

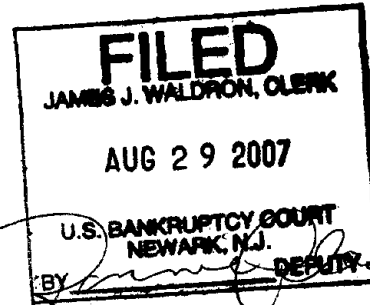
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)  
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Proposed Attorneys to Nathan and Miriam Barnert  
Memorial Hospital Association d/b/a Barnert  
Hospital, Debtor-in-Possession  
Joseph Lubertazzi, Jr., Esq., (JL3798)

In the Matter of:

NATHAN AND MIRIAM BARNERT  
MEMORIAL HOSPITAL ASSOCIATION d/b/a  
BARNERT HOSPITAL,  
Debtor-in-Possession.



Case No. 07-21631 (DHS)

Hon. Donald H. Steckroth, U.S.B.J.

**STIPULATION AND CONSENT ORDER BETWEEN THE DEBTOR AND  
PHOENIX HEALTH CARE, INC.**

The relief set forth on the following pages, numbered pages (2) and (3), is hereby **ORDERED**.

D. Steckroth

Dated: Aug. 29, 2007

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Nathan and Miriam Barnert Memorial  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In re:	:	Chapter 11
NATHAN AND MIRIAM BARNERT	:	Case No. 07-21631 (DHS)
MEMORIAL HOSPITAL ASSOCIATION,	:	<b>STIPULATION AND CONSENT</b>
d/b/a BARNERT HOSPITAL,	:	<b>ORDER</b>
Debtor.	:	

Phoenix Health Care, Inc. ("Phoenix"), and Nathan and Miriam Barnert Memorial Hospital Association, d/b/a Barnert Hospital (the "Debtor"), bound through the undersigned counsel, hereby stipulate and agree as follows:

RECITALS

WHEREAS, in the action of Phoenix Health Care, Inc. v. Barnert Hospital, a/k/a Nathan and Miriam Barnert Memorial Hospital Association, (N.J. Superior Ct., Docket No. BER-L-3627-07), Phoenix obtained Default Judgment against the Debtor dated July 23, 2007, in the amount of \$548,683.37;

WHEREAS, on August 7, 2007, Phoenix levied on the Debtor's account at Columbia Bank (the "Debtor's Account");

WHEREAS, as a result of the levy, some of the funds in the Debtor's Account are presently

restrained;

WHEREAS, on August 15, 2007, the Debtor commenced these Bankruptcy proceedings;

WHEREAS, Phoenix claims that it is a secured creditor of the Debtor as a result of its levy on the Debtor's Account; and

WHEREAS, the Debtor claims, among other things, that Phoenix's levy on the Debtor's Account is an avoidable preference under 11 U.S.C. §547.

STIPULATION

1. Phoenix agrees to immediately cause the levy on the Debtor's Account to be released, without prejudice to its claim that it is a secured creditor of the Debtor, and that its levy on the Debtor's Account is not an avoidable preference under 11 U.S.C. §547.

2. The Debtor preserves all of its claims, including that Phoenix's levy on the Debtor's Account is an avoidable preference under 11 U.S.C. §547.

**CONSENTED AND AGREED TO:**

/s/ Joseph Lubertazzi, Jr.  
JOSEPH LUBERTAZZI, JR.  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Proposed Attorneys to Debtor in Possession  
Nathan and Miriam Barnert Memorial  
Hospital Association d/b/a Barnert Hospital

Dated: August 20, 2007

/s/ Robert M. Marshall  
ROBERT M. MARSHALL  
Marshall & Quentzel, LLC  
155 Willowbrook Boulevard  
Wayne, New Jersey 07470  
Attorneys for Phoenix Health Care, Inc.

Dated: August 20, 2007

SO ORDERED:

Dated: August \_\_, 2007

HON. DONALD H. STECKROTH, U.S.B.J.