



J. Craig Whitley
J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In Re:)
)
McCORKLE CONCRETE, INC.) Case No. 16-30820
) Chapter 11
)
Debtor.)

**ORDER FURTHER CONTINUING TERMS OF SECOND INTERIM ORDER
ON EMERGENCY MOTION OF THE DEBTOR PURSUANT TO
SECTIONS 105(A), 361, 363, AND 552 OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULE 4001(b) (A) AUTHORIZING THE USE OF CASH
COLLATERAL; (B) GRANTING ADEQUATE PROTECTION; AND (C) SCHEDULING
A CONTINUED HEARING ON THE MOTION**

On May 18, 2016 (the "Petition Date"), McCorkle Concrete, Inc. (the "Debtor"), filed Emergency Motions of the Debtor for Order Authorizing i) the Use of Cash Collateral Pursuant to Sections 361 and 363 of the Bankruptcy Code; ii) the Payment of Pre-petition Payroll, Payroll Taxes, Employee Benefits and Other Related Expenses; and iii) the Payment of Pre-petition Claim of Labor Subcontractor (the "Motion"). [Doc. 5]. The Debtor requested that an expedited hearing be scheduled on the Motion and the Emergency Hearing was held on May 20, 2016. Good cause being found for the requested relief, on May 24 the Court entered an Interim Order on Emergency Motions of the Debtor Pursuant to Sections 105(a), 361, 363, and 552 of the Bankruptcy Code and Bankruptcy Rule 4001(b) for Entry of Interim and Final Orders (A) Authorizing the Use of Cash Collateral; (B) Authorizing the Payment of Pre-petition Payroll, Payroll Taxes, Employee Benefits and Claim of Labor Subcontractor; (C) Granting Adequate Protection; and (D) Scheduling a Final Hearing on the Motion (The "Interim Order").

On July 1, 2016, the Court entered a Second Interim Order on Emergency Motion of the Debtor Pursuant to Sections 105(a), 361, 363, and 552 of the Bankruptcy and

Bankruptcy Rule 4001(b) (A) Authorizing the Use of Cash Collateral; (B) Granting Adequate Protection; and (C) Scheduling a Final Hearing on the Motion (the "Second Interim Order"). The Second Interim Order continued the hearing on the Motion until July 12, 2016, at which time the Motion was again conditionally approved and the hearing thereon continued until August 9, 2016.

At the hearing on August 9, 2016, the parties announced that they had reached an agreement concerning the continued use of cash collateral and that they wished that the terms of the Second Interim Order remain in place (as modified by the budget attached hereto) until a continued hearing on September 27, 2016. Therefore, based on the representations of counsel and the record herein,

THE COURT HEREBY FINDS:

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

B. The Debtor has immediate cash needs in order to meet payroll, to pay other necessary day to day expenses to operate the Business and to prevent immediate and irreparable harm to the estate until a final hearing on the Motion.

C. The Debtor's emergency interim use of the Cash Collateral is necessary, essential and appropriate for the operation of the Business and for payment of the Cash Collateral Budget Expenses, and is otherwise necessary to avoid immediate and irreparable harm to the Debtor's estate pending a final hearing on the Motion.

D. The Debtor's use of Cash Collateral on a continuing interim basis is authorized in accordance with the terms and conditions set forth in the Second Interim Order, which is incorporated herein by reference, as modified by budget attached hereto as Exhibit A.

E. The Debtor shall also be authorized to pay any quarterly fees from the cash collateral, and such fees shall be escrowed with counsel for the Debtor on a timely basis.

F. A continued hearing on the use of Cash Collateral shall be held on October 25, 2016 at 09:30 AM in Courtroom 1-4 in the United States Bankruptcy Court, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina 28202.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order

United States Bankruptcy Court

McCorkle Concrete Inc
Monthly Cash Budget

	Aug 16 - Aug 31	Aug 16 - Aug 31	Sept 1 - Sept 15	Sept 1 - Sept 15	Total Projected	Total Actual
	Projected	Actual	Projected	Actual		
Income	\$ 95,000.00	\$ 89,406.49	\$ 154,000.00	\$ 114,410.38	\$ 249,000.00	\$ 203,816.87
Joint Checks	\$ 26,000.00	\$ 28,529.10	\$ 21,000.00	\$ 21,308.05	\$ 47,000.00	\$ 49,837.15
					\$ 296,000.00	\$ 253,654.02
Operating Expenses	Projected	Actual	Projected	Actual	Total Projected	Total Actual
R&M General	\$ 1,500.00	\$ 708.00	\$ 1,500.00	\$ 855.81	\$ 3,000.00	\$ 1,563.81
R&M Major Machine Repairs	\$ -	\$ 3,996.00	\$ -	\$ -	\$ -	\$ 3,996.00
R&M Major Vehicle Repairs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DMV Renewals / Tags / Taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Material Expense	\$ 10,000.00	\$ 16,027.96	\$ 10,000.00	\$ 6,341.31	\$ 20,000.00	\$ 22,369.27
Mateiral Expense Joint Check	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Job Inspections	\$ 500.00	\$ 800.00	\$ 500.00	\$ -	\$ 1,000.00	\$ -
Office Expense	\$ 875.00	\$ 1,665.23	\$ 875.00	\$ 641.96	\$ 1,750.00	\$ 2,307.19
Copier / Postage / Printing	\$ 596.00	\$ 599.12	\$ 96.00	\$ -	\$ 692.00	\$ 599.12
Office Paychex Service	\$ 100.00	\$ 97.60	\$ 100.00	\$ 107.60	\$ 200.00	\$ 205.20
Utilities - Electric	\$ 800.00	\$ 1,728.70	\$ -	\$ -	\$ 800.00	\$ 1,728.70
Utilities- Electric Deposit	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Utilities - Water	\$ 100.00	\$ 98.78	\$ -	\$ -	\$ 100.00	\$ 98.78
Utilities - Internet & Phone	\$ 665.00	\$ 663.65	\$ -	\$ -	\$ 665.00	\$ 663.65
Utilities - Trash	\$ 200.00	\$ 951.60	\$ -	\$ -	\$ 200.00	\$ 951.60
Utilities - Gas	\$ 75.00	\$ -	\$ -	\$ -	\$ 75.00	\$ -
Utilities Gas Deposit	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Wireless Phones / Tablets	\$ 1,350.00	\$ 1,506.76	\$ -	\$ -	\$ 1,350.00	\$ 1,506.76
Payroll - President	\$ 4,807.70	\$ 3,471.37	\$ 4,807.70	\$ 3,471.38	\$ 9,615.40	\$ 6,942.75
Payroll - AR	\$ 1,384.62	\$ -	\$ 1,384.62	\$ -	\$ 2,769.24	\$ -
Payroll - AP	\$ 2,000.00	\$ 1,532.00	\$ 2,000.00	\$ 1,532.00	\$ 4,000.00	\$ 3,064.00
Payroll - Pump Truck Driver	\$ 3,206.86	\$ 2,499.46	\$ 3,206.86	\$ 2,330.73	\$ 6,413.72	\$ 4,830.19
Payroll - Mechanic	\$ 1,920.00	\$ -	\$ 1,920.00	\$ -	\$ 3,840.00	\$ -
Payroll - Service Tech	\$ 1,800.00	\$ 1,505.06	\$ 1,800.00	\$ 1,505.06	\$ 3,600.00	\$ 3,010.12
Payroll - Finisher	\$ 1,584.00	\$ 1,402.71	\$ 1,584.00	\$ 1,890.88	\$ 3,168.00	\$ 3,293.59
Payroll - Finisher	\$ 1,584.00	\$ 1,400.56	\$ 1,584.00	\$ 1,801.06	\$ 3,168.00	\$ 3,201.62
Payroll - Finisher	\$ 1,496.00	\$ -	\$ 1,496.00	\$ -	\$ 2,992.00	\$ -
Payroll - Laborer	\$ 800.00	\$ 742.56	\$ 800.00	\$ 742.56	\$ 1,600.00	\$ 1,485.12
Payroll Tax Liability	\$ 6,500.00	\$ 5,053.06	\$ 6,500.00	\$ 5,487.93	\$ 13,000.00	\$ 10,540.99
Garnishment / Child Support	\$ 242.00	\$ 242.00	\$ 242.00	\$ 242.00	\$ 484.00	\$ 484.00
Subcontract Labor - Residential	\$ 60,000.00	\$ 62,874.00	\$ 60,000.00	\$ 66,574.00	\$ 120,000.00	\$ 129,448.00
Subcontract Labor - Commercial	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 11,050.00	\$ 10,000.00	\$ 16,050.00
Subcontractor Pump Truck	\$ 5,200.00	\$ 450.00	\$ 5,200.00	\$ 473.80	\$ 10,400.00	\$ 923.80
Health Insurance	\$ 1,878.00	\$ -	\$ -	\$ -	\$ 1,878.00	\$ -
Truck & Equipment Fuel	\$ 5,150.00	\$ 1,736.86	\$ 5,150.00	\$ 3,654.53	\$ 10,300.00	\$ 5,391.39
Insurance - Workers Comp	\$ 4,607.30	\$ 4,607.30	\$ -	\$ -	\$ 4,607.30	\$ 4,607.30
Insurance - GL & Auto	\$ 7,691.77	\$ 14,449.97	\$ -	\$ -	\$ 7,691.77	\$ 14,449.97
Building Lease	\$ -	\$ -	\$ 7,500.00	\$ -	\$ 7,500.00	\$ -
Security Deposit	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Accountant	\$ 1,500.00	\$ 895.00	\$ -	\$ -	\$ 1,500.00	\$ -
Rent or Lease Trucks & Equip	\$ 9,500.00	\$ -	\$ 9,500.00	\$ -	\$ 19,000.00	\$ -
CCG Monthly	\$ -	\$ -	\$ 6,247.00	\$ -	\$ 6,247.00	\$ -
Concrete Supply	\$ 8,000.00	\$ 8,000.00	\$ -	\$ -	\$ 8,000.00	\$ 8,000.00
TOTALS	\$ 152,613.25	\$ 144,705.31	\$ 138,993.18	\$ 108,702.61	\$ 291,606.43	\$ 251,712.92

McCorkle Concrete Inc

Monthly Cash Budget

	Sept 16 - Oct 15	Sept 16 - Oct 15	Oct 16 - Oct 31	Oct 16 - Oct 31	Total Projected	Total Actual
	Projected	Actual	Projected	Actual		
Income	\$ 150,000.00		\$ 142,000.00		\$ 292,000.00	\$ -
Joint Checks	\$ 26,000.00		\$ 21,000.00		\$ 47,000.00	\$ -
					\$ 339,000.00	\$ -
Operating Expenses	Projected	Actual	Projected	Actual	Total Projected	Total Actual
R&M General	\$ 1,500.00		\$ 1,500.00		\$ 3,000.00	\$ -
R&M Major Machine Repairs	\$ -		\$ -		\$ -	\$ -
R&M Major Vehicle Repairs	\$ -		\$ -		\$ -	\$ -
DMV Renewals / Tags / Taxes	\$ -		\$ -		\$ -	\$ -
Material Expense	\$ 10,000.00		\$ 10,000.00		\$ 20,000.00	\$ -
Matelral Expense Joint Check	\$ -		\$ -		\$ -	\$ -
Job Inspections	\$ 500.00		\$ 500.00		\$ 1,000.00	\$ -
Office Expense	\$ 875.00		\$ 875.00		\$ 1,750.00	\$ -
Copier / Postage / Printing	\$ 596.00		\$ 96.00		\$ 692.00	\$ -
Office Paychex Service	\$ 100.00		\$ 100.00		\$ 200.00	\$ -
Utilities - Electric	\$ 800.00		\$ -		\$ 800.00	\$ -
Utilities- Electric Deposit	\$ -		\$ -		\$ -	\$ -
Utilities - Water	\$ 100.00		\$ -		\$ 100.00	\$ -
Utilities - Internet & Phone	\$ 665.00		\$ -		\$ 665.00	\$ -
Utilities - Trash	\$ 200.00		\$ -		\$ 200.00	\$ -
Utilittles - Gas	\$ 75.00		\$ -		\$ 75.00	\$ -
Utilities Gas Deposit	\$ -		\$ -		\$ -	\$ -
Wireless Phones / Tablets	\$ 1,350.00		\$ -		\$ 1,350.00	\$ -
Payroll - President	\$ 4,807.70		\$ 4,807.70		\$ 9,615.40	\$ -
Payroll - AR	\$ 1,384.62		\$ 1,384.62		\$ 2,769.24	\$ -
Payroll - AP	\$ 2,000.00		\$ 2,000.00		\$ 4,000.00	\$ -
Payroll - Pump Truck Driver	\$ 3,206.86		\$ 3,206.86		\$ 6,413.72	\$ -
Payroll - Mechanic	\$ 1,920.00		\$ 1,920.00		\$ 3,840.00	\$ -
Payroll - Service Tech	\$ 1,800.00		\$ 1,800.00		\$ 3,600.00	\$ -
Payroll - Finisher	\$ 1,584.00		\$ 1,584.00		\$ 3,168.00	\$ -
Payroll - Finisher	\$ 1,584.00		\$ 1,584.00		\$ 3,168.00	\$ -
Payroll - Finisher	\$ 1,496.00		\$ 1,496.00		\$ 2,992.00	\$ -
Payroll - Laborer	\$ 800.00		\$ 800.00		\$ 1,600.00	\$ -
Payroll Tax Liability	\$ 6,500.00		\$ 6,500.00		\$ 13,000.00	\$ -
Garnishment / Child Support	\$ 242.00		\$ 242.00		\$ 484.00	\$ -
Subcontract Labor - Residential	\$ 60,000.00		\$ 60,000.00		\$ 120,000.00	\$ -
Subcontract Labor - Commercial	\$ 5,000.00		\$ 5,000.00		\$ 10,000.00	\$ -
Subcontractor Pump Truck	\$ 5,200.00		\$ 5,200.00		\$ 10,400.00	\$ -
Health Insurance	\$ 1,878.00		\$ -		\$ 1,878.00	\$ -
Truck & Equipment Fuel	\$ 5,150.00		\$ 5,150.00		\$ 10,300.00	\$ -
Insurance - Workers Comp	\$ 4,607.30		\$ -		\$ 4,607.30	\$ -
Insurance - GL & Auto	\$ 7,691.77		\$ -		\$ 7,691.77	\$ -
Building Lease	\$ -		\$ 7,500.00		\$ 7,500.00	\$ -
Security Deposit	\$ -		\$ -		\$ -	\$ -
Accountant	\$ 1,500.00		\$ -		\$ 1,500.00	\$ -
Rent or Lease Trucks & Equip	\$ 9,500.00		\$ 9,500.00		\$ 19,000.00	\$ -
CCG Monthly	\$ -		\$ 6,247.00		\$ 6,247.00	\$ -
Concrete Supply	\$ 8,000.00		\$ -		\$ 8,000.00	\$ -
TOTALS	\$ 152,613.25	\$ -	\$ 138,993.18	\$ -	\$ 291,606.43	\$ -