IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI

IN RE: J Kruse Investments, LLC,	)	
	)	Case No. 25-60861-btf11
Debtor.	)	

FINAL ORDER AUTHORIZING USE OF CASH COLLATERAL AND PROVIDING ADEQUATE PROTECTION

This matter came before the Court on Debtor J Kruse Investments, LLC's Motion for Authorization to Use Cash Collateral on June 2, 2026 at 3:30 p.m. At the hearing, the parties announced their agreement to the terms of this Final Order on the record. The Court, being fully advised in the premises, for good cause shown **FINDS AND ADJUDGES AS FOLLOWS:**

1. On December 17, 2025 (the "Petition Date"), the Debtor filed a voluntary petition under Chapter 11 of Title 11 of the U.S. Bankruptcy Code, 11 U.S.C.A. §§ 101 *et seq.* (the "Bankruptcy Code").
2. The Debtor has continued in the management and control of its business and property as debtor in possession pursuant to Bankruptcy Code §§ 1107 and 1108.
3. Simmons Bank has a security interest in the proceeds of the Debtor.
4. The Debtor is the operator of 5 Subway franchise locations in Kansas and Missouri.
5. Prior to, on, and after the Petition Date, the Debtor has received and collected, and continues to receive and collect sales proceeds from the operation of the Subway restaurants.
6. The Debtor requires the use of said sales proceeds to operate the restaurants, pay wages, utilities and governmental entities, vendors, general operating expenses, and professionals.
7. The Debtor believes that it is in the best interest of the estate and its creditors to utilize the proceeds in the manner provided for herein.

8. As of the Petition Date, Simmons Bank has a principal balance of $307,713.42 and $51,271.69, and pending further review, Debtor concedes is secured up to $104,617.27 for the purposes of its Motion to Use Cash Collateral; however, the secured position of Simmons Bank remains in dispute.
9. That Debtor's use of cash collateral is necessary to avoid immediate and irreparable harm to Debtor and/or Debtor's estate.
10. That Simmons Bank will be adequately protected through the adequate protection payments provided herein and by Simmons Bank's retention of its lien on cash collateral.
11. The authorization for use of cash collateral pursuant to this Order shall limit the Debtor's use of cash collateral in accordance with Debtor's operating budget attached hereto as an Exhibit. In the event this case has not been resolved prior to the expiration of the budget period, Debtor's authority to use cash collateral shall continue on the same terms and conditions set forth in this Order, with Debtor operating consistent with its historical cash flow patterns, until further order of this Court or the written consent of Simmons Bank.
12. Simmons Bank consents to the use of cash collateral as proposed by Debtor provided, however: (i) any line item appearing in said Budget may be exceeded during any one calendar month by not more than ten percent (10%); and (ii) the aggregate total of all line items appearing in the entire Budget during any calendar month may be exceeded by not more than ten percent (10%).
13. Notwithstanding the foregoing, if Simmons Bank consents in writing following reasonable notice, Debtor may incur an expense not included in the Budget or may exceed a line item therein by more than the above-stated limitations. Without first obtaining the express written consent of Simmons Bank or a Court order after a hearing held following reasonable notice to Simmons Bank and an opportunity for Simmons Bank to be heard,

Debtor shall not incur or pay any expense not reflected in the Budget or exceed a line item therein by more than the above-stated limitations.

14. Debtor has complied with the notice requirements under FRBP 4001.

15. The entry of this Order is in the best interests of the Debtor, creditors, and the estate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Debtor's Motion for Authorization to Use Cash Collateral is granted pursuant to the terms and conditions stated herein, and Debtor shall be and hereby is granted the use of cash collateral as conditioned herein.

IT IS FURTHER ORDERED that Debtor shall pay to Simmons Bank adequate protection payments in the amount of **$2,900.00** per month by the 17th day of each month for the duration of this case or until further order of this Court, beginning with the payment due for June 2026. Simmons Bank shall retain whatever lien it may have on the cash collateral notwithstanding any provision of this Order.

IT IS FURTHER ORDERED that all income and expenses of the Debtor shall go through a debtor-in-possession account as required by Local Rule 2015-6 or else through accounts approved by this Court's Order, and Debtor shall not use cash collateral proceeds to pay any professional for services until said professional (a) has first duly filed an application to employ with this Court, and (b) an Order from this Court has been granted approving such application to employ.

IT IS FURTHER ORDERED that the provisions of this Order shall be binding and inure to the benefit of Simmons Bank and Debtor, and their respective successors and assigns, including without limitation any Chapter 11 or Chapter 7 trustee, examiner, or other fiduciary hereafter appointed for Debtor or with respect to any of Debtor's property.

IT IS FURTHER ORDERED that this Final Order shall expire and the Debtor's right to use cash collateral shall terminate, unless extended by further order of this Court or by consent of

Simmons Bank, upon the occurrence of: (i) Debtor's failure to comply with any provision of this Order; (ii) the entry of an order authorizing, or the occurrence of, a conversion or dismissal of this case under section 1112 of the Bankruptcy Code; (iii) the entry of an order appointing a trustee, or appointing an examiner with powers exceeding those set forth in section 1106(b) of the Bankruptcy Code; or (iv) the cessation of Debtor's day-to-day operations.

IT IS FURTHER ORDERED that Debtor's use of cash collateral on a final basis is hereby approved pursuant to the terms of this Order.

It is so ORDERED.

Dated: 6/3/2026

/s/ Brian T. Fenimore
The Honorable Judge Brian T. Fenimore
United States Bankruptcy Judge

Submitted & Approved By:

/s/ James M. Poe
James M. Poe
3804 S. Fremont Ave
Springfield, Missouri 65804
Phone: 417-887-1807
Fax: 417-429-2142
Email: jamespoe@poe-law.com
POE LAW, LLC
Attorney for Debtor

/s/ Amanda M. Basch
Amanda M. Basch
1034 S. Brentwood Blvd., Suite 1555
St. Louis, Missouri 63117
Phone: 314-72-9200
Email: abasch@schmidtbasch.com
SCHMIDT BASCH, LLC
Attorney for Simmons Bank

/s/ Jill D. Parsons
Jill D. Parsons
400 E. 9th Street, Room 3440
Kansas City, Missouri 64106
Telephone: 816-512-1943
Email: jill.parsons@usdoj.gov
OFFICE OF THE UNITED STATES TRUSTEE