

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below.



/S/ RUSS KENDIG

**Russ Kendig
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

AT CANTON

----- X
 In re: : Chapter 11
 :
 : Case No. 10-60702
 SCHWAB INDUSTRIES, INC.,¹ :
 : Judge Russ Kendig
 Debtor. :
 : Joint Administration Pending
 ----- X

----- X
 In re: : Chapter 11
 :
 : Case No. 10-60703
 MEDINA CARTAGE CO., :
 : Judge Russ Kendig
 Debtor. :
 : Joint Administration Pending
 ----- X

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's tax identification number are: Schwab Industries, Inc. (2467); Medina Cartage Co. (9373); Medina Supply Company (3995); Quality Block & Supply, Inc. (2186); O.I.S. Tire, Inc. (7525); Twin Cities Concrete Company (9196); Schwab Ready-Mix, Inc. (8801); Schwab Materials, Inc. (8957); and Eastern Cement Corp. (7232).

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In re: : Chapter 11
: :
MEDINA SUPPLY COMPANY, : Case No. 10-60704
: :
Debtor. : Judge Russ Kendig
: :
: Joint Administration Pending

----- X
In re: : Chapter 11
: :
QUALITY BLOCK & SUPPLY, INC., : Case No. 10-60705
: :
Debtor. : Judge Russ Kendig
: :
: Joint Administration Pending

----- X
In re: : Chapter 11
: :
O.I.S. TIRE, INC., : Case No. 10-60706
: :
Debtor. : Judge Russ Kendig
: :
: Joint Administration Pending

----- X
In re: : Chapter 11
: :
TWIN CITIES CONCRETE COMPANY, : Case No. 10-60707
: :
Debtor. : Judge Russ Kendig
: :
: Joint Administration Pending

----- X
In re: : Chapter 11
: :
SCHWAB READY-MIX, INC., : Case No. 10-60708
: :
Debtor. : Judge Russ Kendig
: :
: Joint Administration Pending

----- X

	:	Chapter 11
In re:	:	
	:	Case No. 10-60709
SCHWAB MATERIALS, INC.,	:	
	:	Judge Russ Kendig
Debtor.	:	
	:	Joint Administration Pending
-----	X	
	:	Chapter 11
In re:	:	
	:	Case No. 10-60710
EASTERN CEMENT CORP.,	:	
	:	Judge Russ Kendig
Debtor.	:	
	:	Joint Administration Pending
-----	X	

**ORDER AUTHORIZING DEBTORS AND DEBTORS IN POSSESSION TO
PAY SALES AND USE TAXES FRANCHISE TAXES
AND OTHER TAXES**

Upon consideration of the *Motion of Debtors and Debtors in Possession for Order Authorizing Debtors to Pay Sales and Use Taxes, Franchise Taxes and Other Trust Fund Taxes*, dated February 28, 2010 (the "Motion"), for entry of an order authorizing Debtors to pay Trust Fund Taxes to Taxing Authorities where non-payment creates potential personal liabilities for the Debtors' employees; and based upon the *Affidavit of David R. Exley in Support of Chapter 11 Petitions and First-Day Motions*, filed concurrently with the Motion; and after due deliberation and hearing, this Court finds that: (i) it has jurisdiction over the matters raised in the Motion under 28 U.S.C. §§157 and 1334; (ii) venue of this matter is proper under 28 U.S.C. §§1408 and 1409; (iii) this matter is a core proceeding under 28 U.S.C. §157(b)(2); (iv) the relief requested in the Motion is in the best interests of the Debtors, their estates, creditors, and other parties in interest; (v) adequate and proper notice of the Motion and the hearing thereon has been given and that no other or further notice is necessary; and (vi) good and sufficient cause exists for the granting of the relief requested in the Motion as set forth herein. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

The Motion is GRANTED in its entirety.

Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Motion.

Debtors are authorized, in Debtors' sole discretion, to pay prepetition Sales and Use Taxes, Real Estate and Personal Property Taxes and other Taxes to the appropriate Taxing Authorities in the ordinary course of the Debtors' businesses to the extent such amounts are accrued and not yet due.

With regard to past due Real Estate Taxes and Trust Fund Taxes, Debtors are authorized, in their sole discretion to pay pre-petition Real Estate Taxes and Trust Fund Taxes to the appropriate Taxing Authorities that have accrued, even if such amounts have come due pre-petition.

With regard to Taxes other than Real Estate Taxes and Trust Fund Taxes which have accrued and come due pre-petition, the Court shall hold a further hearing on March 8, 2010 at 10:00 a.m. E.S.T. to determine whether Debtors are authorized to pay such obligations in their sole discretion.

All applicable banks and other financial institutions shall be, and hereby are, authorized and directed to receive, process, honor and pay all checks drawn on Debtors' accounts, and all fund transfer requests, in order to pay any transfers, costs or expenses related to Trust Fund Taxes due to the Taxing Authorities, whether those checks were presented prior to or after the Petition Date, provided that sufficient funds are available in the applicable accounts to make such payments.

Nothing in the Motion or this Order shall be construed to impair Debtors' ability to contest the validity or amount of any Trust Fund Taxes owing to the Taxing Authorities, either prior to or after payment.

Nothing in the Motion or the Order shall be construed to impair Debtors' ability to challenge the priority of any Trust Fund Taxes.

This Order shall be immediately effective and enforceable upon entry.

IT IS SO ORDERED.

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Respectfully submitted,

/s/ Christopher W. Peer

Lawrence E. Oscar (0022696)
Daniel A. DeMarco (0038920)
Christopher B. Wick (0073126)
Christopher W. Peer (0076257)
HAHN LOESER & PARKS LLP
200 Public Square, Suite 2800
Cleveland, Ohio 44114
Telephone: (216) 621-0150
Facsimile: (216) 241-2824
E-mail: leoscar@hahnlaw.com
dademarco@hahnlaw.com
cwick@hahnlaw.com
cpeer@hahnlaw.com

Proposed Counsel to the Debtors

NO OBJECTION

DANIEL M. MCDERMOTT
United States Trustee, Region 9

By:

/s/ Maria D. Giannirakis

Maria D. Giannirakis (0038220)
U.S. Department of Justice
Office of the United States Trustee
H.M. Metzenbaum U.S. Courthouse
201 Superior Avenue East, Suite 441
Cleveland, Ohio 44114-1240
Telephone: (216) 522-7800
Facsimile: (216) 522-7193