

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

FILED
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U.S. BANKRUPTCY COURT
DIST OF SOUTH CAROLINA

IN RE:)
)
)
LIFEQUEST OF MT. PLEASANT,) Case No. 97-06957-W
INC.,)
) Chapter 11
)
Debtor.)
_____)

ORDER REQUIRING PAYMENT OF POST-PETITION RENT

This matter came before the Court on October 8, 1997, on the motion of Moultrie Plaza, LLC to compel the debtor-in-possession (the "Debtor") to make post-petition lease payments. Objections were filed on behalf of the Debtor and on behalf of Albemarle Associates. Appearing at the hearing were Mark S. Sharpe, as counsel to movant Moultrie Plaza, LLC, D. Nathan Davis, as counsel to the Debtor, and S. Marshall Huey, Jr. as counsel to Albemarle Associates.

The Court finds that the Debtor, as tenant, leases its Mt. Pleasant location from Moultrie Plaza, LLC, as landlord, pursuant to a written lease agreement (the "Lease"). The Lease has not yet been accepted or rejected, and the Debtor continues to use the property for its commercial, fitness center operations. Since the filing of the petition in this case on August 20, 1997, Debtor has made no payments to Moultrie Plaza, LLC for rents accruing during the post-petition period. The amount of rent now due (which includes rent through October, 1997) for the post-petition period is \$36,976.44.

Section 365(d)(3) of the Bankruptcy Code (11 U.S.C. § 365(d)(3)) requires a debtor post-petition to timely perform its obligations under an unexpired lease, and further provides that the

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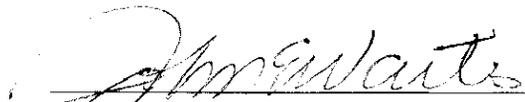
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Court may not extend the time for performance of such obligations beyond that date which is sixty days after the entry of the order for relief.

For the foregoing reasons, it is therefore,

ORDERED, ADJUDGED, AND DECREED, that the Debtor shall on or before October 20, 1997, pay to Moultrie Plaza, LLC the sum of \$36,976.44, representing the rent due under the Lease for the post-petition period through and including October, 1997.

AND IT IS SO ORDERED.


John E. Waites, Judge

Columbia, South Carolina

October 21, 1997.



CERTIFICATE OF MAILING

The undersigned clerk (or deputy clerk) of the United States Bankruptcy Court for this district hereby certifies that a copy of the document on which this stamp appears was mailed on 10/22/97, to:

Shayne USTR

Davis Harry

J. Smith
Deputy Clerk

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