

ENTERED

August 03, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)
) Chapter 7
COUNTRY FRESH HOLDING COMPANY)
INC., <i>et. al.</i> , ¹) Case No. 21-30574
)
) (Jointly Administered)
)
)

**STIPULATION AND AGREED ORDER REGARDING THE APPLICATION AND
REQUEST FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE
CLAIM OF SARGENTO FOODS INC. PURSUANT TO 11 U.S.C. § 503(b)(9)**

(Related to Docket No. 722)

This stipulation and agreed order (“Stipulation and Agreed Order”) regarding the Application and Request for Allowance and Payment of Administrative Expense Claim of Sargento Foods Inc. Pursuant to 11 U.S.C. § 503(b)(9) (“Application”) is by and between Janet, Northup, chapter 7 Trustee (“Trustee”) for the bankruptcy estate of Country Fresh Holding Company Inc., *et al.* (“Debtors”), and Sargento Foods Inc. (“Sargento”) (Sargento and the Trustee on behalf of the Debtors are the “Parties”). The Parties hereby stipulate and agree as follows:

RECITALS

WHEREAS, between the period of January 29, 2021 through February 8, 2021, Sargento sold and delivered goods to the Debtors in the ordinary course of the Debtors’ business.

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Country Fresh Holding Company Inc. (7822), Country Fresh Midco Corp. (0702), Country Fresh Acquisition Corp. (5936), Country Fresh Holdings, LLC (7551), Country Fresh LLC (1258), Country Fresh Dallas, LLC (7237), Country Fresh Carolina, LLC (8026), Country Fresh Midwest, LLC (0065), Country Fresh Orlando, LLC (7876), Country Fresh Transportation LLC (8244), CF Products, LLC (8404), Country Fresh Manufacturing, LLC (7839), Champlain Valley Specialty of New York, Inc. (9030), Country Fresh Pennsylvania, LLC (7969), Sun Rich Fresh Foods (NC) Inc. (5526), Sun Rich Fresh Foods (USA) Inc. (0429), Sun Rich Fresh Foods (PA) Inc. (4661). The Debtors’ principal place of business is 3200 Research Forest Drive, Suite A5, The Woodlands, TX, 77381.

WHEREAS, on February 15, 2021 (the “Petition Date”), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code;

WHEREAS, on June 21, 2021, the Court entered an *Order (I) Authorizing and Approving the Conversion of the Chapter 11 Cases, (II) Extending the Designation Rights Period, and (III) Granting Related Relief* at Docket No. 719;

WHEREAS, on June 21, 2021, the Trustee was appointed as the Chapter 7 Trustee in the above-referenced case;

WHEREAS, on June 21, 2021, Sargento filed its Application, asserting that it was entitled to a section 503(b)(9) claim for goods supplied to the Debtors within twenty days of the Petition Date (the “Goods”) in the amount of \$195,309.70;

WHEREAS, Sargento attached to its Application copies of (a) the invoices comprising its section 503(b)(9) claim (the “Invoices”) and (b) the bills of lading related to the Goods, which were shipped pursuant to the Invoices (along with a copy of the electronic driver check-in forms for each load illustrating the driver’s name, and the date/time of pick up by the Debtors’ carriers from Sargento’s docks);

WHEREAS, the Parties have reached an agreement regarding the Application;


NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED AS FOLLOWS:

1. Sargento Foods Inc. shall have an allowed administrative expense claim pursuant to 11 U.S.C. § 503(b)(9) against Country Fresh LLC in the amount of \$195,309.70; and

2. Payment of Sargento Foods Inc.'s allowed 503(b)(9) administrative claim shall be made at such time as distributions are made to other administrative creditors, and in accordance with the priorities under the Bankruptcy Code.

IT IS SO ORDERED.

Signed: August 02, 2021


Marvin Isgur
United States Bankruptcy Judge

AGREED AND ACCEPTED:

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