

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

AXIANT, LLC,

Debtor.<sup>1</sup>

Chapter 11

Case No. 09-14118 (MFW)

**Related Document No. 110**

**ORDER (I) CONVERTING CASE TO CHAPTER 7 OF THE BANKRUPTCY CODE  
AND (II) SETTING BAR DATE FOR FILING FINAL CHAPTER 11 FEE  
APPLICATIONS AND ESTABLISHING A HEARING DATE THEREON**

Upon consideration of the motion (the “**Motion**”) <sup>2</sup> of the above-captioned debtor and debtor in possession (the “**Debtor**”) for entry of an order, pursuant to sections 105(a), 331 and 1112 of the Bankruptcy Code, and Bankruptcy Rules 1017, 1019 and 2016, (i) converting the Debtor’s chapter 11 case to a case under chapter 7 of the Bankruptcy Code, and (ii) setting a date (x) that is thirty (30) days after the entry of an order approving the Motion as the date by which all professionals in this Chapter 11 Case must file Final Fee Applications and (y) for a hearing on the Final Fee Applications; and it appearing that the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors and other parties in interest; and due and adequate notice of the Motion having been provided; and after due deliberation and sufficient cause appearing therefore, it is hereby **FOUND AND DETERMINED AS FOLLOWS:**

A. The Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this District and before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

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<sup>1</sup> The federal tax identification number of the Debtor in this case is 20-5784333, and the mailing address is 9930 Kincey Avenue, 3rd Floor, Huntersville, North Carolina 28078, attn: Kevin Keleghan, President and CEO.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Motion.

B. The Debtor has demonstrated sufficient cause for converting this Chapter 11 Case to a case under chapter 7 of the Bankruptcy Code and for the related relief set forth herein.

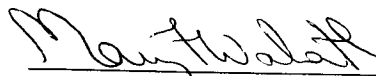
**NOW THEREFORE, BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, EFFECTIVE IMMEDIATELY, THAT:**

1. The Motion is granted.
2. The Debtor's chapter 11 bankruptcy case is hereby converted, effective as of the date and time of entry of this Order, to a case under chapter 7 of the Bankruptcy Code.
3. The Debtor shall:
  - a. Forthwith turn over to the interim chapter 7 trustee, once one is appointed, all records and property of the estate under its custody and control, as required by Bankruptcy Rule 1019(4);
  - b. By no later than fifteen (15) days after entry of this Order, file a schedule of unpaid debts incurred after the Petition Date and prior to entry of this Order, including the name and address of each creditor, as required by Bankruptcy Rule 1019(5)(A)(i); and
  - c. Within thirty (30) days after entry of this Order, file and transmit to the U.S. Trustee a final report and account, as required by Bankruptcy Rule 1019(5)(A)(ii).
4. The chapter 11 professionals retained in this Chapter 11 Case shall file final applications for compensation (including, without limitation, fees and expenses which are not the subject of any previous application, and any "holdbacks" retained in accordance with the Interim Compensation Order), <sup>not later than 11/28/2010</sup> which Final Fee Applications shall be filed with this Court, on or before 4:00 p.m. on Feb. 10, 2010, or be forever barred from receiving any such compensation. A hearing on such timely filed Final Fee Applications shall be held before this Court at 2:00 p.m. (ET) on February 17, 2010.

5. This Court shall retain jurisdiction to hear and determine any and all matters arising from or related to the interpretation or implementation of this Order.

Dated: Wilmington, Delaware

Dec. 28, 2009



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Honorable Mary F. Walrath  
United States Bankruptcy Judge