

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670  
Chapter 11

**FIFTH 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”), requests that this Court enter an order (the “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 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”).<sup>1</sup>

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<sup>1</sup> 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. On August 4, 2017, the Estate Representative filed a fourth motion [D.E. 2382] (the “Fourth Motion to Extend”) to extend the Third Extended Deadline to February 5, 2018 (the “Fourth Extended Deadline”). The Court granted the Fourth Motion to Extend on August 7, 2017 [D.E. 2384] (the “Fourth Order to Extend”). The Fourth Order to Extend was entered without prejudice to the Estate Representative’s ability to seek additional extensions of the Initial Deadline.

7. The Estate Representative is currently party to, among other things, an appeal to the United States Court of Appeals for the First Circuit (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.

8. 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 Fourth Extended Deadline by 180 days to August 6, 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 Motion without hearing pursuant to D. Me. LBR 9013-1(d)(1) and Fed. R. Bankr. P. 9006(b)(1).

9. The United States Trustee has confirmed that it has no objection to the relief sought herein.

**WHEREFORE**, the Estate Representative requests that this Court enter an Order granting the Motion, extending the Fourth Extended Deadline to August 6, 2018, along with such other and further relief as this Court deems just and appropriate.

Dated: January 31, 2018

**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  
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Debtor.

Bk. No. 13-10670  
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**ORDER GRANTING FIFTH 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 "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 confirmed it has no objection 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 **DECREED** as follows:

1. The Motion is granted.
2. The deadline for the Estate Representative to file the Application for Final Decree is hereby extended to August 6, 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: \_\_\_\_\_, 2018

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**The Honorable Peter G. Cary**  
**United States Bankruptcy Judge**