

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**FOURTH CONSENT MOTION TO EXTEND TIME FOR
ESTATE REPRESENTATIVE OF POST-EFFECTIVE DATE
ESTATE OF MONTREAL MAINE & ATLANTIC RAILWAY, LTD.
TO FILE FINAL ACCOUNT AND APPLICATION FOR FINAL DECREE**

Robert J. Keach, the estate representative (the “Estate Representative”) for the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. (“MMA” or the “Debtor”), with the consent of the United States Trustee (the “U.S. Trustee”), requests that this Court enter an order (the “Consent Motion”) extending the deadline for the Estate Representative to file a final account and an application for a final decree (collectively, the “Application for Final Decree”). In support of the Consent Motion, the Estate Representative states as follows:

1. On October 9, 2015, the Court entered the *Order Confirming the Trustee’s Revised First Amended Plan of Liquidation, dated July 15, 2015 (As Amended on October 8, 2015)* [D.E. 1801] (the “Confirmation Order”).

2. Pursuant to D. Me. LBR 3022-1, the Estate Representative was to file an Application for Final Decree within one hundred and twenty (120) days of confirmation of the *Trustee’s Revised First Amended Plan of Liquidation, dated July 15, 2015 (As Amended on October 8, 2015)* [D.E. 1822] (the “Plan”). 120 days after October 9, 2015 was February 8, 2016 (the “Initial Deadline”).¹

¹ 120 days after October 9, 2015 was February 6, 2016, but as that date fell on a Saturday, Bankruptcy Rule 9006(a)(1) prescribes that the deadline be reset for the next business day. See Fed. R. Bankr. P. 9006(a)(1).

3. On April 11, 2016, the Estate Representative filed an initial motion [D.E. 2141] (the “Initial Motion to Extend”) to extend the Initial Deadline to August 8, 2016 (the “First Extended Deadline”). The Court granted the Initial Motion to Extend on April 13, 2016 [D.E. 2143] (the “Initial Order to Extend”). The Initial Order to Extend was entered without prejudice to the Estate Representative’s ability to seek additional extensions of the First Extended Deadline.

4. On August 8, 2016, the Estate Representative filed a second motion [D.E. 2218] (the “Second Motion to Extend”) to extend the First Extended Deadline to February 6, 2017 (the “Second Extended Deadline”). The Court granted the Second Motion to Extend the same day [D.E. 2220] (the “Second Order to Extend”). The Second Order to Extend was entered without prejudice to the Estate Representative’s ability to seek additional extensions of the Second Extended Deadline.

5. On January 31, 2017, the Estate Representative filed a third motion [D.E. 2281] (the “Third Motion to Extend”) to extend the Second Extended Deadline to August 7, 2017 (the “Third Extended Deadline”). The Court granted the Third Motion to Extend on February 1, 2017 [D.E. 2284] (the “Third Order to Extend”). The Third Order to Extend was entered without prejudice to the Estate Representative’s ability to seek additional extensions of the Initial Deadline.

6. The Estate Representative is currently party to, among other things, an appeal to the United States District Court for the District of Maine (the “Appeal”), which Appeal determines whether the Estate Representative may prosecute certain causes of action for the recovery of alleged preferential transfers. The Appeal is *sub judice*. Additionally, and among other things, the Estate Representative is currently facilitating prosecution of the Assigned Carmack Claims (as defined in paragraph 77 of the Confirmation Order) and prosecuting his

right to surcharge the collateral of a certain secured creditor, as well as pursuing estate causes of action against various defendants and analyzing certain other issues that will impact the size of the general unsecured claims pool and the amount of assets available to satisfy those claims. Accordingly, the Estate Representative requires additional time to consummate the Plan prior to filing the Application for Final Decree.

7. For these reasons, and pursuant to Fed. R. Bankr. P. 9006(b) and D. Me. LBR 9006(a), the Estate Representative requests that the Court extend the Third Extended Deadline by 180 days to February 5, 2018, without prejudice to the Estate Representative's ability to seek additional extensions in the future should they be necessary and in the best interests of the estate. The Estate Representative further requests that this Court grant the relief requested in this Consent Motion without hearing pursuant to D. Me. LBR 9013-1(d)(1) and Fed. R. Bankr. P. 9006(b)(1).

8. The U.S. Trustee has consented to the relief sought herein.

WHEREFORE, the Estate Representative requests that this Court enter an Order granting the Consent Motion, extending the Third Extended Deadline to February 5, 2018, along with such other and further relief as this Court deems just and appropriate.

Dated: August 4, 2017

**ROBERT J. KEACH, ESTATE
REPRESENTATIVE OF POST-EFFECTIVE
DATE ESTATE OF MONTREAL MAINE &
ATLANTIC RAILWAY, LTD.**

/s/ Robert J. Keach

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670
Chapter 11

**ORDER GRANTING FOURTH CONSENT MOTION TO EXTEND TIME FOR
ESTATE REPRESENTATIVE OF POST-EFFECTIVE DATE ESTATE OF
MONTREAL MAINE & ATLANTIC RAILWAY, LTD. TO FILE
FINAL ACCOUNT AND APPLICATION FOR FINAL DECREE**

Upon the motion (the "Consent Motion") of Robert J. Keach, the estate representative (the "Estate Representative") for the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd., for entry of an order extending the deadline by which the Estate Representative must file a final account and an application for a final decree (the "Application for Final Decree"), and the United States Trustee having consented to such relief, and without hearing pursuant to D. Me. LBR 9013-1(d)(1) and Fed. R. Bankr. P. 9006(b)(1), it is hereby **ORDERED, ADJUDGED** and **DECREEED** as follows:

1. The Consent Motion is granted.
2. The deadline for the Estate Representative to file the Application for Final Decree is hereby extended to February 5, 2018. This extension is without prejudice to the ability of the Estate Representative to seek further extensions of such deadline.
3. This Order shall become final in fourteen (14) days unless a party in interest sooner objects, in which case the matter shall be set for hearing and considered by the Court as if this Order had not been entered.

Dated: _____, 2017

The Honorable Peter G. Cary
United States Bankruptcy Judge