

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

IN RE

Retirement Group, L.L.C.

CASE NUMBER 99-11347

Chapter 11

**MEMORANDUM OPINION AND ORDER RE
Debtor's Motion to Reject and Terminate Leases, and For the Approval of the use of
Property Outside the Ordinary Course of Business**

The Court conducted a hearing on Debtor's Motion to Reject and Terminate Leases and Sun Healthcare Group's Objection thereto, on July 2, 1999. FED. R. BANKR. P. 9014. Pursuant to 28 U.S.C. § 157(b)(2), this is a core proceeding. After reviewing the testimony from the hearing and the record as a whole, the Court makes the following findings of facts and conclusions of law. FED. R. BANKR. P. 7052.

At the hearing on the debtor's Motion to Reject and Terminate Leases, the Court granted the debtor's motion to reject the leases with West Tennessee, Inc., and Bibb Health and Rehabilitation, Inc. At the same time of granting this part of the motion, the Court took the debtor's motion to Terminate the leases with West Tennessee, Inc., and Bibb Health and Rehabilitation, Inc., under advisement. Because the Court has reached the conclusion that motions to terminate leases must be brought as an adversary proceeding under 11 U.S.C. § 365, the Court hereby denies the debtor's motion to terminate the leases.

III. ORDER

It is therefore **ORDERED** that the debtor's Motion to Terminate Leases is **DENIED**.

It is so ordered.

By the Court,

G. Harvey Boswell
United States Bankruptcy Judge

Date: July 7, 1999