

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

In re: *

PROVIDENT HOSPITAL, INC., * Case No. 85-B-0473-JS
Debtor. * (Chapter 11)

* * * * *

GEORGE L. RUSSELL, JR., *
TRUSTEE, *
Plaintiff, *

v. * Adversary Proceeding
No. 87-0070B *

A & F NURSES REGISTRY, *
et al., *
Defendants. *

FILED
AUG 13 90
U.S. BANKRUPTCY COURT
BALTIMORE, MD

* * * * *

CONSENT TO JUDGMENT AND
FORBEARANCE AGREEMENT

George L. Russell, Jr., Trustee (the "Trustee"), and Mark Downs, Inc. ("Mark Downs"), by their undersigned authorized representatives, hereby agree as follows:

WHEREAS, pursuant to an order of the United States Bankruptcy Court for the District of Maryland (the "Court") dated August 15, 1985, George L. Russell, Jr., was appointed trustee in bankruptcy for Provident Hospital, Inc. (the "Debtor") in Case No. 85-B-0473-JS; and

WHEREAS, on March 27, 1987, the Trustee filed a Complaint, Adversary Proceeding No. 87-0070B, against, among others, Mark Downs seeking to recover preferential transfers and improper post-petition transfers made to Mark Downs; and

247

247

WHEREAS, following negotiations, the Trustee and Mark Downs desire to enter into this Consent to Judgment and Forbearance Agreement on the terms set forth herein.

NOW, THEREFORE, subject to the approval of this Court, the parties do hereby agree as follows:

1. Mark Downs consents to immediate entry of judgment against it and in favor of the Trustee in the amount of \$9,486.96.

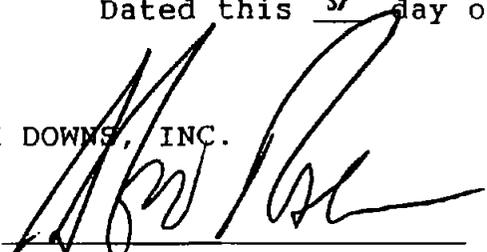
2. The Trustee agrees to forbear execution on the judgment so long as the following conditions are met:

a. Mark Downs shall pay \$2,250.00 to the Trustee on or before August 1, 1990, \$1,333.34 to the Trustee on or before September 1, 1990, \$1,333.33 to the Trustee on or before October 1, 1990 and \$1,333.33 to the Trustee on or before November 1, 1990.

3. Upon satisfaction of the conditions set forth in paragraph 2(a) above, the Trustee shall by Notice of Satisfaction inform the Court that the judgment against Mark Downs and in favor of the Trustee has been SATISFIED IN FULL, and the Trustee will not object to the filing by Mark Downs of a Class VI general unsecured claim against this estate in the amount of \$6,250.00.

Dated this 31 day of July, 1990.

MARK DOWNS, INC.

By: 

Stephen D. Rosen
Executive Vice President
11001 York Road
Cockeysville, MD 21030
(301) 771-6800


~~Bochele & Fowler~~ David E. Rice
Venable, Baetjer and Howard
1800 Mercantile Bank & Trust
Building
2 Hopkins Plaza
Baltimore, Maryland 21201
(301)244-7400

Attorney for
George L. Russell, Jr.,
Trustee

Approved:
James T. Schneider
U.S.B.J. 10 August 1990 -2-

ENTERED AUG 13 1990

ORDER APPROVING CONSENT TO
JUDGMENT AND FORBEARANCE AGREEMENT

Upon consideration of the foregoing Consent to Judgment and Forbearance Agreement, and it appearing that the same should be approved, it is this day of , 1990, SO ORDERED.


United States Bankruptcy Judge

cc: George L. Russell, Jr., Esq.
Piper & Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

Rochelle B. Fowler, Esq.
Venable, Baetjer and Howard
1800 Mercantile Bank & Trust
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2 Hopkins Plaza
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Irving E. Walker, Esq.
Frank, Bernstein, Conaway & Goldman
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Baltimore, Maryland 21202

Carolyn A. Quattrochi, Esq.
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Baltimore, Maryland 21202

Steven D. Rosen
Executive Vice President
Mark Downs, Inc.
11001 York Road
Cockeysville, Maryland 21030

Joel I. Sher, Esq.
Shapiro and Olander
2000 Charles Center South
36 S. Charles Street
Baltimore, Maryland 21201

Charles E. Haller, Esq.
Gary A. Goldstein, P.A.
1200 South Federal Highway
Stuart, Florida 34994

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of ~~July~~^{August}, 1990,
a copy of the foregoing Consent to Judgment and Forbearance
Agreement was mailed, first-class, postage prepaid, to Irving
E. Walker, Esquire, Frank, Bernstein, Conaway & Goldman, 300
East Lombard Street, Baltimore, Maryland 21202, attorney for
the Official Unsecured Creditors' Committee, to Carolyn A.
Quattrochi, Esquire, Office of the Attorney General, 200 St.
Paul Street, St. Paul Plaza, Baltimore, Maryland 21202,
attorney for the State of Maryland, to Steven D. Rosen,
Executive Vice President, Mark Downs, Inc., 11001 York Road,
Cockeysville, Maryland 21030, to Joel I. Sher, Esquire, Shapiro
and Olander, 2000 Charles Center South, 36 S. Charles Street,
Baltimore, Maryland 21201, and to Charles E. Haller, Esquire,
Gary A. Goldstein, P.A., 1200 South Federal Highway, Stuart,
Florida 34994.


~~XXXXXXXXXXXX~~
David E. Rice