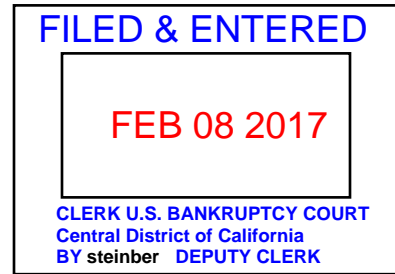


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9 **UNITED STATES BANKRUPTCY COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SANTA ANA DIVISION**

12 In Re

13 CLARKE PROJECT SOLUTIONS, INC.,
14 a California corporation,
15 Debtor and Debtor-in-Possession.

Case No. 8:17-bk-10402 TA

Chapter 11 Proceeding

**ORDER RE: DEBTOR’S EMERGENCY
MOTION FOR ORDER
AUTHORIZING USE OF CASH
[ECF DOCKET NO. 6]; AND SETTING
FINAL HEARING AND BRIEFING
SCHEDULE THEREON**

DATE: February 8, 2017

TIME: 10:00 a.m.

CTRM: Courtroom 5B

411 W. Fourth Street

Santa Ana, California 92701

Further hearing on the Motion re
Use of Cash Collateral on a final basis
(through and including May 31, 2017)

Hearing Date: March 22, 2017

Time: 10:00 a.m.

Courtroom: 5B

25 The matter of the emergency hearing on the DEBTOR’S EMERGENCY MOTION FOR
26 ORDER AUTHORIZING THE USE OF CASH COLLATERAL; MEMORANDUM OF POINTS
27 AND AUTHORITIES AND DECLARATION OF CHRISTOPHER CLARKE IN SUPPORT
28 THEREOF [ECF DOCKET NO.6] (the “Motion”) came on for hearing before the undersigned

1 United States Bankruptcy Judge on February 8, 2017, at 11:00 a.m.. Pamela J. Zylstra, Esq. of
2 Pamela Jan Zylstra A Professional Corporation appeared as proposed counsel on behalf of CLARKE
3 PROJECT SOLUTIONS, INC., a California corporation, fka CUMMING CLARKE, the Debtor and
4 Debtor-in-Possession (the “Debtor”). Queenie K. Ng, Esq. trial attorney with the Office of the
5 United States Trustee appeared on behalf of the United States Trustee. Talin Keshishian, Esq. of
6 Brutzkus Gubner Rozansky Seror Weber LLP appeared telephonically on behalf of Cumming
7 Construction Management, Inc.

8 Based on the Motion, the Declaration of Christopher Clarke, and the Supplemental
9 Declaration of Christopher Clarke filed on February 8, 2017 as ECF Docket No. 25, in support
10 thereof, the pleadings and other documents on file in the case, the notices given of the emergency
11 hearing, after hearing argument from counsel, the Debtor having addressed the Limited Objection
12 filed by the United States Trustee and the objections raised prior to and at the hearing by Cumming
13 Construction Management, Inc., and the Court having found that, pursuant to Rule 6003(b) of the
14 Bankruptcy Code, immediate and irreparable harm would occur if the relief sought by the Motion is
15 not granted, and for good cause shown,

16 IT IS ORDERED:

17 1. The Motion is granted on an interim basis until the time and place of a final hearing
18 thereon as specified below.

19 2. The Debtor, on an interim basis, and pending final hearing on notice to creditors, is
20 authorized to use cash collateral in the amounts set forth in the amended cash flow budget
21 (“Amended Budget”) which is attached as Exhibit “2” to the Declaration of Clarke Re Amended
22 Budget filed on February 8, 2017 as ECF Docket No.25 in support of the Motion;

23 3. The expense line item for “Legal Fees” is a budget item and does not authorize the
24 Debtor to pay attorney fees and costs or retainers to professionals except as authorized by an order of
25 the Court;

26 4. The Debtor is authorized to exceed the amounts set forth in the Budget by as much as
27 15% of each respective budget total; however, if the Debtor’s revenues increase, then the respective
28 debtor’s expenditures may exceed the amount of the expenditures set forth in the respective budget

1 in proportion to the increase in actual revenues from budgeted revenues. Budget savings for any
2 month may be carried over and used by the Debtor in subsequent months.

3 5. The Debtor, creditors and all other parties-in-interest will reserve any and all rights
4 that they may have to object to the claims of Cumming Construction Management, Inc. and to object
5 to the validity, priority and extent of its lien, if any, encumbering the Debtor's assets.

6 6. The Debtor shall provide to Cumming Construction Management, Inc. monthly
7 operating reports required to be submitted to the Office of the United States Trustee, and monthly
8 Budget reports comparing the budgeted line items to actual collections and expenses, broken down
9 by the expense line items contained in the Budget, within 25 days after the end of each monthly
10 period after the Petition Date.

11 7. **A further hearing** on the Motion regarding the Use of Cash Collateral on a final
12 basis (through and including May 31, 2017) will take place on **March 22, 2017 at 10:00 a.m.** in this
13 Court. Proposed Counsel for the Debtor shall serve a conformed copy of this Order upon all parties
14 who appeared at the hearing on the Motion within three (3) business days after entry hereof by ECF
15 noticing or, if not registered for ECF noticing, by mail. Any Opposition to the Motion must be filed
16 with the Court, and served by mail upon all parties who received notice of the Motion, by March 8,
17 2017. Any additional pleadings by the Debtor or pleadings by way of Reply to any Opposition to
18 the Motion on behalf of the Debtor or on behalf of any party in interest must be filed with the Court,
19 and served by mail upon all parties who received notice of the Motion by March 15, 2017.

20 ###

21
22
23 Date: February 8, 2017



Theodor C. Albert
United States Bankruptcy Judge