

SO ORDERED



THOMAS J. CATLIOTA
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)**

In re:

**BADTEC, INC. d/b/a SOUTHERN
MEMORIAL GARDENS,**

Debtor.

Case No. 11-33795-TJC

Chapter 7

**MARYLAND DEPARTMENT OF
LABOR, LICENSING AND
REGULATION, OFFICE OF
CEMETERY OVERSIGHT**

Movant,

-v-

**BADTEC, INC. d/b/a SOUTHERN
MEMORIAL GARDENS,**

Respondent.

**FINAL ORDER GRANTING, AS AMENDED, THE
MARYLAND DEPARTMENT OF LABOR, LICENSING
AND REGULATION, OFFICE OF CEMETERY OVERSIGHT'S
AGREED EMERGENCY MOTION FOR RELIEF FROM THE
AUTOMATIC STAY, OR, IN THE ALTERNATIVE, TO DETERMINE
APPLICATION OF EXCEPTION TO AUTOMATIC STAY MOTION**

Upon consideration of the Maryland Department of Labor, Licensing and Regulation, Office of Cemetery Oversight's (the "Department") Agreed Emergency Motion for Relief from Stay Under Section 362 of the Bankruptcy Code, or, in the Alternative, to Determine Application of Exception to Automatic Stay (the "Motion") [D.E. # 9], and the Interim Order, entered on December 21, 2011 [D.E. # 27], granting the Motion, as amended, on an interim basis pending a final hearing, and after due and proper notice to all parties in interest and a hearing on January 13, 2012 as required by 11 U.S.C. § 102, and having determined that the relief requested in the Motion, as amended herein, is appropriate and based upon the record of the hearing held on January 13, 2012, it is hereby **ORDERED** that:

1. Pursuant to 11 U.S.C. § 362(b)(4), and based on the record from the January 13, 2012 hearing, the stay imposed under 11 U.S.C. § 362(a) does not apply to Paragraphs 1, 2, and 3 of the order issued August 12, 2011 by the Circuit Court for Calvert County in Civil Action Number C-11-577 (the "State Court Order"). Exhibit A, attached hereto;

2. Pursuant to 11 U.S.C. § 362(b)(4), the stay imposed under 11 U.S.C. § 362(a) does not apply to the Maryland Department of Labor, Licensing and Regulation, Office of Cemetery Oversight's ("OCO") continued investigation into the business activities of the Debtor, BADTEC, Inc., and any possible regulatory law enforcement action attendant thereto, as contemplated on the record at the January 13, 2012 hearing. As provided for in 11 U.S.C. § 362(b)(4), should OCO obtain a monetary judgment (other than a fine, penalty or forfeiture as set forth in 11 U.S.C. Section 523(a)(7)) against the Debtor through any action commenced by OCO pursuant to its regulatory or law enforcement powers, collection of any such monetary judgment is subject to the automatic stay and this Court's jurisdiction;

3. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation or interpretation of this Order.

* * *

COPIES TO:

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All Creditors Requesting Special Notice

END OF ORDER