



**ENTERED**

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

**The following constitutes the order of the Court.**

**Signed May 21, 2004.**

**United States Bankruptcy Judge**

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

<b>IN RE:</b>	§	
	§	<b>CASE NO. 03-33820-BJH-11</b>
<b>S &amp; R SAND AND GRAVEL, INC.</b>	§	<b>(Chapter 11)</b>
	§	
<b>DEBTOR.</b>	§	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
REGARDING DEBTOR'S PLAN MODIFICATION**

Came on to be heard this 18th day of May 2004 the Motion for Determination that Debtor's Plan Modification Does Not Adversely Affect any Accepting Creditor that has not Accepted the Modifications in Writing (the "Motion") filed by S & R Sand and Gravel, Inc. ("Debtor") on May 10, 2004. The Court, after noting that due notice under F.R.B.P. 2002 has been given to all parties in interest under the circumstances and after the consideration of the evidence submitted and the arguments of counsel, makes following findings of fact and conclusions of law:

**Findings of Fact and Conclusions of Law  
Regarding Debtor's Plan Modifications**

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## **FINDINGS OF FACT**

1. Adequate information was contained in the original disclosure statement in this case as set forth in Section 1125 of the Code.
2. The plan was not modified in such a manner that either classification or treatment of any creditor was materially altered in an adverse manner.
3. The Modification does not cause a material adverse change to the treatment of any class of creditors or interests who voted on the Third Amended Plan of Reorganization proposed by the Debtor, who has not changed their ballots by virtue of the Modification.
4. Notice sent to the twenty (20) largest creditors and those requesting notice is sufficient notice for modifications that do not cause a material adverse change to the treatment of creditors or interest holders.

## **CONCLUSIONS OF LAW**

1. The plan as modified does not violate Sections 1122 and 1123 of the Code.
2. The plan as modified meets all of the requirements of Section 1129 of the Code.
3. The proponents of the plan met the qualifications of Section 1125 of the Code by virtue of the original disclosure statement.
4. All creditors and interest holders who voted in favor of the proponents' plan are deemed to have accepted the Modifications.

SO ORDERED

### End of Order ###

Submitted by:

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