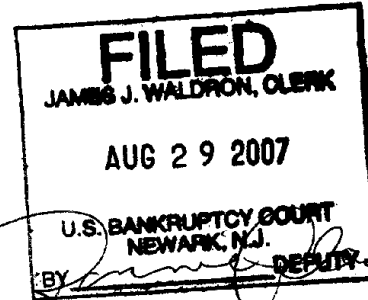


UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)  
McCARTER & ENGLISH, LLP  
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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**.

Dated: Aug. 29, 2007

McCarter & English, LLP  
Joseph Lubertazzi, Jr. (JL3798)  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
(973) 622-4444 telephone  
(973) 624-7070 facsimile  
Proposed Attorneys to Debtor in Possession  
Nathan and Miriam Barnert Memorial  
Hospital Association d/b/a Barnert Hospital

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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

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

/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

Dated: August 20, 2007

SO ORDERED:

Dated: August \_\_, 2007

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

Bankruptcy Noticing Center  
2525 Network Place, 3rd Floor  
Herndon, Virginia 20171-3514

# CERTIFICATE OF SERVICE

District/off: 0312-2  
Case: 07-21631

User: cbarna  
Form ID: pdf903

Page 1 of 1  
Total Served: 3

Date Rcvd: Aug 29, 2007

The following entities were served by first class mail on Aug 31, 2007.

db +Nathan and Miriam Barnert Memorial Hospital, 680 Broadway, Paterson, NJ 07514-1472  
aty +David J. Adler, McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street,  
Newark, NJ 07102-4056  
aty +Joseph Lubertazzi, Jr., McCarter & English, Four Gateway Center, PO Box 652,  
100 Mulberry St., Newark, NJ 07102-4056

The following entities were served by electronic transmission.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 31, 2007

Signature: \_\_\_\_\_

