

ORDERED.

Dated: January 20, 2017



Catherine Peek McEwen
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
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In re:	Chapter 11
COMPREHENSIVE PHYSICIANS SERVICES, INC.,	Case No. 8:16-bk-9905-CPM
PAUL KEVIN CHRISTIAN,	Case No. 8:16-bk-9907-CPM
Debtors.	<i>Jointly Administered under</i> <i>Case No. 8:16-bk-9905-CPM</i>

**FINAL ORDER ON DEBTOR'S EMERGENCY
MOTION FOR AUTHORITY TO USE CASH COLLATERAL**

THIS CASE came before the Court for final hearing on January 12, 2017, at 3:00 p.m. for consideration of the *Debtor's Emergency Motion for Authority to Use Cash Collateral* (Doc. No. 9) (the "**Motion**"). The Motion seeks the entry of interim and final orders authorizing the Debtors to use "Cash Collateral" as defined in Section 363(a) of the Bankruptcy Code.

The Court finds that due and sufficient notice of the Motion and the Hearing was provided to: (i) the Office of the United States Trustee for the Middle District of Florida, (ii) C1 Bank (the "**Lender**"), (iii) all other known secured creditors of the Debtors, and (iv) the twenty (20) largest unsecured creditors of each of the Debtors and that no other or further notice is necessary. The

Court considered the Motion, together with the record and the arguments of counsel at the Hearing, and it appearing that the use of Cash Collateral to the extent provided herein is necessary on an interim basis in order to avoid irreparable harm to the Debtor, and for the reasons announced on the record at the Hearing which shall constitute the decision of the Court, it is

ORDERED that:

1. Notice of the Motion and the Hearing on the Motion was adequate and appropriate in the current circumstances of these jointly administered Chapter 11 cases as contemplated by 11 U.S.C. §102(a) and Fed. R. Bankr. P. 4001(b)(2).

2. The Motion is granted.

3. All persons and entities owing monies to the Debtor are authorized and directed to pay the monies to the Debtor, without setoff, which sums shall upon collection by the Debtor constitute Cash Collateral (as that term is defined in Section 363(a) of the Bankruptcy Code).

4. Subject to the provisions of this Order, the Debtor is authorized to use Cash Collateral including, without limitation, cash, deposit accounts, and accounts receivable, to pay (a) amounts expressly authorized by this Court, including payments to the U.S. Trustee for quarterly fees; (b) the current and necessary expenses set forth in the budget (the “**Budget**”), a copy of which is attached hereto as **Exhibit A**, so long as the aggregate of all expenses for each week do not exceed the amount in the Budget by more than ten percent (10%) for any such week on a cumulative basis (the “**Variance**”); and (c) additional amounts approved in writing by the Lender. Notwithstanding the foregoing, subject to the provisions of paragraph ten of this Order, expenditures in excess of the Variance or not on the Budget will not be deemed to be unauthorized use of Cash Collateral, unless the recipient cannot establish that the expense would be entitled to

administrative expense priority if the recipient had extended credit for the expenditure. The authorization will continue until further order of this Court.

5. The Debtor is authorized to provide adequate protection, pursuant to sections 363(c)(2)(A) and 363(e) of the Bankruptcy Code, to the Lender pursuant to the terms and conditions of this Interim Order. As adequate protection with respect to the Lender's interests in the Cash Collateral, the Lender is granted replacement liens (the "**Replacement Liens**") in and upon all of the categories and types of collateral in which they held a security interest and lien as of the Petition Date to the same extent, validity and priority that the Lender held as of the Petition Date.

6. The Debtors shall maintain insurance coverage for the Collateral in accordance with the obligations under the loan and security documents.

7. This Order is not and shall not be construed as determinative as to whether or not any creditor has a valid lien on any property of the Debtor or its estate. This Order is not and shall not be construed as determinative as to the extent or amount of any secured claim associated with any such lien.

8. This Order is without prejudice to the Debtor's right to challenge the extent, validity, or priority of any lien or claim of any creditor, and is likewise without prejudice to the right of any creditor to seek additional relief concerning Cash Collateral by subsequent motion and nothing contained in this Order shall be deemed to constitute a waiver of any party's rights.

9. The provisions of this Order are without prejudice to the rights of the U.S. Trustee to appoint a committee or any rights of a duly appointed committee to challenge the validity, priority, or extent of any lien(s) asserted against cash collateral.

10. This Order is without prejudice to the Debtor's right to seek authority by separate motion to pay monies in excess of the amounts set forth in the Budget.

11. It shall be an event of default if the Debtor exceeds the Variance without the prior written consent of the Lender, which consent shall not be unreasonably withheld; provided, however, in the event of a default, the Debtor's authority to use Cash Collateral shall continue until the Lender obtains an order by appropriate motion after notice and hearing requiring the Debtor to cease using Cash Collateral.

12. In accordance with Rule 4001 of the Bankruptcy Rules, the Court finds the Debtor's authorization to use Cash Collateral pursuant to this Order is necessary to avoid immediate and irreparable harm to the Debtor's estate.

13. The provisions of this Order shall remain in full force and effect unless modified or vacated by subsequent order of this Court.

14. The Court shall retain jurisdiction to enforce the terms of this Order.

Attorney Scott A. Stichter is directed to serve a copy of this order on interested parties who are non-ECF users and file a proof of service within 3 days of entry of the order.

**COMPREHENSIVE PHYSICIAN SERVICES
MONTHLY BUDGET**

	CURRENT MONTH
RECEIPTS:	62,707
DISBURSEMENTS	
Bank Charges	16
Bookkeeping	250
Contract Labor	250
Insurance	2,895
Leases	150
Licenses	388
Office Supplies	1,600
Payroll – Net	26,600
Rent	3,046
Repairs and Maintenance	675
Secured Creditor Payments	4,000
Taxes Paid – Payroll	9,805
Taxes Paid – Other	70
Telephone, Computers & IT	1,532
U.S. Trustee Quarterly Fees	542
Utilities	425
Vehicle Expenses	1,552
Other Operating Expenses	1,880
Miscellaneous	500
DISBURSEMENTS	56,176
EXCESS	6,531