UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In re: Cherry Butte Company

Debtor.

Bky File No. 26-30564
Chapter 11, Sub. V

INTERIM ORDER (I) AUTHORIZING THE DEBTOR TO USE CASH COLLATERAL, (II) GRANTING ADEQUATE PROTECTION, AND (III) MODIFYING THE AUTOMATIC STAY

Debtor Cherry Butte Company filed a Motion for Interim and Final Orders Authorizing Use of Cash Collateral. Doc. 9. The Court received no objections at or before the hearing.

Based on the motion, exhibits and other exhibits received during the July 28, 2026, hearing, the Court finds that use of cash collateral during the interim period is necessary to avoid immediate and irreparable harm including, but not limited to: (i) disruption or cessation of operations; (ii) loss of employees and key personnel; (iii) damage to relationships with customers, vendors, and other stakeholders; and (iv) diminution in the value of Debtor's estate to the detriment of all creditors. Accordingly,

IT IS ORDERED:

1. The Motion is granted on an interim basis subject to the terms and conditions in this Interim Order. Debtor shall not use its Cash Collateral except as expressly authorized and permitted in this Order or by subsequent order of the Court.

2. Subject to the terms and conditions of this Interim Order, and consistent with the expenses outlined in the Budget attached to the Motion, Debtor is authorized to use Cash Collateral for the period from the petition date through the Final Hearing Date not to exceed

expenses totaling $200,705.00. Debtor's expenditures may vary no more than 10% from the total expenses outlined in its budget. See Doc. 9 at Ex. C.

3. The Cash Collateral may be subject to the liens of Dakota Western Bank, The U.S. Small Business Administration, Grasshopper Bank, Wells Fargo Bank, TVT Capital Source LLC, Byzfunder NY LLC, and GlenRidge Capital LLC, (the "Prepetition Lenders").

4. For purposes of adequate protection, and to the extent of the use of prepetition Cash Collateral in which the Prepetition Lenders have security interests, Debtor is authorized to grant to the Prepetition Lenders replacement liens, pursuant to 11 U.S.C. § 552, in the Debtor's postpetition assets of the same validity, priority, and effect as their prepetition liens, if any, on Debtor's prepetition property. For the avoidance of doubt, Chapter 5 causes of action arising under 11 U.S.C. §§ 501 et seq. are excluded from the replacement liens authorized by this Order.

5. Each of the Debtor's banks is authorized to debit Debtor's accounts in the ordinary course of business without the need for further order of this Court for: (i) all checks drawn on Debtor's accounts which are cashed at the Bank's counters or exchanged for cashier's checks by the payees of the checks prior to the petition date; (ii) all checks or other items deposited in one of Debtor's accounts with the Bank prior to the petition date which have been dishonored or returned unpaid for any reason, together with any fees and costs in connection with the checks or deposits, to the same extent Debtor was responsible for these items prior to the petition date; and (iii) all undisputed prepetition amounts outstanding as of the date of this Order, if any, owed to any Bank as service charges for the maintenance of the Cash Management System.

6. Any of Debtor's Banks may rely on the representations of Debtor with respect to whether any check or other payment order drawn or issued by Debtor prior to the Petition Date

should be honored pursuant to this or any other order of this Court, and the Banks shall not have any liability to any party for relying on Debtor's representations.

7. The Court retains jurisdiction to enforce this Interim Order according to its terms.

8. The rights of all parties to raise any and all arguments with respect to any further interim orders, or any final order, regarding the Motion, are preserved.

9. A Final Hearing on the Motion will be held on **Tuesday, August 11, 2026, at 2:00 p.m. (Central)** in Courtroom #3, Second Floor, Quentin N. Burdick United States Courthouse, 655 First Avenue north, Fargo, North Dakota. The deadline to file an objection to final relief is **Thursday, August 6, 2026**. If the Court receives no objection to the motion or if the objections are withdrawn, the Court may enter an order granting the relief requested and cancel the hearing.

Dated: July 28, 2026.

Shon Hasting, Judge
United States Bankruptcy Court