

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
AT MEMPHIS

REGIONS BANK,	)	
As Indenture Trustee,	)	
	)	Case No. 06-cv-2239-JPM
Plaintiff,	)	
	)	
v.	)	
	)	
CME-CORNERS, INC. and	)	
THE HEALTH, EDUCATIONAL AND	)	
HOUSING FACILITY BOARD OF THE	)	
COUNTY OF SHELBY, TENNESSEE,	)	
	)	
Defendants.	)	

**ORDER ESTABLISHING CLAIMS BAR DATE**

This matter came before the Court on the Receiver's Motion for Order Establishing Claims Bar Date, filed on July 21, 2006. In the Motion the receiver moves this Court for an Order (i) fixing October 27, 2006 (the "Bar Date") as the last date for the filing of proofs of claim of any type; and (ii) approving the form and manner of notice of the Bar Date to be sent to creditors, investors and parties in interest. The Court finds that the following notice is appropriate under the circumstances presented and that good cause is shown.

IT IS HEREBY ORDERED as follows:

1. The Motion for Order Establishing Claims Bar Date is granted.
2. The form of Notice of Claims Bar Date attached to the Motion as **Exhibit A** is approved and shall be used.
3. The Proof of Claim form attached to the Motion at **Exhibit B** is approved and shall be used.

4. The Receiver is hereby authorized and required to request the publication of said Notice of Bar Date as soon as possible in the following newspapers: Nashville Business Journal and Memphis Daily News for one weekly edition.

5. A Proof of Claim, in the form attached to the Motion as **Exhibit B**, must be filed by all persons or entities that hold or assert that they have or hold a claim against, or interest in CME-Corners, Inc. ("CME") or the Collateral (as defined in the Amended Order Appointing Receiver, available online at <http://www.wallerlaw.com/courtnotice.cfm>, or by requesting a copy from the Receiver or undersigned counsel below); or that hold, or assert that they have or hold a claim against any other person or entity arising out of or based upon (a) any interest in CME or the Collateral or any of its assets or any claim against CME or any entity under its control based on primary, secondary, direct, indirect, secured, unsecured, or contingent liabilities; or (b) any claim of any sort against CME or the Collateral whether such claim is based upon contract, tort, contribution, indemnity, reimbursement, subrogation theories or other legal or equitable theory.

All Proofs of Claim must be filed with the Receiver by no later than 5:00 p.m. Central Daylight Time on October 27, 2006 (the "Bar Date").

6. This Order applies to every claim that has been, is, or could be asserted, now or in the future, against CME or the Collateral – except claims of professionals for fees incurred in the receivership cases of CME.

7. All persons or entities that are required by this Order to file a Proof of Claim, but that fail to do so on or before the Bar Date shall forever be barred, estopped and enjoined from (i) asserting any claims that such person or entity may have against this receivership estate or against CME, and (ii) receiving any distribution from the Receiver. This paragraph does not

preclude the Court, upon a motion after the Bar Date by the Receiver or other interested party, from exercising its discretion to authorize the filing of a late Proof of Claim.

8. As used in this Order and the other documents attached hereto, "Claim" or Claims" shall mean (i) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed legal, equitable, secured or unsecured; or (ii) a right to an equitable remedy for breach of performance, whether or not such equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured; or (iii) a claim based upon contract, tort, contribution, indemnity, reimbursement, subrogation theories or other legal or equitable theory.

9. Proofs of Claim must be submitted to the Receiver at the following address:

James A. Skinner  
Cumberland & Ohio Co. of Texas  
732 Harpeth Trace Drive  
Nashville, TN 37221

Proofs of Claim shall be deemed filed only when actually received by the Receiver.

10. The Receiver shall prepare a Registry of the Proofs of Claims (the "Claims Registry") submitted to the Receiver. Following the Bar Date, the Receiver will file the Claims Registry with the Court reflecting the identity of each claimant and the amount of each claim. A copy of the first page of each Proof of Claim form shall be filed as an exhibit to the Claims Registry.

11. By filing or submitting a Proof of Claim form to the Receiver as provided herein, each claimant is deemed to have submitted to the jurisdiction of this Court for all purposes, including a determination, among other things, as to the validity and amount of any Claim; agrees to be bound by this Court's actions and decisions, even if that means that the claimant's

Claim is limited or denied; and agrees to participate in any distribution from the receivership estate to the exclusion of any other remedies.

12. Nothing in this Order shall be deemed to prejudice the Receiver's right to dispute, or to assert offsets or defenses to, any Claim as to amount, liability, classification or otherwise. Nothing in this Order shall be deemed to prejudice the Receiver's right to object to any Claim on any grounds. Nothing in this Order shall be deemed to bar, prejudice or in any way preclude the Receiver from pursuing claims on behalf of CME against all persons or entities.

13. Any Claim asserted in a Proof of Claim after the Bar Date will not be entitled to receive a distribution from assets of CME or the receivership estate and such Claim will be barred completely absent further order of the Court.

SO ORDERED this 25th day of July, 2006.

/s/ Jon P. McCalla

Jon P. McCalla  
United States District Judge

Submitted for Entry:

/s/ Timothy G. Niarhos

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