

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
MINUTE ORDER**

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**Case Title :** Mathiopoulos 3M Family Limited  
Partnership

**Case No :** 16-20852-E-11  
**Date :** 11/17/16  
**Time :** 10:30 a.m.

**Matter :** [40] - Continued Motion to Use Cash Collateral [DNL-1]

**Judge :** Ronald H. Sargis  
**Courtroom Deputy :** Janet Larson  
**Reporter :** Diamond Reporters  
**Department :** E

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**APPEARANCES for:**

**Movant(s) :**

Attorney for the Debtor - Luke Hendrix

**Respondent(s) :**

Attorney for the Creditor - John Wunsch (by phone)

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**MINUTE ORDER**

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Authority to Use Cash Collateral filed by Debtor in Possession having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Use Cash Collateral is granted, pursuant to this order, for the period December 1, 2016, and January 31, 2017, that the cash collateral may be used through January 31, 2017, to pay the following expenses, granting the Debtor in Possession a variance of ten percent in any individual line item expense as long as the total amount used does not exceed the total amount allowed:

<b><u>EXPENSE</u></b>	<b><u>AMOUNT</u></b>
Property Insurance	\$1,045.41 per month
Pacific Gas and Electric	\$300.00 per month (approximate)

Recology Auburn (garbage)	\$500.00 per month (approximate)
Telephone for business	\$200.00 per month (approximate)
Pest control	\$123.60 per month (approximate)
Telephone for Fire and Security	\$120.00 per month (approximate)
Life Insurance Policies (4)	\$675.00 per month
Property Maintenance, Landscaping, Parking Lot Cleaning	\$704.00 per month
Misc (fuel, office supplies, equipment repair, postage, advertisement, etc.)	\$1,500.00 per month (approximate)

<u>EXPENSE</u>	<u>AMOUNT</u>
Placer County Water Agency	\$1,500.00 due October 2016 (approximate amount due every two months)
Sewer	\$2,275.00 due December 2016 (due every three months)
Stanley Security for Fire Alarm	\$101.13 due December 2016 (due every three months)

**IT IS FURTHER ORDERED** that Debtor in Possession is authorized to pay property taxes in the amount not to exceed \$23,778.81.

**IT IS FURTHER ORDERED** that the creditors having an interest in the cash collateral are given replacement liens in the post-petition rents in the same priority, validity, and extent as they existed in the cash collateral expended, to the extent that the use of cash collateral resulted in a reduction of a creditor's secured claim, which replacement lien is perfected by the issuance of this order, no further act of creditors required.

**IT IS FURTHER ORDERED** the Debtor in Possession shall continue to make the monthly adequate protection payments of \$13,632.87 to Wells Fargo Bank, N.A.

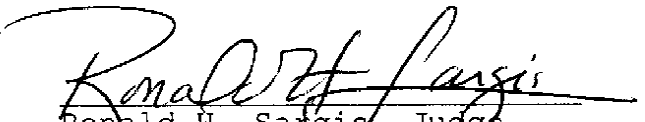
**IT IS FURTHER ORDERED** Debtor in Possession waives any right to seek a surcharge of Creditor's interests in the Property, Pre-Petition Collateral, or Post-Petition Property under 11 U.S.C. § 506(c), only for the expenses which are authorized to be paid with the cash collateral during the period in which Debtor in Possession is authorized to use cash collateral by this order.

**IT IS FURTHER ORDERED** that if Creditor asserts that an event for the “automatic” termination of the use of cash collateral has occurred, Creditor shall file an *ex parte* motion for order terminating use of cash collateral and supporting pleadings (evidence of the event of termination) and lodge with the court a proposed order terminating the use of cash collateral. Creditor shall immediately serve (electronically and by First Class Mail) the *ex parte* motion and supporting pleadings and provide telephonic notice to counsel for the Debtor in Possession and the U.S. Trustee. If the Debtor in Possession disputes the event of termination, counsel for Debtor in Possession shall notify the court and counsel for Creditor. The court may, upon review the *ex parte* motion set an emergency hearing *sua sponte* or may rule on the *ex parte* motion without hearing.

**IT IS FURTHER ORDERED** the hearing on the Motion is continued to 10:30 a.m. on January 12, 2017, to consider a supplement to the Motion to extend the authorization to use cash collateral. On or before December 29, 2016, the Debtor in Possession shall file and serve supplemental pleadings for the further use of cash collateral and notice of the January 12, 2017 hearing. Any opposition to the requested use of cash collateral may be presented orally at the hearing.

Dated: November 19, 2016

By the Court

  
Ronald H. Sargis, Judge  
United States Bankruptcy Court