

ENTERED

August 27, 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 BAY VALLEY FOODS, LLC
(Related to Docket No. 726)**

This stipulation and agreed order (“Stipulation and Agreed Order”) regarding the Application and Request for Allowance and Payment of Administrative Expense Claim of Bay Valley Foods, LLC (“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 Bay Valley Foods, LLC (“Bay Valley” 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 February 2, 2021, and February 9, 2021, Bay Valley provided food products primarily consisting of various packaged dressing and dips (the “Products”) 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 23, 2021, Bay Valley filed its Application, asserting that it was entitled to an administrative expense claim for the Products provided to the Debtors within the 20 days before the Petition Date in the amount of \$61,124.27.

WHEREAS, Bay Valley attached to its Application copies of (a) the invoices comprising its administrative claim (the “Invoices”);

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

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

1. Bay Valley shall have an allowed administrative expense claim pursuant to 11 U.S.C. § 503(b)(9) against Country Fresh LLC in the amount of \$61,124.27; and
2. Payment of Bay Valley’s allowed 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.

Signed: August 27, 2021


Marvin Isgur
United States Bankruptcy Judge

IT IS SO ORDERED.

Signed: _____

Honorable Marvin Isgur
United States Bankruptcy Judge

AGREED AND ACCEPTED:

Hughes Watters Askanase, LLP

/s/ Wayne Kitchens
Wayne Kitchens
wkitchens@hwa.com
State Bar No. 11541110
Heather Health McIntyre
hmcintyre@hwa.com
State Bar No. 24041076
1201 Louisiana, Suite 2800
Houston, TX 77002
Telephone: 713-759-0818
Facsimile: 713-759-6834

**Attorneys for Janet Northrup,
Chapter 7 Trustee**

Baker & Hostetler LLP

/s/ Elizabeth A. Green
Elizabeth A. Green, Esq.
egreen@bakerlaw.com
Andrew V. Layden, Esq.
alayden@bakerlaw.com
BAKER & HOSTETLER LLP
So. Dist. Fed. ID. 903144
200 South Orange Avenue, Suite 2300
Orlando, Florida 32801-3432
Telephone: (407) 649-4000
Facsimile: (407) 841-0168

Counsel for Bay Valley Foods, LLC