

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:	: Chapter 11
	: :
ARCAPITA BANK B.S.C.(C), et al.,	: Case No. 12-11076 (SHL)
	: :
Debtors.	: Jointly Administered
	: :
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**ORDER GRANTING DEBTORS’ MOTION FOR AN EXTENSION
OF THE TIME TO ASSUME OR REJECT UNEXPIRED
LEASES OF NONRESIDENTIAL REAL PROPERTY
PURSUANT TO 11 U.S.C. § 365(d)(4)(B)(i)**

Upon consideration of the motion (the “*Motion*”)¹ of Arcapita Bank B.S.C.(c) and certain of its subsidiaries and affiliates, as debtors and debtors in possession in the above-captioned Chapter 11 Cases (collectively, the “*Debtors*” and each, a “*Debtor*”), for entry of an order pursuant to section 365(d)(4) of the Bankruptcy Code extending the time within which the Debtors may assume or reject unexpired leases of nonresidential real property,² and the Court having found that jurisdiction and venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and notice of the Motion and the opportunity for a hearing on the Motion was appropriate under the particular circumstances; and the Court having reviewed the Motion and

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

² The Court agrees with the Debtors’ position, as set forth in the Motion, that a lease in which a Debtor’s only interest is that of a guarantor does not implicate section 365(d)(4) of the Bankruptcy Code.

having considered the statements in support of the relief requested therein at a hearing before the Court (the “*Hearing*”); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED:

1. The relief requested in the Motion is granted.
2. The time within which the Debtors may assume or reject the Leases pursuant to section 365(d)(4) of the Bankruptcy Code is extended by 90 days to and including October 15, 2012.
3. The relief requested herein is without prejudice to the right of any lessor under a Lease to move the Court to fix an earlier date by which the Debtors must assume or reject its unexpired Leases (or for the Debtors to oppose any such request).
4. Nothing in the Motion or this Order shall be construed as a finding that any Lease (listed in Exhibit B to the Motion) constitutes a true lease. All rights of the Debtors to seek recharacterization of any Lease(s) are hereby preserved.

Dated: New York, New York
July 11, 2012

/s/ Sean H. Lane
THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE