

Dated: January 20, 2017



*Brenda K. Martin*

Brenda K. Martin, Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

In re:  INDUSTRIAL RIDE SHOP, LLC,  Debtor.	Chapter 11  Case No. 2:16-bk-14176-BKM
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In re:  INDUSTRIAL SKATE & BOARDS, INC,  Debtor.	Chapter 11  Case No. 2:16-bk-14389-BKM
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This filing applies to:  <input type="checkbox"/> BOTH DEBTORS <input checked="" type="checkbox"/> INDUSTRIAL RIDE SHOP, LLC. <input type="checkbox"/> INDUSTRIAL SKATE & BOARDS, INC.	
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**AGREED ORDER AUTHORIZING  
DEBTOR'S INTERIM USE OF CASH  
COLLATERAL AND SETTING FINAL  
HEARING ON MOTION**

Hearing Date: 1/19/2017  
Hearing Time: 1:30 pm

This matter came before the Court pursuant to the *Emergency Motion to Approve Use of Cash Collateral* [ECF No. 91] (“Motion”) filed by Industrial Ride Shop, LLC (“Debtor”). Pursuant to 11 U.S.C. § 363,<sup>1</sup> the Debtor requested an order from the Court authorizing the Debtor to use certain cash and cash equivalents which may be cash collateral (“Cash Collateral”) in which Bank of America, N.A. (“BoFA”) asserts an interest, and specifically for immediate use of Cash Collateral for the 14-day period of January 15 through January 28, 2017 (“Interim Period”) to ensure payroll can be met and inventory can be purchased, among other things. After consideration of Motion, *Secured Lender’s Objection to Debtors’ Emergency Motion to Approve Use of Cash Collateral* [ECF No. 92], the agreement of the counsel as set forth on the record at the hearing held on January 19, 2017, and for good and sufficient cause

<sup>1</sup> Unless otherwise indicated, all Chapter, Section and Rule references are to the Bankruptcy Code (“Code”), 11 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure 1001-9037 (“Rules”).

appearing therefor,

**THE COURT FINDS AND CONCLUDES:**

1. On December 16, 2016, the Debtor filed a voluntary petition for relief under Chapter 11 of the Code.

2. The Court has jurisdiction to consider this matter under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (M).

3. The relief requested in the Motion and the Debtor's requested interim use of the Cash Collateral, pending a final hearing, is in the best interests of the Debtor, its estate, its creditors and other parties in interest.

4. The Debtor has provided adequate and proper notice of the Motion and the Hearing, and no other or further notice is necessary in connection with the Debtor's use of Cash Collateral in the Interim Period.

In light of the foregoing, and the agreement of the parties as reflected by their signatures below, the entire record before the Court, and good cause appearing,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

A. The Motion is granted on the terms set forth herein.

B. With BofA's consent, the Debtor is authorized to use Cash Collateral in the amount of \$177,185 in accordance with the expenses described on Pages 5-6, Paragraph 26, of the Motion for the Interim Period only, unless the Interim Period is extended by agreement between the Debtor and BofA. The Debtor may not exceed such expenditures by more than 10% in the aggregate during the Interim Period without receiving prior consent from BofA.

C. In exchange for BofA's consent for use of Cash Collateral in the Interim Period as set forth herein, BofA will receive the following:

- a. Replacement liens in the inventory purchased in the Interim Period as set forth on the Budget.
- b. A one-time payment of \$13,100.00, which shall be paid from Cash Collateral.

- c. Weekly budget-to-actual reporting from the Debtor.
- D. A final hearing on the Motion is scheduled for January 26, 2017 at 3:30 pm.
- E. The Parties reserve their rights and remedies with respect to all other issues relating to Cash Collateral.
- F. The Debtors shall provide notice of this Order and the Final Hearing on the Debtor's 20 largest creditors, any parties in interest that may have an interest in the Cash Collateral, and all parties requesting notice.

**DATED AND SIGNED ABOVE.**

Acceptable as to form and content:

/s/ Hilary L. Barnes  
Hilary L. Barnes, Esq.  
Allen Barnes & Jones  
Attorneys for the Debtor

/s/ Kyle S. Hirsch (with permission)  
Kyle S. Hirsch, Esq.  
Bryan Cave, LLP  
Attorneys for Bank of America, N.A.

Acceptable as to form:

ILENE J. LASHINSKY  
United States Trustee  
District of Arizona

/s/ Patty Chan  
Patty Chan, Esq.  
Trial Attorney