



**ENTERED**

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

The following constitutes the ruling of the court and has the force and effect therein described.

Signed November 1, 2006

United States Bankruptcy Judge

IN RE:

CASCADE BASIN, INC.,

DEBTOR.

§  
§  
§  
§  
§

CASE NO. 05-95543-DML-11  
(Chapter 11)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
REGARDING CONFIRMATION OF PLAN OF LIQUIDATION, AS MODIFIED**

Came on to be considered this 31st day of October, 2006, the Confirmation Hearing with regard to the Plan of Liquidation, filed by the Debtor on August 24, 2006, and the Modifications to Plan of Liquidation filed on October 20, 2006 (collectively the "Plan"). The following Findings of Fact and Conclusions of Law are entered pursuant to Federal Rules of Bankruptcy Procedure 9052 and 9014. Such findings may be characterized as conclusions or conclusions as findings, where appropriate.

**Findings of Fact**

1. Due and Sufficient Notice. Notice of the Confirmation Hearing was appropriate and

**FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING CONFIRMATION OF PLAN OF LIQUIDATION, AS MODIFIED - Page 1 of 4**

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complied in all respects with Bankruptcy Rule 2002(b).

2. Plan Compliance - Bankruptcy Code Section 1129(a)(1). The Plan complies with the applicable provisions of the Bankruptcy Code and Bankruptcy Rules.

3. Proponent Compliance - Bankruptcy Code Section 1129(a)(2). The Proponent of the Plan has complied with the applicable provisions of the Bankruptcy Code.

4. Good Faith – Bankruptcy Code Section 1129(a)(3). The Plan has been proposed in good faith under Section 1129(a)(3) by the Debtors and not by any means forbidden by law and the Debtor is entitled to the protections of Section 1125 (e).

5. Payments – Bankruptcy Code Section 1129(a)(4). Payments made or to be made by the Debtor for services or for costs and expenses in or in connection with the Plan or case have been approved by or are subject to the approval of this Court.

6. No Rate Change Jurisdiction – Bankruptcy Code Section 1129(a)(6). No governmentally regulated rates are involved in these cases.

7. Best Interests of Creditors – Bankruptcy Code Section 1129(a)(7). With respect to the impaired classes of claims or interests, each holder of a claim or interest of such classes has accepted the Plan or will receive or retain under the Plan on account of such claim or interest property of a value, as of the Effective Date of the Plan, that is not less than the amount that such holder would receive or retain if the Debtors were liquidated under Chapter 7 of the Bankruptcy Code on such date.

9. Acceptance of the Plan – Bankruptcy Code Section 1129(a)(8). The following classes of impaired claims have voted to accept the Plan:

a. Classes 1-3

10. Priority Claims – Bankruptcy Code Section 1129(a)(9). Claims entitled to priority under 11 U.S.C. § 507(a)(1)-(7) will be paid in accordance with Bankruptcy Code or as per the provisions of the Plan.

11. Class Acceptance – Bankruptcy Code Section 1129(a)(10). At least one class of claims that is impaired under the Plan has accepted the Plan, determined without including any acceptance of the Plan by any insider.

12. Feasibility – Bankruptcy Code Section 1129(a)(11). The Debtors' Plan is feasible and the confirmation of the Plan is not likely to be followed by the liquidation, or need for further financial reorganization of the Debtors except where liquidation is required by the Plan.

13. Fees – Bankruptcy Code Section 1129(a)(12). All fees payable under 28 U.S.C. § 1930 have been paid or the Plan provided for the payment of such fees on the Plan Closing Date.

14. Retiree Benefits – Bankruptcy Code Section 1129(a)(13). There are no retiree benefits involved in this case.

15. Global Affiliate Settlement Agreement. All of the settlement agreements set forth in the Plan, which are collectively described as the Global Settlement Agreements, meet all of the requisite standards for approval of compromises of controversy as set forth by the U.S. Fifth Circuit Court of Appeals.

### **Conclusions of Law**

16. The Court has jurisdiction over this matter as a core proceeding pursuant to 28 U.S.C. § 157 (b)(2)(A)-(L), and (O).

17. The Plan complies with all of the applicable provisions of Title 11 of the United States Bankruptcy Code.

18. The Debtor has complied with the applicable provisions of the Bankruptcy Code in proposing the Plan.

19. The approval of the Global Affiliate Settlement Agreements, as set forth in the Plan, is in the best interests of the Debtor's estate.

### End of Order ###

Submitted by:

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ATTORNEYS FOR THE DEBTOR

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