

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

In re:

CUTTER POWER EQUIPMENT, INC.,

Case No. 8:09-bk-09461-MGW  
Chapter 11

Debtor. \_\_\_\_\_/

**ORDER APPROVING DISCLOSURE STATEMENT AND CONFIRMING  
DEBTOR'S PLAN OF REORGANIZATION**

THIS CAUSE came on for a duly scheduled confirmation hearing on July 1, 2009, with adequate notice to all parties of interest for the purpose of considering approval of the Debtor's Disclosure Statement (Docket #43), the Chapter 11 Plan of Reorganization (Docket #42), filed by the above named Debtor on June 4, 2009. On June 4, 2009 the Court entered an order (Docket #44) Conditionally Approving Disclosure Statement, Scheduling Confirmation Hearing and Fixing Deadlines. The Court having considered the record, finds that a copy of the Disclosure Statement and Plan of Reorganization, together with the Ballots, either accepting or rejecting the Plan, were sent to all creditors and each class whose rights were impaired by said Plan were given an opportunity to cast their ballots and vote for the Plan by filing a written acceptance or rejection of the Chapter 11 Plan; and that after the date fixed by the Court to accept or reject the Plan had expired, the votes were counted and one hundred percent (100%) of creditors voting in each class, as well as at least two-thirds (2/3) an amount of all claims in each class that actually voted, chose to accept the Plan of Reorganization.

The Court finds that each impaired class that voted had accepted the Plan in writing and determines that the Plan is feasible and was filed in good faith and not by any means forbidden by law, and further that confirmation is in the best interest of creditors and meets all of the requirements as provided in Sections 1123 and 1129(a) of the Bankruptcy Code and that therefore the Plan of Reorganization should be confirmed.

Therefore, it is

**ORDERED, ADJUDGED and DECREED** that the Debtor's Disclosure Statement is hereby approved and the Plan of Reorganization, be and the same is hereby confirmed.

It is further,

**ORDERED, ADJUDGED and DECREED** that notwithstanding the discharge provisions under 11 U.S.C. Section 1141, any post-petition tax liability will not be discharged and the confirmation is approved without prejudice for the Internal Revenue Service to assert an administrative claim for any post-petition taxes not paid.

It is further,

**ORDERED, ADJUDGED and DECREED** that this Court shall retain jurisdiction during the life of the Plan to review and approve increases in Mr. William Antala's annual salary in the event such increase exceeds five percent (5%), per year. Additionally, the Debtor shall provide notice of any proposed distribution that it intends to make to officers, directors or its shareholders.

It is further,

**ORDERED, ADJUDGED and DECREED** that as long as Mr. Michael Ham remains a stockholder of the Debtor and the creditors have not been paid in full under the terms of the Plan the Debtor shall set forth in monthly reports to Mr. Ham compensation payments to insiders, as that term is defined in Section 101 of the Bankruptcy Code (the "Code"), together with each insiders terms of employment. Debtor shall furnish Mr. Ham with the first monthly report on August 20, 2009, and will thereafter furnish the monthly reports to Mr. Ham within twenty (20) days of the close of the preceding month. This Court shall retain jurisdiction during the life of the Plan to hear objections to any insider compensation.

It is further,

**ORDERED, ADJUDGED and DECREED** that Debtor shall provide notice of any officers salary changes to Mr. Michael Ham on an annual basis as long as Mr. Michael Ham remains a stockholder of the Debtor and the creditors have not been paid in full under the terms of the Plan.

It is further,

**ORDERED, ADJUDGED and DECREED** that the Debtor shall provide detailed cash flow statements and balance sheets for as long as Mr. Ham remains a stockholder of the Debtor and the creditors have not been paid in full under the terms of the Plan.

It is further,

**ORDERED, ADJUDGED and DECREED** that the Debtor's Plan of Reorganization and its provisions, shall be binding upon the Debtor and upon all creditors of the Debtor, whether or not they have individually accepted the Plan of Reorganization, have filed claims or are affected by the Plan, and whether the claims have been scheduled, allowed or are allowable.

It is further,

**ORDERED, ADJUDGED and DECREED** that a status conference in this case is hereby scheduled for **July 28, 2009 at 9:30 a.m.**, before the Honorable Michael G. Williamson, United States Bankruptcy Judge, at the Sam M. Gibbons United States Courthouse, Courtroom "8-A", 801 N. Florida Avenue, Tampa, Florida 33602.

It is further,

**ORDERED, ADJUDGED and DECREED** that the Debtor shall forthwith mail out a copy of this Order Approving Disclosure Statement And Confirming Debtor's Plan of Reorganization to all creditors and parties of interest, using a current mailing matrix obtained from the Clerk, and shall promptly provide a Certificate of Compliance with the Court.

It is further,

**ORDERED, ADJUDGED and DECREED** that pursuant to Section 1141 of the Bankruptcy Code, the confirmation of the Debtor's Plan of Reorganization acts as a discharge of all dischargeable debts and therefore, any judgments heretofore or heretofore obtained in any Court other than this Court in regards to pre-confirmation debts are null and void and all creditors whose debts are dischargeable by this Order, as well as all creditors provided for under the Plan of Reorganization are enjoined from instituting or continuing any pending action or employing any process to collect any pre-confirmation debt as a liability of the named Debtor.

It is further,

**ORDERED, ADJUDGED and DECREED**, that all administrative expenses including attorneys' fees, fees to the Clerk, United States Bankruptcy Court and United States Trustee shall be paid no later than the Effective Date of the Plan or on entry of a court order, unless otherwise agreed to by the holder of the particular administrative expense claim.

It is further,

**ORDERED, ADJUDGED and DECREED** that this Court shall retain jurisdiction of the Debtor as specified in the Plan of Reorganization for purposes of determining the allowance and amount of any claim filed as well as any objections thereto filed by the Debtor and to determine the amount of administrative expenses including attorneys' fees and United States Trustee fees and to enforce payment of the administrative expenses.

It is further,

**ORDERED, ADJUDGED and DECREED** that within twenty (20) days of the date of this Order Debtor shall serve a schedule of the amounts that it contends to owe to the general unsecured creditors. The general unsecured creditors shall have twenty (20) days from the date of service to object and file a proof of claim. Likewise, the Debtor shall file any objections to any such proofs of claims on or before **September 4, 2009**. The Court will also retain jurisdiction to consider any such objections.

It is further,

**ORDERED, ADJUDGED and DECREED** that this Court shall retain jurisdiction to handle the two Adversary Proceedings filed in this case and any other claims held by the estate regarding estate property, including, but not limited to, claims against current and former employees of the Debtor for embezzlement.

**DONE and ORDERED** in Chambers at Tampa, Florida on July 17, 2009 .



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**MICHAEL G. WILLIAMSON**  
**United States Bankruptcy Judge**

Copies furnished to:

**Richard J. McIntyre, Esquire**, McIntyre, Panzarella, Thanasides, Eleff & Hoffman, P.L.,  
6943 E. Fowler Avenue, Temple Terrace, FL 33617  
**United States Trustee**, 501 E. Polk Street, Suite 1200, Tampa, FL 33602  
**Cutter Power Equipment**, 403 Crater Lane, Tampa, Florida 33619  
All Creditors listed on the Court's LBR 1007-2 Matrix