

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
RED TOP RENTALS, INC.,)
)
) CASE NO.: 09-05229-JKC-11
DEBTOR,)
)
_____)

MOTION TO SHORTEN NOTICE ON: *JOINT MOTION TO SETTLE & COMPROMISE AND TRANSFER OF ASSETS UNDER 11 U.S.C. § 363*

The Debtor, in support of the above-entitled motion (the “Motion”), states:

1. Contemporaneously with the filing of this Motion, the Debtor filed its *Joint Motion to Settle & Compromise and Transfer of Assets Under 11 U.S.C. § 363* (the “Settlement Motion”).

2. In its Settlement Motion, the Debtor seeks Court authority pursuant to Fed.R.Bankr.P. 9019 for approval of the Settlement Agreement (as defined in the Settlement Motion) to settle, resolve and terminate all claims and disputes related to the adversary proceeding pending as adversary proceeding no. 09-50253-JKC-11 (the “Adversary Proceeding”) regarding the priority of the competing security interests held by Rudd Equipment Company, Inc. (“Rudd”) and M&I Marshall & Ilsley Bank (“M&I”) to certain heavy equipment.

3. The Debtor requests that this Court shorten the time for notice with respect to the Settlement Motion to seven (7) days.

4. The Debtor submits that cause exists to shorten notice on the Settlement Motion to seven (7) days because it is in the best interests of the estate and all interested parties because granting the Settlement Motion will free up the money now being held in an escrow account

under the terms of the Final Order Authorizing Debtor to Obtain Post-Petition Secured and Super Priority Financing, Authorizing the Debtor to Use Cash Collateral, and Providing Adequate Protection [Docket #15 in original case no. 09-05229-JKC-11] entered by the Court on July 15, 2009 (the “DIP Order”) which requires the Debtor to pay hourly usage adequate protection payments weekly to Rudd. The Debtor is currently in need of cash to continue its business operations and funds its Chapter 11 plan. The amount being held is significant. It is around \$153,000. The Debtor estimates that without this money, it will run out of cash in twenty (20) days. M&I will not extend further credit to the Debtor. The fund of money that will be released to the Debtor is the only possible source of money available to assist the Debtor. The sooner the Debtor is able to obtain the money being held in the escrow account, the safer things are for its business operations as the Debtor wants to avoid getting close to the twenty (20) day time period in which it will run out of cash.

5. Counsel for the creditors’ committee and counsel for M&I do not object to this Motion.

REQUEST FOR RELIEF

The Debtor respectfully requests that the Court grant it all just and proper relief in the premises.

Respectfully submitted,

TUCKER | HESTER, LLC

/s/ Jeffrey M. Hester

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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2009, a copy of the foregoing *Motion to Shorten Notice on: Joint Motion to Settle & Compromise and Transfer of Assets Under 11 U.S.C. § 363* was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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