

UNITED STATES BANKRUPTCY COURT

DISTRICT OF IDAHO

In re:

Case No. 15-40350-JDP
Chapter 11

AMERIGO, INC.,

Debtor.

**FINAL ORDER AUTHORIZING DEBTOR
TO INCUR SECURED DEBT *NUNC PRO TUNC***

THIS MATTER, having come regularly before the undersigned upon the motion of **AMERIGO, INC.** (the “Debtor”) for approval of post-petition lending by the Debtor from **DEWEY SIMPSON** (“Secured Party”) and the granting of security interests under Section 364 of the Bankruptcy Code (the “Motion”), and it appearing that the immediate entry of this Order is essential to the continued orderly operation of the Debtor's business and is in the best interest of the Debtor and the Debtor's estate, and other good cause shown;

IT IS HEREBY ORDERED AS FOLLOWS:

A. The Debtor is authorized, effective *nunc pro tunc* June 12, 2015, to incur secured debt pursuant to the agreement (Attached as Exhibit “A” to the Motion For Authority Approving Post-Petition Lending, and Granting Security Interests *Nunc Pro Tunc*, Dkt. 43) with Secured Party only to the extent specified in this Final Order Authorizing Debtor to Incur Secured Debt (the “Order”).

B. Upon entry of this Order the Debtor shall be deemed to have, and is authorized and empowered to incur secured indebtedness to Secured Party pursuant to this Order in an amount not to exceed an operating line of credit of \$33,000.00 plus interest effective from June 12, 2015.

C. Secured Party is granted a super-priority lien under Section 364(c)(1) of the Bankruptcy Code, senior to all other existing encumbrances on the following assets of the estate to secure Debtor's indebtedness to Secured Party under the loan and security documents authorized by this Order, in an amount not to exceed \$33,000.00 plus interest:

1. All post-petition accounts and account receivables of the Debtor subordinated only to any lien of KeyBank, N.A. for any Cash Collateral utilized by the Debtor;

D. Nothing in the Agreement, or in any of the documents executed in connection therewith or this Order, shall require Secured Party to provide working capital to the Debtor, such being in the sole discretion of Secured Party.

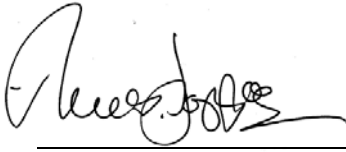
E. Debtor is further authorized to use the monies advanced by Secured Party and from Post Petition earnings on the terms and subject to the conditions set forth in this Order for the period from June 12, 2015 for the purposes and in the amounts set forth for that period in the Budget attached to this Order as Exhibit A (the "Budget").

F. Notwithstanding and without limiting the foregoing, Debtor shall not, in any event, pay any amount that is for services or goods delivered or for amounts due before April 20, 2015 (the "Petition Date").

G. Any monies pertaining to accounts and accounts receivable existing prior to Petition Date ("Cash Collateral") presently held by the Debtor or received by the Debtor in the future shall be segregated and deposited into its own bank account and not used by Debtor without further Order of this Court or consent from KeyBank, N.A.

//end of text.//

Dated: October 23, 2016



Honorable Jim D. Pappas
United States Bankruptcy Judge

Submitted by Monte Gray
Attorney for Debtor

READ AND APPROVED:

/s/ Jon A. Stenquist 2/12/2016
JON A. STENQUIST Date
Attorney for KeyBank, N.A.

/s/ Dewey Simpson 10/26/2015
DEWEY SIMPSON Date

READ AND APPROVED AS TO FORM:

/s/ Mary P. Kimmel 2/12/2016
MARY P. KIMMEL Date
Attorney for the Office of the U.S. Trustee

EXHIBIT A