

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AVENTINE RENEWABLE ENERGY
HOLDINGS, INC., a Delaware Corporation, *et al.*,

Post-Confirmation Debtors.¹

Chapter 11

Case No. 09-11214 (KG)

(Jointly Administered)

Docket Ref. No. 910

**CERTIFICATION OF COUNSEL RELATED TO
ORDER SUSTAINING DEBTORS' FIFTH OMNIBUS (SUBSTANTIVE) OBJECTION
TO CLAIMS PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE,
BANKRUPTCY RULES 3003 AND 3007, AND LOCAL RULE 3007-1 AS TO CLAIMS
344 AND 345 AND REASSIGNING CLAIM 513 FILED BY GE CAPITAL**

On March 31, 2010, the above-captioned reorganized debtors (the "Debtors") filed the *Debtors' Fifth Omnibus (Substantive) Objection to Claims Pursuant to Section 502(B) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1* (the "Objection") [Docket No. 910]. Among other things, the Objection sought the reduction of Claims 344 and 345 filed by GE Capital and/or GE Capital Railcar Services ("GERS").

Since the filing of the Objection, the Debtors and GERS have engaged in discussions related to the Debtors request to reduce Claims 344 and 345. The parties have reached an agreement on the final allowed amount of each of the claims as follows: (i) Claim 344 shall be allowed as a general unsecured claim in the amount \$204,603.94; and Claim 345 shall be allowed as a general unsecured claim in the amount \$38,796.79. In addition, the Debtors and GERS have discussed Claim 513 filed by GERS against Aventine Renewable Energy Holdings, Inc. on account of the rejection a railcar lease rider pursuant to the Debtors' plan of

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Aventine Renewable Energy Holdings, Inc. (9368), Aventine Renewable Energy, LLC (0195), Aventine Renewable Energy, Inc. (8352), Aventine Renewable Energy – Aurora West, LLC (9285), Aventine Renewable Energy – Mt Vernon, LLC (8144), Aventine Power, LLC (9343), and Nebraska Energy, L.L.C. (1872). The corporate headquarters address for all of the Debtors is 120 North Parkway Drive, Pekin, Illinois 61554.

reorganization. The parties have agreed that Claim 513 is properly asserted against Debtor Aventine Renewable Energy, Inc. (“AREI”).

Attached hereto is a proposed form of order (the “Proposed Order”) which has been agreed to by the parties and provides for the reduction of Claims 344 and 345 as set forth herein and the reassignment of Claim 513 to the case of AREI, but reserving the parties remaining rights with respect to such claim. The Debtors respectfully request that, un less the Court has any questions with respect to the relief set forth therein, the Court enter the Proposed Order at the Court’s earliest convenience and without further notice or hearing.

Dated: Wilmington, Delaware
May 14, 2010

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Ryan M. Bartley

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Counsel to the Reorganized Debtors

EXHIBIT 1

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AVENTINE RENEWABLE ENERGY
HOLDINGS, INC., a Delaware Corporation, *et al.*,

Post-Confirmation Debtors.²

Chapter 11

Case No. 09-11214 (KG)

(Jointly Administered)

Docket Ref. No. 910 & _____

**ORDER SUSTAINING DEBTORS' FIFTH OMNIBUS (SUBSTANTIVE) OBJECTION
TO CLAIMS PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE,
BANKRUPTCY RULES 3003 AND 3007, AND LOCAL RULE 3007-1 AS TO CLAIMS
344 AND 345 AND REASSIGNING CLAIM 513 FILED BY GE CAPITAL**

Upon consideration of the fifth omnibus (substantive) objection (the "Objection") of the above-captioned debtors and debtors in possession (the "Debtors"), by which the Debtors respectfully request the entry of an order pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code"), Rules 3003 and 3007, of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 3007-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules") disallowing in full or in part, reclassifying, reassigning and/or otherwise modifying certain Disputed Claims² identified therein; and the Court having considered the certification of counsel filed on May 14, 2010 with respect to the Objection and Claims 344, 345 and 513 filed by GE Capital and/or GE Capital Railcar Services (collectively, "GERS"); and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and due and

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² All capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Objection.

adequate notice of the Objection having been given under the circumstances; and sufficient cause appearing thereof; it is hereby

ORDERED that GERS' Claim 344 is allowed as a general unsecured claim in the amount \$204,603.94; and it is further

ORDERED that GERS' Claim 345 is allowed as a general unsecured claim in the amount \$38,796.79; and it is further

ORDERED that GERS' Claim 513 shall be reassigned to the case of Aventine Renewable Energy, Inc., Case No. 09-11216 (KG), without prejudice to any rights of the Debtors or GERS with respect to any future objection to Claim 513, which refights are hereby preserved and reserved.

Dated: May ____, 2010
Wilmington, Delaware

Kevin Gross
United States Bankruptcy Judge