U.S. BANKRUPTCY COURT
District of South Carolina

Case Number: **19-05090-hb**

INTERIM ORDER AUTHORIZING DEBTOR TO USE CASH COLLATERAL AND GRANTING ADEQUATE PROTECTION AND SCHEDULING FURTHER HEARING FOR OCTOBER 25, 2019 AT 1:00 P.M.

The relief set forth on the following pages, for a total of 5 pages including this page, is hereby ORDERED.

FILED BY THE COURT
10/04/2019

Entered: 10/04/2019

US Bankruptcy Judge
District of South Carolina

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

In re:	Case No. 19-05090
DREAM BIG RESTAURANTS, LLC.,	In Proceedings Under Chapter 11
Debtor.	Hon. Helen E. Burris

INTERIM ORDER AUTHORIZING DEBTOR TO USE CASH COLLATERAL AND GRANTING ADEQUATE PROTECTION AND SCHEDULING FURTHER HEARING FOR OCTOBER 25, 2019 AT 1:00 P.M.

This matter came before the court for an expedited hearing on Debtor's *Motion for Entry of Interim and Final Order Authorizing the Debtor to Use Cash Collateral and Granting Adequate Protection* (the "Motion") and objections thereto. After careful consideration of the testimony and evidence presented, and applicable law,

THE COURT HEREBY FINDS:

A. On September 27, 2019 (the "Petition Date"), the Debtor filed its voluntary petition for relief under chapter 11 of the Bankruptcy Code. Since the Petition Date, the Debtor has continued in possession of its assets and has continued to operate its business as a debtor-in-possession pursuant to sections 1107(A) and 1108 of the Bankruptcy Code, and no Official Committee of Unsecured Creditors has yet been formed.

B. The Debtor requires the use of the Cash Collateral for the maintenance and preservation of its assets, and for the operation of its business and the payment of business expenses in the ordinary course.

C. The relief provided herein is necessary, essential and appropriate for the continued operation of the Debtor's business and the management and preservation of its assets and is otherwise necessary to avoid immediate and irreparable harm to the Debtor and its estate pending a final hearing on the Motion.

D. The Debtor provided notice of the initial hearing on the Motion by serving notice in accordance with Fed. R. Bankr. P. 4001(a)(1) and (b)(3). The notice provided is appropriate, adequate and proper under the circumstances of this case in accordance with Fed. R. Bankr. P. 4001(b).

E. All objections to the entry of this order have been either resolved, withdrawn or overruled.

In light of the foregoing, and for the reasons stated on the record at the hearing held on October 4, 2019, **IT IS HEREBY ORDERED THAT:**

1. The Debtor is authorized to use Cash Collateral and grant adequate protection on an interim basis in accordance with the Budget (attached here as **Exhibit A**[1]) until a final hearing is held.

2. The amount authorized is necessary to avoid immediate and irreparable harm before the date of the final hearing. A ten percent (10%) variance in line item is allowed.

3. As adequate protection under sections 363 and 361 of the Bankruptcy Code for any security interests TD Bank, N.A. and any other secured creditors, including the State of South Carolina and the MCA Creditors, may asset in the Debtor's Cash Collateral, to the extent that the Debtor uses such Cash Collateral and does not replace it, are hereby granted replacement liens to the same extent, validity, and priority that existed as of the Petition Date in all types and descriptions of collateral that were properly secured and perfected under the applicable, valid, and enforceable pre-petition loan documents, which are created, acquired, or arise after the Petition Date.

[1] Although disclosed in Exhibit A, Debtor will not use Cash Collateral to pay the officer salary during this interim period.

4. As additional adequate protection, the Debtor shall pay TD Bank, N.A. the amount of $8,787.00 on October 6, 2019.

5. The Debtor shall provide to TD Bank, N.A., McDonald's Corporation, McDonald's USA, LLC, and the United States Trustee, bi-weekly accounting reports concerning the Debtor's income and expenditures as they relate to the Budget. The first such bi-weekly accounting shall (i) be due on October 16, 2019, (ii) cover the period from the Petition Date through October 11, 2019, and (iii) include an accounting for any Cash Collateral used and received since the Petition Date.

6. A further hearing on the Motion will be held at **201 Magnolia Street, Spartanburg, South Carolina 29306, on October 25, 2019, at 1:00 p.m.**, to consider the Debtor's request to use Cash Collateral beyond that date as set forth in the Motion.

7. Any party objecting to the Debtor's use of Cash Collateral as detailed in the Motion or this Order must file a written objection within fourteen (14) days after the entry of this Order, except that an official committee may file objections within fourteen (14) days after the official committee is served with the entered Order.

8. **Notice and service of this Order are delegated to the Debtor pursuant to SC LBR 5075-1**. The Debtor shall, within twenty-four (24) hours following its entry, serve copies of this Order with all attachments on the 20 largest unsecured creditors, all secured creditors, any committee formed in this case, the United States Trustee's Office, and all other parties who are required to be served under Fed. R. Bankr. P. 4001(b).

AND IT IS SO ORDERED.

EXHIBIT A

Dream Big Restaurants, LLC							
		Week Ended:					End of Interim
Projection		29-Sep	6-Oct	13-Oct	20-Oct	27-Oct	Cash Collateral
2. CASH RECEIPTS							
(a) Forecasted Receipts		271,111	263,789	259,291	262,542	275,124	1,331,856
(b) Non-Product Sales		3,000	3,000	3,000	3,000	3,000	15,000
(c) Sales Tax Collected		21,689	21,103	20,743	21,003	22,010	106,549
(d) Sales tax paid		(21,689)	(21,103)	(20,743)	(21,003)	(22,010)	(106,549)
3. TOTAL CASH RECEIPTS [2a + 2b + 2c=3]		274,111	266,789	262,291	265,542	278,124	1,346,856
COGS							-
Food		75,911	73,861	72,601	73,512	77,035	372,920
Paper Goods		10,817	10,525	10,346	10,475	10,977	53,141
Controllable Expenses							-
Crew Labor		70,489	68,585	67,416	68,260.84	71,532	346,283
Management Labor		7,320	7,122	7,001	7,089	7,428	35,960
Administrative Employees		4,951	4,951	4,951	4,951	4,951	24,755
Officer Salary							-
Payroll Taxes		7,919	7,726	7,607	7,693	8,025	38,971
Travel		-	-	-	-	-	-
Advertising		8,269	8,046	7,908	8,008	8,391	40,622
Outside Services		3,250	3,250	3,250	3,250	3,250	16,250
Linen		352	343	337	341	358	1,731
Operating Supplies		3,389	3,165	2,982	2,888	4,127	16,551
Maintenance & Repair		3,389	3,297	3,241	3,282	3,439	16,648
Utilities		8,133	7,914	7,779	7,876	8,254	39,956
Office Expense		416	414	412	413	418	2,073
Admin office rent			2,008				2,008
Cash +/-		407	396	389	394	413	1,998
Total Non-Occupancy Costs		205,013	201,603	196,219	198,432	208,599	1,009,866
							-
OPERATING INCOME BEFORE							-
OCCUPANCY COSTS		69,098	65,186	66,071	67,109	69,526	336,990
							-
Occupancy Costs							-
Rent		24,102	23,451	23,051	23,340	24,459	118,402
Service Fees		10,953	10,657	10,475	10,607	11,115	53,807
							-
Insurance		5,532	5,419	5,350	5,400	5,594	27,296
Taxes / Licenses		4,202	4,089	4,019	4,069	4,264	20,644
							-
Misc Non-Controllable Expenses		8,350	8,125	7,986	8,086	8,474	41,021
							-
Non-Product Cost		3,538	3,538	3,538	3,538	3,538	17,690
							-
							-
Total Occupancy Costs	-	56,677	55,279	54,419	55,040	57,444	278,860
Net Income		12,421	9,908	11,652	12,069	12,082	58,131
							-
Adequate Protection Payments & Administrative Expenses							-
TD Bank		8,787					8,787
Schafer and Weiner							-
Martin Brower contract assumption							-
UST Fees						1,625	1,625
Adequate Protection Payments & Administrative Expenses		8,787		-	-	1,625	10,412
							-
Cash Position Increase		3,634	9,908	11,652	12,069	10,457	47,719
							-
Prepetition Cash	183,270						-
							-
Ending Cash		186,904	196,811	208,463	220,532	230,989	232,084
Administrative Employees							
Annual	257,500.00						
Weekly	4,951.00						
Officer Salary							
Annual	400,000.00						
Weekly	7,787.00						