

The below described is **SIGNED**.

Dated: January 9, 2014



**JOEL T. MARKER**  
U.S. Bankruptcy Judge



Prepared and submitted by:

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

<p>In re:</p> <p><b>CASTLE ARCH REAL ESTATE INVESTMENT COMPANY, LLC,</b></p> <p>Debtor.</p>	<p>Bankruptcy No. 11-35082 JTM</p> <p>Chapter 11</p>
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**ORDER GRANTING MOTION FOR RELIEF TO ADVANCE DEFENSE COSTS**

UPON CONSIDERATION of the Motion for Relief from the Automatic Stay to the Extent Applicable, to Advance Defense Costs filed on November 27, 2013 [Docket No. 863] (the “Motion”) to permit AXIS Surplus Insurance Company (“AXIS”) to advance defense costs under a Private Equity and Venture Capital Fund Liability Policy (Policy No. EAN756858/01/2010), issued to Castle Arch Real Estate Investment Company, LLC (“CAREIC”), for the period covering from 12:01AM on December 20, 2010, to 12:01AM on January 20, 2013, issued by AXIS (the “Policy”); the Court having reviewed the Motion and the

objections and other pleadings related thereto; and the Court having found that: (i) the Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the Trustee's Second Amended Chapter 11 Trustee's Plan of Liquidation Dated February 25, 2013 (the "Plan"), (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G), (iii) adequate and sufficient notice of the Motion having been given to all parties in interest and no other or further notice is necessary or required, and (iv) the legal and factual basis set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause exists to grant the relief sought in the Motion, it is hereby,

ORDERED, that:

1. The Motion is granted.
2. To the extent applicable, the injunction contained in Section 6.10 of the Plan and in paragraph 15 of the Order Confirming Chapter 11 Trustee's First Amended Plan of Liquidation Dated February 25, 2013, is hereby modified so as to permit AXIS to advance Defense Costs under AXIS Policy No. EAN756858/01/2010. All such payments are to be made solely out of the proceeds of the Policy, subject to the Policy's terms and conditions.
3. Nothing in this Order shall modify or alter the legal and contractual rights and obligations provided for under the terms and provisions of the Policy and applicable law or otherwise modify the Plan injunction.
4. The Court shall, and hereby does, retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

5. This Order is effective immediately upon its entry, and any stay under Federal Rule of Bankruptcy Procedure 4001(a)(3), to the extent applicable, or otherwise is hereby waived.

**--- END OF ORDER ---**