denny ddenny@gibsondunn.com
Joseph S Dzida jdzida@crdattorneys.com, jdzida@gmail.com;cyounathan@crdattorneys.com
Beth Gaschen bgaschen@wgllp.com, msciesinski@wgllp.com
Barry S Glaser bglaser@swesq.com
Nancy S Goldenberg nancy.goldenberg@usdoj.gov
Sheri Kanesaka skanesaka@alvaradosmith.com, crosas@alvaradosmith.com
Hutchison B Meltzer hmeltzer@wgllp.com
Hal M Mersel mark.mersel@bryancave.com
Martha E Romero Romero@mromerolawfirm.com
Laurie A Shade , cocotemp2@coco.ocgov.com
Leonard M Shulman lshulman@shbllp.com
Evan D Smiley esmiley@wgllp.com, msciesinski@wgllp.com
United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

Boundary Bay Capital, LLC, Airport Executive Suites, 2102 Business Center Dr Ste.130, Irvine, CA 92612, **Debtor**

3. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

BV Land Company
c/o David Lawlor
Airport Executive Suites
2102 Business Center Dr Ste.130
Irvine, CA 92612

Apex Industrial Rail
c/o David Lawlor
Airport Executive Suites
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