

**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.

United States Bankruptcy Judge

Signed July 27, 2010

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

<b>In Re:</b>	§	
	§	
Caprock Wine Company LLC,	§	Case No. 09-50576-rlj11
	§	
Caprock Real Estate Holdings, L.L.C.,	§	Case No. 09-50577-rlj11
	§	
<i>Debtors.</i>	§	Jointly Administered under Case No. 09-50576-rlj11

**ORDER GRANTING EMERGENCY MOTION FOR AUTHORITY TO SELL  
ALL ASSETS BY AUCTION FREE AND CLEAR OF ALL LIENS, CLAIMS AND  
ENCUMBRANCES**

ON THIS DAY came to be considered the Emergency Motion to Shorten Notice Pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(2) and for Authority to Sell All Assets by Auction Free and Clear of All Liens, Claims and Encumbrances (the "Emergency Sale Motion") filed by Max Tarbox, Chapter 11 Trustee of the above-captioned bankruptcy proceeding (the "Trustee"), seeking to sell all the property of the estate described as follows:

The real property consists of an event center and an attached winery, including fixtures, at 408 East Woodrow Road, Lubbock, Texas, located on ten (10) acres of land having the property description of Block 20, Section 25, Abstract 413, Tracts 4A, 4F, and 4G, Lubbock County, Texas.

The personal property includes the events center furniture and articles, wine tanks, wine making equipment, approximately 35,000 plus gallons of inventory consisting of case wine and bulk wine, two fork lifts and landscape maintenance equipment.

The Court having been further informed that the Trustee will conduct an auction of all the assets described herein pursuant to the terms set forth herein and will also file a Report of Sale with the results of such auction. The Court is of the opinion that the sales procedure of the described assets is in the best interest of the bankruptcy estate. It is therefore:

ORDERED that the Trustee is hereby authorized to sell all of the assets described above by auction as follows:

- a. Notice shall be given to interested purchasers that a "sealed bid auction" will be conducted on August 3, 2010.
- b. All interested bidders shall be required to tender a refundable deposit of one hundred thousand dollars (\$100,000).
- c. Williams Auction Company will receive sealed bids from qualified bidders, such bidding to expire at midnight August 3, 2010.
- d. At the conclusion of the auction, the highest bidder shall be determined by Williams Auction Company.
- e. On August 4, 2010, the Trustee shall subsequently announce the winning bidder and submit to the Court for approval.
- f. Winning bidder shall have thirty (30) days from the date of the auction to close the sale on the Debtors' assets.

It is further

ORDERED that the Trustee is hereby authorized to sell all the assets described

above free and clear of all liens, claims and encumbrances, and all valid liens, claims and encumbrances, if any, shall attach to the proceeds of sale of the subject property in order of priority, subject to all allowed administrative expenses and claims. It is further

ORDERED that the bidding process shall proceed, but interested parties may file objections to the bidding process, which such objections to be filed on or before August 2, 2010. It is further

ORDERED that the Court will conduct a hearing on August 4, 2010 at 2:30 p.m. to receive and consider for approval the winning bidder announced by the Trustee and to consider any objections to the bidding process.

**### End of Order ###**

**ENTERED**

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

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<b>In Re:</b>	§	
	§	
<b>Caprock Wine Company LLC,</b>	§	<b>Case No. 09-50576-rlj11</b>
	§	
<b>Caprock Real Estate Holdings, L.L.C.,</b>	§	<b>Case No. 09-50577-rlj11</b>
	§	
<b>Debtors.</b>	§	<b>Jointly Administered under</b>
		<b>Case No. 09-50576-rlj11</b>

**ORDER SETTING HEARING ON TRUSTEE'S EMERGENCY MOTION TO  
SHORTEN NOTICE PURSUANT TO FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 2002(a)(2) AND FOR AUTHORITY TO SELL ALL ASSETS BY  
AUCTION FREE AND CLEAR OF ALL LIENS, CLAIMS AND  
ENCUMBRANCES**

ON THIS DAY came to be considered the Emergency Motion to Shorten Notice Pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(2) and for Authority to Sell All Assets by Auction Free and Clear of All Liens, Claims and Encumbrances (the "Emergency Sale Motion") filed by Max Tarbox, Chapter 11 Trustee of the above-captioned bankruptcy proceeding (the "Trustee"), seeking to sell all the property of the

estate described as follows:

The real property consists of an event center and an attached winery, including fixtures, at 408 East Woodrow Road, Lubbock, Texas, located on ten (10) acres of land having the property description of Block 20, Section 25, Abstract 413, Tracts 4A, 4F, and 4G, Lubbock County, Texas.

The personal property includes the events center furniture and articles, wine tanks, wine making equipment, approximately 35,000 plus gallons of inventory consisting of case wine and bulk wine, two fork lifts and landscape maintenance equipment.

The Court finds that the notice requirements of Federal Rule of Bankruptcy Procedure 2002(a)(2) shall be shortened to be conducted on July 27, 2010, for good cause as more specifically described in the Emergency Sale Motion. The Court having considered the circumstances leading to the need for shortened notice under Federal Rule of Bankruptcy Procedure (a)(2), and being of the opinion that circumstances warrant an immediate hearing; It is therefore:

ORDERED, ADJUDGED, AND DECREED that hearing on the Trustee's Emergency Sale Motion to Shorten Notice Under Federal Rule of Bankruptcy Procedure 2002(a)(2) and for Authority to Sell All Assets by Auction Free and Clear of All Liens, Claims, and Encumbrances shall be on July 27, 2010 at 11:30 a.m. by telephone.

**### End of Order ###**