IT IS ORDERED as set forth below:	



Date: October 11, 2016

Wendy L. Hagenau U.S. Bankruptcy Court Judge

### UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

IN RE:	)	CHAPTER 11
BELIEVERS BIBLE CHRISTIAN	)	
CHURCH, INC.	)	CASE NO: 16-65531-WLH
Debtor.	)	
	)	

# FINAL ORDER AUTHORIZING DEBTOR TO USE CASH COLLATERAL AND GRANTING ADEQUATE PROTECTION

This matter came before the Court on October 6, 2016, for a final hearing on the Believers Bible Christian Church, Inc. ("Debtor" or "Debtor in Possession")'s Motion for Authority to Use Cash Collateral [Doc. No. 3](the "Motion"). Present at the hearing were counsel for Debtor, Frank Wilensky and counsel for the U.S. Trustee, Thomas W. Dworschak.

A. Debtor filed its petition for relief under Chapter 11, Title 11 U.S.C. (the "Bankruptcy

Code") on September, 2 2016 (the "Petition Date"). Pursuant to Sections 1107 and 1108 of the Bankruptcy Code, the Debtor remains in possession of its assets and has continued the operation and management of its business in this reorganization case.

- B. Debtor owns and operates a church located at 3685 and 3715 Campbellton Rd S.W. Atlanta, GA 30331 (the "Church"). Debtor also owns a rental property located at 2288 Fairburn Road, Atlanta, GA 30331, as well as two vacant parcels and one parcel with an unexpired billboard lease.
- C. Aztec Financial (the "Noteholder") holds a claim in the approximate amount of \$1,300,000.00 (the "Claim"). Noteholder asserts that its Claim is secured by the Church and all revenues generated therefrom.
- D. Debtor generates substantially all of its revenue from the operation and use of the Church.
- E. Debtor's cash revenue generated from the Church may constitute the cash collateral of Noteholder (the "Cash Collateral") within the meaning of Section 363(a) of the Bankruptcy Code.
- F. Debtor has provided actual notice, by electronic mail, facsimile and/or overnight mail, of the Motion and the relief requested therein to all entities claiming an interest in the Church and/or the Cash Collateral, to each of the Debtor's Twenty Largest Unsecured Creditors, and the United States Trustee.
- G. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (M), and (O), involving matters under 11 U.S.C. §§ 361 and 363. Venue is proper in this district pursuant to 28 U.S.C. § 1408.

- H. An immediate need exists for the Debtor to obtain use of the Cash Collateral to fund critical business operations. A schedule of the Debtor's revenues and cash requirements is set forth in the budget (the "Budget") attached hereto as Exhibit "A" and incorporated herein by reference.
- I. In order to continue the Debtor's business operations and to preserve the value of the Debtor's assets, the Debtor requires the use of the Cash Collateral in accordance with this Order; the Debtor shall be allowed a ten percent (10%) variance in each payment and expense listed in Exhibits "A".
- J. Good cause has been shown for the entry of this Order. Among other things, entry of this Order will minimize the disruption of the Debtor's existing business, will increase the possibility for a successful reorganization, sale or orderly liquidation of the Debtor and its assets, and is in the best interests of the Debtor, its creditors and other parties-in-interest. Accordingly, it is hereby

#### ORDERED AND NOTICE IS HEREBY GIVEN THAT:

The Debtor shall be authorized to use Cash Collateral immediately beginning October 6, 2016. It is

#### FURTHER ORDERED, ADJUDGED AND DECREED:

Initial Findings. The Court finds that (a) adequate notice of the Motion and an opportunity for a hearing have been given in accordance with the provisions of 11 U.S.C. §§ 102, 105, 361, and 363, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court; and (b) with respect to the authorization given hereunder pursuant to Federal Rule of Bankruptcy Procedure 4001(b), no further notice relating to this proceeding is necessary or required.

Authorization to Use Cash Collateral. The Motion is granted. Debtor is authorized to use Cash Collateral until further order of this Court.

Adequate Protection. In order to provide adequate protection to Noteholder for the Debtor's use of the Cash Collateral authorized hereunder, on or before the tenth (10<sup>th</sup>) day of each month beginning October 10, 2016, the Debtor shall pay to Noteholder an adequate protection payment equal to the monthly interest payment at the non-default rate under the prepetition promissory note, in the amount of \$5,000.00 per month.

No Prejudice. This Order is entered without prejudice to the rights of either Noteholder or the Debtor to seek a modification of the terms hereof after notice and a hearing.

#### END OF DOCUMENT

#### Prepared and Presented By:

Macey, Wilensky & Hennings, LLC

/s/ William A. Rountree

William A. Rountree Georgia Bar No. 616503

Macey, Wilensky, & Hennings, LLC 303 Peachtree Street, N.E., Suite 4420

Atlanta, GA 30308 Tel.: (404) 584-1200

Fax: (404) 681-4355

wrountree@maceywilensky.com

Attorneys for Debtor

No Opposition:

Guy G. Gebhardt

Acting United States Trustee

Region 21

/s/ Thomas W. Dworschak

Thomas W. Dworschak

Trial Attorney

Georgia Bar No. 236380

United States Department of Justice Office of the United States Trustee

Suite 362 Richard Russell Building

75 Ted Turner Drive SW

Atlanta, GA 30303

Tel.: (404) 331-4437, ext. 145

Fax: (404) 331-4464

Thomas.w.dworschak@usdoj.gov

## **DISTRIBUTION LIST**

William A. Rountree Macey, Wilensky, & Hennings, LLC 303 Peachtree Street, N.E., Suite 4420 Atlanta, GA 30308

Thomas W. Dworschak Office of the United States Trustee 362 Richard Russell Bldg. 75 Ted Turner Drive SW Atlanta, GA 30303

Aztec Financial ATTN: Bankruptcy Department 2624 West Magnolia Blvd. Burbank, CA 91505

Exhibit
Š

Cleaning Services	Men's Trip	Christmas celebration	Christmas concert	Thanksgiving	Hallelujah night	Married Ministry Event	<b>Bold Believers - Tailgating Activities</b>	Love Day	Love Festival	Ministry events	Aztec Financial Services	Debt Repayment	waste Management	Georgia Power Company	Georgia Natural Gas	Fulton County Tax Commission	City Of Atlanta Watershed Mgmt	City of Atlanta Dept of Finance	At & t	Utilities	1856 Grand American School School	GA Department of Revenue	Payroll tayor	Oni Anderson	Anna McNair	Angela Matter	Contract labor	Michael Bridges	Fmill Bridge	Musician contract have	Minister IIm McNair	Minister Michael Owens	Minister contract labor	Tiffany White	Salaries	Expenses Row Labels		Total Income	Other Income	Mortgage Fund	Medla	Children Ministry	Building Fund	Missions Outreach	Pastor Offering	Rental Income	1 Innes & Offering 37,500.00 37,500.00 36,000.00 36,000.00 36,000.00 36,000.00
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1,500.00 10.050.00	600,00	1,000.00	1,000.00	250.00	3,000.00	1,000.00	1,000.00	00.000	17,350,00	30,000,00	30,000,00	1,483.61	13,811.49	3,300.00		3,000.00	630.00	1,276.68	23,501,78	5,181,60	1 200 00	6.381.60	3 400 00	14,400.00	5,200.00	23,000,00	60000	3,000,00	9,000,00	23,400,00	1,700.00	36,300.00	12,592.25	12,592.25	Grand Total		242,940.00	3,000.00	600.00	300.00	240.00	1,800.00	1,200.00	5,200.00	13,600.00	217,000.00	Ciona iorai

	Tructoo Food	Trustee Face	Fulton County Tax Office	Property taxes	Lawson's Flowers & Gifts	Funeral & Celebrations	Conferences/Ministry Trips	Travel	AV equipment repairs and upgrade	Painting and foyer repairs	Other maintenance and repairs	New water heaters	Orkin	Darrol Mitchell	Repairs & Maintenance	Banks	Bank Fees	Rocket Company	EasyTithe	Technology Support	Jackie Ingol	Plant Care	Sandra Edmonds	FOOD Services	Staples	Finting	Chriwood & Chriwood	SCORREDING:	Kingdom	b) s/sam's	Youth Ministry snacks	Staples	Primerica Printing & Distribution	Penguin Random House	Faith Library Publications	Crystal Springs	Supplies	Ms. Anna's Birthday	New Year's celebration	Special events	Brotherhood Mutual	Insurance	Entec Systems Inc.	ASAP Security Services	Security Services	Ricky Wilcox Sr.	Landscaping	Vera Gaston	Roy Brown	Leon Saxton	DWW Cleaning Service
325.00	325.00	7,200	1 700 00	1.200.00	222 20	232 20					500.00	700.00	125.00	400.00	1,725.00	100.00	100.00	49,00	49.00	98.00	200.00	200.00	300.00	300.00	350.00	350.00	475.00	475.00	100,00	500.00	150.00	350.00		100.00	100.00	25,00	1,325.00				1,006.00	1,006.00	180.00	750,00	930.00	700.00	700.00		600.00	800.00	275.00
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1,950.00	1,950.00	7,200.00	7,200.00	1,732.20	1,732.20	3,000.00	3,000.00	5,000.00	5,000.00	8,500.00	700.00	750.00	1,400.00	21,330,00	500.00	600.00	294,00	20,100	300,00	1,200,00	1,200.00	1,300.00	1,000.00	1 200.00	2 300 00	7 100.00	3 150 00	3 160 DO	500.00	300000	,,100.00 00.000	3 100 00	00,000	600,00	150.00	8,448.20	00.000,1	4,000.00	5,000.00	1,506.93	1,506.93	1,080.00	4,500.00	3,000.00	25,000,00	5 000 00	5 000 00	3,600.00	4,800.00	1,650.00	*

Profit/Loss	Control
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336.14	37,653.86
850.98	40,139.02
960.16	39,829,84
4,549.04	238,390.96

# Case 16-65531-wlh Doc 34 Filed 10/13/16 Entered 10/14/16 02:10:36 Desc Imaged

Certificate of Notice Page 9 of 9 United States Bankruptcy Court Northern District of Georgia

In re:
Believers Bible Christian Church, Inc.
Debtor

Case No. 16-65531-wlh Chapter 11

#### CERTIFICATE OF NOTICE

District/off: 113E-9 User: ramos Page 1 of 1 Date Rcvd: Oct 11, 2016

Form ID: pdf422 Total Noticed: 3

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 13, 2016.

db +Believers Bible Christian Church, Inc., 3689 Campbellton RD SW, Atlanta, GA 30331-5249 aty +William A. Rountree, Macey, Wilensky & Hennings LLC, Suite 4420, 303 Peachtree Street, NE,

Atlanta, GA 30308-3264 +Aztec Financial, Attn: Bankruptcy Department, 2624 West Magnolia Blvd.,

Burbank, CA 91505-3031

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 13, 2016 Signature: /s/Joseph Speetjens

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 11, 2016 at the address(es) listed below:

Thomas Wayne Dworschak on behalf of U.S. Trustee Guy G. Gebhardt thomas.w.dworschak@usdoj.gov,

lisa.maness@usdoj.gov

William A. Rountree on behalf of Debtor Believers Bible Christian Church, Inc.

swenger@maceywilensky.com,

kfurlong@maceywilensky.com;smcconnell@maceywilensky.com;receptionist@maceywilensky.com

TOTAL: 2