

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670  
Chapter 11

**ORDER ON OBJECTION TO PROOF OF CLAIM FILED BY  
BANGOR SAVINGS BANK ON THE BASIS THAT  
SUCH CLAIM IS UNENFORCEABLE AGAINST THE DEBTOR**

This matter having come before the Court on the *Objection to Proof of Claim Filed by Bangor Savings Bank on the Basis that Such Claim Is Unenforceable Against the Debtor* [D.E. 2041] (the “Objection”)<sup>1</sup> filed by Robert J. Keach, the estate representative (the “Estate Representative”) of the post-effective date estate of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), in relation to Proof of Claim No. 51 filed by the Bangor Savings Bank (“BSB”) and the *Response of Bangor Savings Bank to Debtor’s Objection to Proof of Claim Filed by Bangor Savings Bank* [D.E. 2111]; and after discussion by and between the Estate Representative and BSB regarding resolution of the Objection, and the parties having submitted a revised form of order on the Objection to the Court; and after such notice and opportunity for hearing as was required by the Bankruptcy Code, the Bankruptcy Rules, and this Court’s local rules, and after due deliberation and sufficient cause appearing therefore; it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that:

1. The Objection is resolved, as set forth below.

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Objection.

2. Claim No. 51 shall be allowed as a general unsecured claim against the Debtor solely in the amount of \$1,567,917.21, which amount shall not be subject to offset or reduction for amounts received from LMS or any other third-party relating to the basis for Claim No. 51.

3. Upon BSB's receipt of (i) the remaining adequate protection payment in the amount of \$18,500 as authorized pursuant to the Order dated July 25, 2014 [D.E. 1048]; and (ii) the distribution under the Plan and Confirmation Order in regard to Claim No. 51, the Estate Representative and BSB shall be deemed to have mutually released one another from any and all other claims or causes of action relating to the Debtor's chapter 11 case, the Estate Representative's administration of the post-effective date estate, and Claim No. 51.

Dated: July 12, 2016

/s/ Peter J. Cary

**Honorable Peter J. Cary**  
**Chief Judge, United States Bankruptcy Court**

**Certificate of Notice Page 3 of 5**  
 United States Bankruptcy Court  
 District of Maine

In re:  
 Montreal Maine & Atlantic Railway Ltd.  
 Debtor

Case No. 13-10670-PGC  
 Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0100-1

User: kford  
 Form ID: pdf900

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 Total Noticed: 93

Date Rcvd: Jul 13, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 15, 2016.

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 cr +Clean Harbors, 42 Lonwater Dr., Norwell, MA 02061-1612  
 cr Daniel Aube, 308 St-Lambert Street, Sherbrooke, QU J1C0N9, CANADA

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cr +Fred's Plumbing & Heating, Inc., 328 Main Street, Derby, VT 05829-9743  
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254 Commercial Street, Portland, ME 04101-1110  
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cr +New Brunswick Southern Railway Company, c/o Alan R. Lepene, 3900 Key Center,  
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ea +Robert J. Keach, Bernstein Shur Sawyer & Nelson, 100 Middle Street, P.O. Box 9729,  
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cr +Shell Oil Company, c/o Jessica Lewis, Molleur Law Office, 95 Main Street,  
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cr Trinity Industries Leasing, Inc., c/o One City Center, Portland, ME 04101  
cr Trinity Industries, Inc., c/o One City Center, Portland, ME 04101  
cr Trinity Rail Leasing 2012 LLC, c/o One City Center, Portland, ME 04101  
cr Trinity Tank Car, Inc., c/o One City Center, Portland, ME 04101  
cr Union Tank Car Company, c/o Regan M. Haines, PO Box 7320, Portland, ME 04112-7320  
cr +United States of America, c/o Department of Justice, Civil Divisio, 1100 L Street, N.W.,  
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One Portland Square, P.O. Box 586, Portland, ME 04112-0586  
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One Portland Square, P.O. Box 586, Portland, ME 04112-0586  
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c/o Gregory Sanborn, 280 Fore Street, Portland, ME 04101-4177  
cr E-mail/Text: bankruptcy@bangor.com Jul 13 2016 20:33:58 Bangor Savings Bank, P.O.Box 930,  
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Center Beam Flat Car Company, Inc., c/o Curtis Kimball, Esq., P.O. Box 1401,  
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c/o Curtis Kimball, Esq., P.O. Box 1401, Bangor, ME 04402-1401

TOTAL: 6

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

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TOTALS: 4, \* 1, ## 2

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will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 15, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 13, 2016 at the address(es) listed below:  
NONE.

TOTAL: 0