



**SO ORDERED.**

**SIGNED this 6 day of January, 2017.**

*James P. Smith*

**James P. Smith  
Chief United States Bankruptcy Judge**

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

**IN RE:**

**HENSON MECHANICAL, INC.,  
D/B/A BEN FRANKLIN PLUMBING,  
D/B/A ONE HOUR HEATING AND AIR  
CONDITIONING,**

**Debtor.**

**CHAPTER 11**

**CASE NO. 17-30011-jps**

**HENSON MECHANICAL, INC.,  
D/B/A BEN FRANKLIN PLUMBING,  
D/B/A ONE HOUR HEATING AND AIR  
CONDITIONING,**

**Movant,**

**CONTESTED MATTER**

**v.**

**THE BRAND BANKING COMPANY,**

**Respondent.**

**INTERIM ORDER GRANTING DEBTOR'S MOTION REQUESTING  
AUTHORIZATION TO USE CASH COLLATERAL AND SCHEDULING  
FINAL HEARING ON THE DEBTOR'S REQUEST TO USE CASH COLLATERAL**

THIS MATTER came before the Court on the Debtor's Emergency Motion Requesting Entry of Order Authorizing the Use of Cash Collateral filed on January 3, 2017 (the "Motion"). The Court, having considered the Motion, the Budget filed by the Debtor and attached hereto as Exhibit "A" and all other matters of record, finds as follows:

A. On January 3, 2017 (the "Petition Date"), Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Middle District of Georgia, Athens Division, commencing this Bankruptcy Case (the "Case").

B. Since the Petition Date, Debtor has operated as a debtor-in-possession under Sections 1107 and 1108 of the Bankruptcy Code.

C. Debtor is a Georgia Corporation and as its business, Debtor operates a residential plumbing and heating and air conditioning business. Debtor's corporate offices are located in Monroe, Georgia (the "Business").

D. Upon information and belief, Respondent may assert an interest in Debtor's Cash Collateral as detailed in the Motion. Debtor asserts that based upon a review of records and financing statements, it does not appear that any other party asserts an interest in Debtor's Cash Collateral.

E. Debtor shows that it requires the use of Cash Collateral to pay its payroll, purchase inventory and pay its other operating expenses.

F. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This case is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Notice has been

properly given in light of the circumstances in order to avoid irreparable harm to the Debtor's estate.

For the reasons stated on the record, and the Court being otherwise informed, it is hereby ORDERED that:

1. The aforesaid findings, enumerated in paragraphs A through F above, are hereby incorporated into this Order as if fully set forth herein.

2. For as long as the Debtor faithfully performs its obligations under this Order and until 11:59 p.m. EDT on the date of the Final Hearing (as defined herein); or as extended by the Court or consent of the parties, the Debtor shall have the right to use the Cash Collateral on an interim basis, subject to the terms of this Order.

3. The Debtor is authorized to use Cash Collateral generated from the Business as required in Debtor's business judgment in accordance with the expense items in the Budget and for other amounts allowed or awarded pursuant to orders entered by this Court after appropriate notice and hearing. Debtor agrees to make payments to Respondent in the exact amounts reflected on the Budget. Notwithstanding anything to the contrary herein, Debtor may use Cash Collateral to pay the actual amount owed or deposit required to any utility, taxing authority (for post-petition taxes), the United States Trustee or insurance company as actually due and needed in Debtor's business judgment.

4. For purposes of providing adequate protection to Respondent for the Debtor's use of Cash Collateral, without limiting any security interests or liens in the post-petition Collateral that are granted or extended to Respondent pursuant to 11 U.S.C. § 552, Respondent is hereby granted a security interest in, and lien upon all of the post-petition collateral to the same extent, validity, amount, and priority as Respondent's pre-petition security interests and lien upon such

collateral (the “Replacement Liens”) to secure against any diminution in value of any prepetition collateral in which Lender holds a valid, enforceable and perfected security interest resulting from the imposition of the automatic stay or the Debtor’s use of Cash Collateral.

5. This Order is without any prejudice to Respondent, including but not limited to its right to dispute at any time the Debtor’s continued use of the Cash Collateral, seek relief from the stay or dismissal of this Case, and contest the nature, extent, validity or priority of any lien or security interest, and the entry of this Order is not to be interpreted as an agreement by Respondent to support or accept final use of the Cash Collateral, the filing of the Debtor’s bankruptcy petition, any plan of reorganization or disposal of assets under Section 363 of the Bankruptcy Code, or any other proposed treatment of Respondent’s asserted claim(s). To the extent Respondent disputes the Debtor’s continued use of cash collateral, the Court will hear such motion on an emergency basis at the Court’s earliest availability.

6. This Order is entered without prejudice to the rights of Respondent or other creditors to seek additional adequate protection or other relief available under the Bankruptcy Code, other applicable law or applicable loan documents. Nothing herein shall be construed or interpreted as consent by Respondent to entry of a final order authorizing the use of Cash Collateral. Entry of this Order is without prejudice to the rights of Respondent, creditors or any party in interest to challenge or otherwise contest entry of a final order authorizing the use of Cash Collateral.

7. This Order is also entered without prejudice to the claims, rights, and actions that: (A) Debtor may have to challenge the nature, validity, or extent of the liens or debts asserted by Respondent; and (B) Respondent may assert in any action by Debtor to challenge the nature, validity, or extent of the liens or debts it may assert.

8. Notwithstanding anything to the contrary within Bankruptcy Rule 4001(b)(2) or any other rule of similar import, this Order shall be effective immediately upon its entry.

**THE COURT SHALL HOLD A FINAL HEARING (THE “FINAL HEARING”) ON THE MOTION ON FEBRUARY 14, 2017 AT 11:00 A.M. AT THE U.S. BANKRUPTCY COURT, MIDDLE DISTRICT OF GEORGIA, U.S. COURTHOUSE, 115 EAST HANCOCK AVENUE, ATHENS, GEORGIA 30601. ANY WRITTEN OBJECTION MUST BE FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, 440 MARTIN LUTHER KING BLVD., SUITE 302, MACON, GA 31201-7910, AND SERVED UPON PROPOSED COUNSEL FOR THE DEBTOR, CAMERON M. MCCORD, JONES & WALDEN, LLC, 21 EIGHTH STREET, N.E., ATLANTA, GEORGIA 30309 AND THE OFFICE OF THE UNITED STATES TRUSTEE, ATTN: ROB FENIMORE, OFFICE OF THE UNITED STATES TRUSTEE, 440 MARTIN LUTHER KING BLVD., SUITE 302, MACON, GA 31201-7910, NO LATER THAN FEBRUARY 10, 2017, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN.**

[End of Order]

**Prepared and presented by:**

JONES & WALDEN, LLC

/s/ Cameron M. McCord

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*Proposed Counsel for the Debtor*

**Order Reviewed By:**

UNITED STATES TRUSTEE

/s/ Rob Fenimore

Rob Fenimore

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**Consented to by:**

Mahaffey Pickens Tucker, LLP

/s/Andrew Stancil

Andrew Stancil

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*Counsel for the Brand Banking Company*

**“Exhibit A”  
Budget**

<b>Income</b>		120,000.00
<b>Expenses</b>		
	<b>Cost of Goods</b>	
	Materials	18,000
	Equipment	10,000
	(subtotal)	28,000
	<b>Advertising</b>	
	Advertising	5,000
	<b>Employee Expenses</b>	
	Wages - Admin	3,700
	Wages - Dispatch	3,750
	Wages - Techs	29,000
	Wages - Sales Rep	2,500
	Wages - Warehouse	650
	Wages - Temp Employment	300
	Payroll Taxes	6,400
	Payroll Fees	60
	Insurance	1,100
	Uniforms	375
	(subtotal)	47,835
	<b>Facility</b>	
	Mortgage	4,914.93
	Line of Credit	600
	Utilities	1,000
	Telephone	1,550
	Janitorial	300
	(subtotal)	8,364.93
	<b>Vehicle</b>	
	Vehicle Expense	2,500
	Fuel	3,000
	(subtotal)	5,500

	<b>Administrative</b>	
	Leased Equipment	161.57
	Call Center Services	1,500
	Software Licensing	757.64
	Penalties	150
	Office Postage	40
	Office Supplies	85
	Printing	100
	Finance Charges	50
	Credit Card Fees	2,605
	Franchise Fees	15,000.00
	(subtotal)	20,449.21
	<b>Total Expenses</b>	115,149
	<b>Net Income:</b>	4,850.86