

Below is an Order of the Court.


TRISH M. BROWN
U.S. Bankruptcy Judge

IN THE BANKRUPTCY COURT OF THE UNITED STATES
FOR THE DISTRICT OF OREGON

In re:)	Case No. 16-33707-tmb11
)	SECOND
Lowell & Sons, LLC)	INTERIM ORDER AUTHORIZING USE
)	OF CASH COLLATERAL
)	
)	
Debtor-in-possession.)	

This matter came before the Court on November 1, 2016 before the honorable Judge Trish M. Brown, to consider the motion filed by the Debtor-in-possession entitled *Motion for Authority to Use Cash Collateral and Authority to Grant Replacement Lien*. The Debtor appeared through its manager, Lorena Lowell, and its counsel, Theodore J. Piteo, and the United States Trustee appeared through Counsel Carla McClurg, Riverview Community Bank appeared through its Counsel, Rick Potter, and the Court being fully advised, the Court finds that:

Jurisdiction and Venue. This Court has jurisdiction over this proceeding and the parties pursuant to 28 U.S.C. § 1334. Venue is appropriate in the District of Oregon Bankruptcy Court. Consideration of the Cash Collateral Motion constitutes a core proceeding.

Notice. Under the circumstances, the notice given by the Debtor of the Cash Collateral Motion and the Interim Hearing constitute due and sufficient notice thereof and complies with Rules 2002 and 4001(b) of the Federal Rules of Bankruptcy Procedures (the “Bankruptcy Rules”) and the local rules of this Court.

Use of Cash Collateral. The Debtor requires the use of the Cash Collateral of Riverview Community Bank and Mid-Columbia Economic Development District, (“Prepetition Lenders”), in order to continue its ordinary course business operations and to avoid immediate and irreparable harm to its bankruptcy estate.

Good, adequate, and sufficient cause has been shown to justify the granting of the relief requested herein therefore, pursuant to section 363(c)(2) and (e) of the Bankruptcy Code, the interim relief requested in the Motion is hereby APPROVED AND GRANTED as described herein. Accordingly it is hereby **ORDERED**:

1. The Debtor is authorized to use Cash Collateral as provided in this Order for the Interim Period subject to any final order of this court at the Final Hearing on Cash Collateral described herein.
2. The Debtors use of Cash Collateral is conditioned on using not more than \$7500 for expenses as outlined in the Motion prior to the Final Cash Collateral Hearing scheduled for the 17th day of November, 2016.

3. The Prepetition Lenders are entitled to adequate protection of their interests in the collateral and therefore, the Prepetition Lenders shall be and hereby are granted the following:
 - a. Debtors shall continue to maintain property and casualty insurance on the collateral, in an amount not less than the amounts maintained as of the Petition Date with the Prepetition Lenders named as loss payee, and shall provide the Prepetition Lenders with proof of such insurance upon request.
 - b. As adequate protection for the use of the collateral, Debtors shall pay to Prepetition Lenders the sum of \$4,900 per month (\$4,825 to Riverview and \$75 to MCEDD), which amount is disclosed on the Budget as “rent”. Debtor shall make half of such payment after entry of this Order in the amounts of \$2,412.50 to Riverview and \$37.50 to MCEDD. Subsequent payments shall be made upon the monthly due date (if approved by the Court after the Final Cash Collateral Hearing). Payments shall continue until further order of this Court or the Court enters an Order confirming a chapter 11 Plan in this case.
 - c. The adequate protection is limited to the payment referenced in par. 3b and no additional adequate protection is authorized. The Prepetition Lenders shall not receive a post-petition lien except as otherwise ordered by the Court. Nothing herein shall improve or enhance the position of the Prepetition Lenders as of the petition date.
 - d. Nothing herein shall be deemed a waiver or limitation on the rights of the Prepetition Lenders to seek further relief, including but not limited to, the right to request further adequate protection in the event of a substantial change in

circumstances, the right to request relief from the automatic stay, or dismissal of the case.

Final Cash Collateral Hearing

A final hearing on the Motion shall be held on the 17th day of November, 2016 @ 9:30am, before the Honorable Trish M. Brown, United States Bankruptcy Judge, at the District of Oregon Bankruptcy Court, Portland, Courtroom #4. Objections to the relief requested in the Motion shall be made in writing and filed with the Clerk of the Bankruptcy Court, with a copy served upon the following parties so that any such objections are received on or before 5:00 pm on the 16th day of November, 2016:

Counsel for Debtor:

Theodore J Piteo
Michael D. O'Brien & Associates, P.C.
12909 SW 68th Pkwy, Suite 160
Portland, OR 97223

Riverview Community Bank

Attn: John Potter
Attorney for Riverview
211 E McLoughlin Blvd, Suite 100
Vancouver, WA 98663

Mid-Columbia Economic Development District

Attn: Bob Benton
President
515 E. Second St.
The Dalles, OR 97058

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This Order complies with the requirements of LBR 9021-1.

Michael D. O'Brien & Associates, P.C.

/s/ Theodore J. Piteo

Theodore J. Piteo, OSB# 090311

Cc:

Via Mail:

Bob Benton, Loan Officer, Mid-Columbia Economic Development District

VIA ECF when docketed:

MATTHEW A ARBAUGH on behalf of Creditor Hood River Hostel/NWGF
matt@arbaugh-law.com, koren@fieldjerger.com

STEVEN C BURKE on behalf of Creditor Frank Construction Company
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CARLA GOWEN MCCLURG on behalf of U.S. Trustee US Trustee, Portland
carla.mcclurg@usdoj.gov

THEODORE J PITEO on behalf of Debtor Lowell & Sons, LLC
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JOHN R POTTER on behalf of Creditor Riverview Community Bank
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US Trustee, Portland
USTPRegion18.PL.ECF@usdoj.gov

VIA Hand Delivery or E-mail Transmission by Debtor's Counsel:

Lowell & Sons, LLC, Debtor-in-possession.