



  
James K. Coachys  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

In re: ) Chapter 11  
)  
Red Top Rentals, Inc., ) Case No. 09-05229-JKC-11  
)  
Debtor. )

**ORDER GRANTING WELLS FARGO EQUIPMENT FINANCE, INC.'S  
MOTION FOR RELIEF FROM STAY AND FOR ABANDONMENT**

This matter came before the Court on Wells Fargo Equipment Finance, Inc.'s Motion For Relief From Stay And For Abandonment ("Abandonment Motion"). The Abandonment Motion requests that the Equipment<sup>1</sup> be abandoned to Wells Fargo and that Wells Fargo be permitted to retain and apply the proceeds from its disposal of the Equipment to the Indebtedness. This Court, having reviewed the Abandonment Motion, and being duly advised, now GRANTS the Abandonment Motion, it appearing to the Court that the request has been made for good cause. Accordingly:

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<sup>1</sup> Capitalized terms not defined herein shall have the meaning ascribed to such terms in the Abandonment Motion.

IT IS ORDERED THAT:

1. The automatic stay created under 11 U.S.C. § 362 as against Wells Fargo is terminated to allow Wells Fargo to exercise its rights consistent with applicable law;
2. Any purported interest of the Debtor in the Equipment is abandoned and Wells Fargo is permitted to liquidate the Equipment and apply the proceeds to the Indebtedness;
3. The Debtor must grant Wells Fargo immediate access to the Equipment for purposes of taking possession;
4. Prior to Wells Fargo's disposal of the Equipment, Wells Fargo must provide both the Debtor and M&I Bank with ten (10) days' notice of such disposal;
5. Subsequent to Wells Fargo's disposal of the Equipment, Wells Fargo shall provide an accounting of such disposal to the Debtor, which shall be filed by the Debtor with this Court;
6. The proceeds of the disposal of the Equipment shall be applied to the Indebtedness, and any excess proceeds shall be returned to the Debtor's estate; and
7. The 10-day stay described in Fed. R. Bank. P. 4001(a)(3) does not apply to the relief granted herein.

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Requested by:

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