

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE: CASE NO.: 16-15760-PGH  
CHAPTER 11  
C & D PRODUCE OUTLET, INC.

Debtors.

**DEBTOR'S MOTION TO CONTINUE AUTHORIZATION TO  
USE CASH COLLATERAL**

Debtor, C & D PRODUCE OUTLET, INC. (the "Debtor"), by and through its undersigned counsel, files this Motion to Continue Authorization to Use Cash Collateral, and in support thereof, states as follows:

1. The Debtor is presently authorized to use cash collateral through February 20, 2017 by way of a Fifth Interim Order Authorizing Debtor in Possessions Emergency Motion for Determination and/or Authorization to Use Cash Collateral, which was granted by this Honorable Court on December 20, 2016 (CP #186).

2. By way of this Motion and for the reasons more fully set forth below, the Debtor requests that it be allowed to use cash collateral for an additional sixty (60) days, or through April 21, 2017.

3. The Debtor has determined that it is in the best interest of the Debtor, the creditors and the estate to sell the real property and/or business operations of the Debtor. On November 8, 2016, the Debtor filed a Second Amended Motion for Authorizations to Sell Assets Free and Clear of Liens (C.P. #135). The Listing Agreements were filed with this Court on September 2, 2016 (C.P. #101).

4. As more fully set forth in the Listing Agreements, the Debtor proposes to

sell one or more of the assets as follows:

- a. Real Property located at 8195 North Military Trail, Palm Beach Gardens: Listing Price \$540,000.00;
- b. Real Property located at 4555 Lillian Avenue, Palm Beach Gardens: Listing Price \$199,000.00;

5. The Debtor believes that a sale of the real property will enable the Debtor to pay the secured creditor, TD Bank, N.A., the PACA creditors and other creditors through closing procedures and/or a plan of reorganization. The sale of certain assets is a condition precedent to the filing of the plan of reorganization. Fortunately, the proposed Broker is already talking to several interested parties.

6. The Debtor filed a Second Motion for Sale of Real Property Pursuant to 11 USC § 363 (C.P. #135), which was heard by this Court on November 29, 2016. The assets shall be sold by way of an auction sale and the Debtor and creditors are in the process of finalizing the sales/bidding procedures. It is anticipated that the auction sale will be held in April, 2017

7. Accordingly, the Debtor maintains that a continued use of cash collateral is necessary and, in fact, vital to this case. A sale of real property will generate the highest and best offers for the business, which will maximize payment to the creditors so the secured creditor and PACA creditors can be paid and a plan of reorganization can be funded.

8. Accordingly, the Debtor requests that it be allowed to continue to use cash collateral for a period of sixty (60) days to time for the business and real properties to be marketed for sale and commence the approval process under 11 USC § 363.

9. The extension requested will be without prejudice to further extension by agreement of the parties or further Court Order.

10. The request herein is not for the purpose of delay and will not prejudice any creditors or interested parties. In fact, the Debtor maintains that a continued use of cash collateral so the Debtor can market the business as going concerns will bring the best offers for one or more of the assets set forth above.

WHEREFORE, the Debtor C & D PRODUCE OUTLET, INC. hereby requests that this Honorable Court allow the continued use of cash collateral pursuant to the December 20, 2016 Order (CP #186) for an additional sixty (60) days, through and including April 21, 2017, and for other such relief as this Court deems just and proper.

**I HEREBY CERTIFY** that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A) and that a true and correct copy of the foregoing was furnished via U.S. Mail to the parties listed on the attached mail list this 23rd day of January, 2017.

KELLEY & FULTON, P.L.  
Attorneys for Debtors in Possession  
1665 Palm Beach Lakes Blvd.  
The Forum - Suite 1000  
West Palm Beach, FL 33401  
Tel. No. (561) 491-1200  
Fax No. (561) 684-3773

By: /s/ Craig I. Kelley  
CRAIG I. KELLEY, ESQUIRE  
Florida Bar No.: 782203

### **Mailing Information for Case 16-15760-PGH**

#### **Electronic Mail Notice List**

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- Marc P Barmat sscott@furrcohen.com, mbarmat@furrcohen.com;atty\_furrcohen@bluestylus.com
- Eyal Berger eyal.berger@akerman.com, jeanette.martinez@akerman.com
- James E Copeland jamesecopeland@bellsouth.net
- Heidi A Feinman Heidi.A.Feinman@usdoj.gov
- Andrew Fulton IV andrew@kelleylawoffice.com, lyndia@kelleylawoffice.com,kym@kelleylawoffice.com,dana@kelleylawoffice.com,tina@kelleylawoffice.com
- Craig I Kelley craig@kelleylawoffice.com, lyndia@kelleylawoffice.com,kym@kelleylawoffice.com,dana@kelleylawoffice.com,tina@kelleylawoffice.com
- Theresa M Lemme tml@lawkl.com
- Orfelia M Mayor omayor@ombankruptcy.com, legalservices@pbctax.com;carmen@ombankruptcy.com;cmbk@ombankruptcy.com;omayor@ecf.inforuptcy.com
- Office of the US Trustee USTPRegion21.MM.ECF@usdoj.gov
- Guillermo Pesant pesantg@bellsouth.net
- Ellis Petit Ellis\_P@kkcinjurylaw.com
- Roniel Rodriguez ron@rjrfirm.com
- Craig A Stokes cstokes@stokeslawoffice.com, rbarrera@stokeslawoffice.com;mcobb@stokeslawoffice.com;

### Manual Notice List

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

C & D Produce Outlet - South, Inc.  
3133 Lake Worth Rd  
Lake Worth, FL 33461

Luban Quiceno  
8401 Lake Worth Rd #208  
Lake Worth, FL 33467

Mary P. Rodgers  
1665 Palm Beach Lakes Blvd  
10th Floor #1004  
West Palm Beach, FL 33401

Blake A Surbey  
4530 Wisconsin Ave, NW  
Suite 301  
Washington, DC 20016

See attached matrix

Label Matrix for local noticing  
113C-9  
Case 16-15760-PGH  
Southern District of Florida  
West Palm Beach  
Wed Jan 4 14:49:10 EST 2017

Freshpoint South Florida, Inc.  
c/o Marc P. Barmat  
2255 Glades Rd #337W  
Boca Raton, FL 33431-7379

J. Sanchez Produce, Inc.  
10401 NW 132 Street  
Hialeah, FL 33018-1122

Sotolongo Farms, LLC  
c/o James E. Copeland, Esq.  
631 U.S. Highway One  
Suite 403  
North Palm Beach, FL 33408-4618

AmTrust North America, Inc.  
c/o Buckley King LPA  
1400 Fifth Third Center  
600 Superior Avenue East  
Cleveland, OH 44114-2652

Blake A. Surbey  
McCarron & Diesss  
4530 Wisconsin Avenue, NW  
Suite 301  
Washington 20016-4667

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Euler Hermes N. A.  
800 Red Brook Blvd.  
Owings Mills, MD 21117-5190

Frank's Produce  
Jerrold A. Coff, Esq.  
Attorney for Creditor  
3801 PGA Boulevard, Suite #600  
Palm Beach Gardens,, FL 33410-2756

Fresh Point South Florida, Inc.  
2300 NW 19 Street  
Pompano Beach, FL 33069-5227

C & D Produce Outlet - South, Inc.  
3133 Lake Worth Rd  
Lake Worth, FL 33461-3611

Fresko Foods LLC  
7350 NW 30th Avenue  
Suite B  
Miami, FL 33147-5902

Palm Beach County Tax Collector  
c/o Orfelina M Mayor Esq  
POB 3715  
West Palm Beach, FL 33402-3715

Square Lake Plaza Condo Assoc.  
c/o Konyk & Lemme PLLC  
777 South Flagler Drive  
Suite 800 - West Tower  
West Palm Beach, FL 33406 United States 33401-6161

Amerigas  
PO Box 965  
Valley Forge, PA 19482-0965

Commerce Commercial Leasing  
2059 Springdale Road  
Cherry Hill, NJ 08003-4011

Department of the Treasury  
Internal Revenue Service  
Philadelphia, PA 19154

Euler Hermes N. A. Agent for Freshpoint So F  
800 Red Brook Blvd.  
Owings Mills, MD 21117-5173

Freedom Fresh  
8901 NW 33 Road Suite 100  
Miami, FL 33172-1226

FreshPoint South Florida, Inc.  
McCarron & Diess  
4530 Wisconsin Avenue, NW  
Suite 301  
Washington, DC 20016-4667

C & D Produce Outlet, Inc.  
8195 N Military Trl  
Palm Beach Gardens, FL 33410-6307

Gordon Food Service, Inc  
c/o Roniel Rodriguez, IV  
20533 Biscayne Blvd #1243  
Aventura, FL 33180-1529

Saldana, Llc.  
c/o James B Miller  
19 W Flagler St #416  
Miami, FL 33130-4419

TD Bank, N.A.  
c/o Akerman LLP  
350 E. Las Olas Blvd.  
Suite 1600  
Fort Lauderdale, FL 33301-4247

Blake A. Surbey  
4530 Wisconsin Avenue, NW  
Suite 301  
Washington 20016-4667

Commerce Commercial Leasing  
c/o UCC Direct Services  
PO Box 29071  
Glendale, CA 91209-9071

Ecoripe  
11087 NW 122 Street  
Medley, FL 33178-3170

Frank's Produce  
1496 NW 23 Street  
Miami, FL 33142-7624

Freedom Fresh, LLC  
McCarron & Diess  
4530 Wisconsin Avenue, NW  
Suite 301  
Washington, DC 20016-4667

Fresko Foods  
7350 NW 30 Avenue  
Suite B  
Miami, FL 33147-5902

Furr and Cohen PA  
2255 Glades Road, Suite 337W  
Boca Raton, FL 33431-7379

Gordon Food Service Inc.  
c/o Roniel Rodriguez IV, P.A.  
12555 Biscayne Blvd., 915  
N. Miami, FL 33181-2522

Green Peppers  
9545 Listow Terrace  
Boynton Beach, FL 33472-2719

Happy Rock Merchant Solutions LLC  
149 West 36 Street, 12th Floor  
New York, NY 10018-9467

Happy Rock Merchant Solutions, LLC  
149 West 36th Street, 12th Floor  
Attn: R. Cusick, Esq.  
New York, NY 10018-9467

Import-Mex Dist  
1240 W 13th St  
Riviera Beach, FL 33404-6639

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

J. Sanchez Produce  
2151 NW 13 Avenue  
Bay 5/9  
Miami, FL 33142-7746

J. Sanchez Produce, Inc.  
c/o Guillermo Pesant, P.A.  
1313 Ponce de Leon Blvd.  
Suite 301  
Coral Gables, FL 33134-3343

Mr D Fruit & Produce Inc.  
12741 SW 42 St #166  
Miami, FL 33175-3429

Mr. D. Fruit & Produce Inc  
2151 NW 13 Avenue  
Miami, FL 33142-7746

NAAM Produce  
PO Box 531429  
Miami Shores, FL 33153-1429

Office of the US Trustee  
51 S.W. 1st Ave.  
Suite 1204  
Miami, FL 33130-1614

Palm Beach County Tax Collector  
Anne M. Gannon  
301 N Olive Avenue, 3rd Floor  
West Palm Beach, FL 33401-4708

Palm Beach County Tax Collector  
Attn.: Legal Services Department  
P.O. Box 3715  
West Palm Beach, FL 33402-3715

Pexco  
PO Box 855  
Pompano Beach, FL 33061-0855

Sotolongo  
633 Peppergrass Run  
West Palm Beach, FL 33411-4235

Square Lake Plaza Condominium Assoc. Inc.  
8195 North Military Trail, Unit D  
Palm Beach Gardens, FL 33410-6307

Suncandles LLC  
5589 NW 72nd Ave  
Miami, FL 33166-4251

TD Bank, N.A.  
5900 N. Andrews Ave, 2nd Floor  
Fort Lauderdale, FL 33309-2371

Unifirst  
500 SW 13 Terrace  
Pompano Beach, FL 33069-3518

Yasin Daneshfar  
1351 Sawgrass Corporate Parkway  
Suite 101  
Fort Lauderdale, FL 33323-2831

Blake A Surbey  
4530 Wisconsin Ave, NW  
Suite 301  
Washington, DC 20016-4667

Claire Courageux  
13223 46th Court North  
West Palm Beach, FL 33411-8477

Craig I Kelley  
1665 Palm Beach Lakes Blvd #1000  
West Palm Beach, FL 33401-2109

Luban Quiceno  
8401 Lake Worth Rd #208  
Lake Worth, FL 33467-2400

Mary P. Rodgers  
1665 Palm Beach Lakes Blvd  
10th Floor #1004  
West Palm Beach, FL 33401-2121

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Department of the Treasury  
Internal Revenue Service  
Cincinnati, OH 45999-0005

(d)Internal Revenue Service  
The Honorable Jeffrey H. Sloman  
Acting US Attorney  
99 NE 4th Street  
Miami, FL 33132

(d)Internal Revenue Service  
The Honorable Peter Nickles  
Atty General United States Dept Justice  
Tenth & Constitution  
Washington, DC 20530

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)West Palm Beach

(d)Internal Revenue Service  
Post Office Box 7346  
Philadelphia, PA 19101-7346

End of Label Matrix	
Mailable recipients	56
Bypassed recipients	2
Total	58