



ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the order of the Court.

Signed December 19, 2003.

Hamlin DeWayne Hale
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

PHILLIPS ELEVEN HUNDRED, LTD.

Debtor

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§

CASE NO. 03-34448-hdh-11

**AGREED ORDER AMENDING FINDINGS OF FACTS AND CONCLUSIONS OF
LAW ON THE MOTION OF BEAL BANK, S.S.B.
FOR RELIEF FROM THE AUTOMATIC STAY**

COMES NOW before the Court for consideration the "Motion to Amend Findings of Fact and Conclusions of Law on Motion of Beal Bank, S.S.B." ("Motion to Amend") filed by Land Advisors, Ltd. ("Land Advisors") and the Response and Opposition to Motion to Amend filed by Phillips Eleven Hundred, Ltd., Debtor and Debtor in Possession ("Debtor"). On September 18, 2003,¹ Land Advisors filed its Motion to

¹ The Motion to Amend was originally file marked September 19, 2003. The Debtor objected to the Motion to Amend on the basis that it was untimely filed. On October 8, 2003, the clerk made a corrective entry noting that the Motion to Amend was filed on September 18, 2003.

Amend seeking an amendment of Finding of Fact paragraph 2 contained in the Court's Findings of Fact and Conclusions of Law on Motion Beal Bank, S.S.B. For Relief from the Automatic Stay (entered September 8, 2003) (the "Findings and Conclusions"). The Debtor filed an objection to the Motion to Amend. The parties have reached an agreement resolving the objection.

It is therefore **ORDERED** that Land Advisors Motion to Amend is hereby **GRANTED** as set forth herein.

It is further **ORDERED** that Finding of Fact paragraph 2 of the Findings and Conclusions is hereby deleted in its entirety and replaced with the following finding of fact:

"2. The Debtor is a Texas limited partnership. The original general partner of the Debtor was Land Advisors, Inc. ("Land Advisors"), a Texas corporation. At all times relevant to this proceeding, Dan O. Tomlin, Jr. was an officer of Land Advisors authorized to act on behalf of the company. Dan O. Tomlin, Jr. was primarily responsible for communication between Beal and the Debtor's limited partners regarding the Debtor Note and LSR Debt (defined below in paragraph 4 and 10 respectively)"

AGREED:

/S/ Nicholas Inman
I. Richard Levy
State Bar No. 12265020
Nicholas C. Inman
State Bar No. 00787747

ATTORNEYS FOR PHILLIPS
ELEVEN HUNDRED, LTD.,
DEBTOR IN POSSESSION

/S/ Craig Henderson
William L. Wolf
State Bar No. 21854500
Craig P. Henderson
State Bar No. 09420410

ATTORNEYS FOR LAND ADVISORS, LTD.

END OF ORDER