

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

GREEN BOX NA GREEN BAY, LLC

Debtor.

Case No. 16-24179

Chapter 11

**NOTICE OF RENEWED MOTION OF ABILITY INSURANCE COMPANY FOR
RELIEF FROM STAY PURSUANT TO 11 U.S.C. §362(D)(1)**

Ability Insurance Company (“Ability”), by and through its attorneys, Law Firm of Conway, Olejniczak & Jerry, S.C. has filed a motion with the Court for relief from the automatic stay pursuant to §362(d) of the Bankruptcy Code.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE, IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE).

If you do not want the Court to grant relief as set forth in Ability’s motion (a copy of which is attached), or if you want the Court to consider your views on the motion, then, within fourteen (14) days of this notice, you or your attorney must file with the Court a written request for a hearing, or if the Court requires a written response, an answer, explaining your position at:

Clerk
U.S. Bankruptcy Court
Eastern District of Wisconsin
Room 126, Federal Building
517 East Wisconsin Avenue
Milwaukee, WI 53202

If you mail your request to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to the following:

Attorney Michele M. McKinnon
Counsel for Ability Insurance Company
Law Firm of Conway, Olejniczak & Jerry, S.C.
P.O. Box 23200
Green Bay, WI 54305-3200

and Attorney Paul G. Swanson
Attorney for Debtor
107 Church Avenue
P.O. Box 617
Oshkosh, WI 54903-0617

and Attorney Amy J. Ginsberg
Office of the U.S. Trustee
517 E. Wisconsin, #430
Milwaukee, WI 53202

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated this 30th day of August, 2016.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorneys for Ability Insurance Company

By: /s/ Michele M. McKinnon
Michele M. McKinnon
State Bar No. 1041053

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**RENEWED MOTION OF ABILITY INSURANCE COMPANY FOR RELIEF FROM
STAY PURSUANT TO 11 U.S.C. §362(D)(1)**

Ability Insurance Company (“Ability”) renews its May 4, 2016 Motion for Relief from the Automatic Stay (Doc. 9) pursuant to 11 U.S.C. §362(d)(1) on the following grounds:

1. Debtor owes a fully matured note to Ability that is due and owing in an amount exceeding \$9 million. The debt is secured by a mortgage on Ability’s main commercial facility located at 2107 American Boulevard, De Pere, Wisconsin (the “Real Estate”).
2. On May 4, 2016, Ability filed a motion which included (among other requests for relief) a motion to grant relief from the automatic stay or, in the alternative, to provide adequate protection. (Doc. 9).
3. Following an evidentiary on June 27, 2016, this Court entered an Order directing Debtor to deposit a monthly payment of \$10,247.00 into an escrow account for the payment of accruing real estate taxes. (Doc. 52).
4. Debtor has failed to deposit any escrow for the months of June or July 2016, as evidenced by the Monthly Operating Reports filed in this case.

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5. Moreover, Debtor's Monthly Operating Reports show no income with which to make the required adequate protection payments to Ability going forward.

6. Debtor's failure (and, more to the point, inability) to deposit adequate protection payments as ordered by this Court constitutes "cause" for relief from the automatic stay pursuant to Section 362(d) of Bankruptcy Code.

WHEREFORE, Ability respectfully requests that the Court lift the automatic stay with respect to the Real Estate.

Dated this 29th day of August, 2016.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorney for Ability Insurance Company

/s/ Michele M. McKinnon

Michele M. McKinnon (State Bar No. 1041053)

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