

Arden Realty's Motion for Allowance and Payment of Administrative Expense Claim in Connection with Post-Petition Lease Obligations (the "Arden Motion").

By the Arden Motion, creditor Arden Realty Limited Partnership ("Arden") seeks entry of an order (i) allowing its administrative expense claim in the amount of at least \$54,506.96 for post-petition lease obligations and related legal expenses and (ii) directing the Debtors to make such payments.

Pursuant to a lease dated July 17, 2001 (the "Lease"), certain of the Debtors leased suites in an office building from Arden. According to Arden, under the Lease, the Debtors were obligated to pay rent in advance on the first day of each month in the amount of \$38,720.69. Arden alleges further that the Lease requires a 5% late charge to be paid on all rent payments more than 5 days past due.

By the Order Granting Motion to Reject Certain Unexpired Leases and Executory Contracts [D.E. # 952], entered on May 12, 2008 (the "Rejection Date"), the Debtors rejected the Lease. Arden alleges that as of the Rejection Date, the Debtors owed post-petition rent and late fee in the amount of \$44,143.62. In addition, Arden states that it has incurred legal fees of \$10,363.34 in an effort to enforce the Lease.

Arden asserts that under Bankruptcy Code Section 365(d)(3) it is entitled to administrative expense priority for rent under an unexpired lease and that applicable precedent requires payment of legal fees to collect such rent.

The Arden Motion has been scheduled for a hearing on July 10, 2008, with a corresponding objection deadline of July 3, 2008