SO ORDERED.
SIGNED 23rd day of July, 2026

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.

Charles M. Walker
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

IN RE:	)	
	)	Case No. 3:26-bk-02570
PERFORMANCE CONSULTING, LLC	)	Chapter 11
	)	Judge Walker
Debtor.	)	

ORDER AUTHORIZING CONTINUED USE OF CASH COLLATERAL

This matter is before the Court on the initial *Motion for Entry of Order Authorizing Continued Use of Cash Collateral* filed by the above-named Debtor (the "Cash Collateral Motion"; Doc. 5). The Court conducted an expedited hearing on the Cash Collateral Motion on June 3, 2026, and a subsequent interim hearing on use of cash collateral was held on June 17, 2026. On or

about June 22, 2026, the Court entered an *Order (I) Scheduling Objection Deadline and Hearing (II) Authorizing Further Interim Use of Cash Collateral, and (III) Setting Final* Hearing *on Continued Use of Cash Collateral* on July 22, 2026 at 11:00AM (the "Cash Collateral Order", Doc. 37). In the Cash Collateral Order, it provided that if no objection was filed with the Court on or before noon on July 15, 2026, the Court would deem further continued use of cash collateral as set forth in the Cash Collateral Order as unopposed, and the Debtor could submit the appropriate order.

Based upon no objection having been filed with the Court on or before noon on July 15, 2026 to the Cash Collateral Order, and the entire record in this proceeding, the Court determined that the continued use of "cash collateral," as such term is defined in 11 U.S.C. § 363(a), in accordance with the Debtor's prior budget filed on June 2, 2026 (Doc. 33) is warranted and necessary to avoid immediate and irreparable harm to the estate.

The Court, therefore, grants the Debtor's request for continued use of cash collateral for the pendency of this proceeding upon the terms provided herein, which includes adequate protection for potential lienholders.

Accordingly, it is hereby ORDERED as follows:

1. The Debtor is authorized to continue to use cash collateral during the pendency of the case to pay ordinary and necessary operating expenses in accordance with the budget previously filed on June 12, 2026 (Doc. 33).

2. Upon entry of this Order, the Debtor shall have the right to continued use and access of all existing cash, account deposits, and cash equivalents, and all post-

petition revenues and receipts, including but not limited to accounts receivable and funds held by any third-party payment processor or payor for the benefit of the Debtor, without interference from any creditor asserting any rights therein.

3. Pursuant to 11 U.S.C. § 361(2), as adequate protection to all parties asserting a lien or other interest in cash collateral, such parties are provided replacement liens on the Debtor's post-petition property and proceeds thereof to the same extent and priority as such parties held against the Debtor's property immediately prior to the commencement of this case. The Debtor has identified the following parties that may claim a lien or other interest in cash collateral (the "Cash Collateral Lienholders"): Trane U.S., Inc., Planters Bank, Inc., Old Second National Bank, CHTD Company for First Citizens Bank, NewTek Small Business Finance, LLC, Corporation Service Company as Representative for Itria, Ameris Bank, Assigned by Verdant Commercial Capital, LLC, Marlin Leasing Corp, Leaf Capital Funding, LLC, Trustmark National Bank, East Coast Metal Distributors, LLC, and InstaFund Advance, LLC.

4. As further adequate protection to Planters Bank only, the Debtor shall commence making monthly adequate protection payments to Planters Bank in the amount of $4,000.00 per month commencing on July 10, 2026 and continuing on the 10th day of each subsequent month thereafter pending further orders of the Court. Said payments shall be applied to the principal balance of Planters Bank's claim in this proceeding, and nothing shall prohibit the Debtor from making an early payment.

5. The Court makes no finding as to whether any cash, post-petition receipt, or the equivalent is in fact the collateral of any security interest. This Order is without prejudice to any party's rights to assert any argument with respect to any matter

related to use of cash collateral, including but not limited to (a) the validity, priority, or enforceability of any lien on property, and (b) the adequacy of adequate protection. All such rights are expressly reserved pending further order of this Court.

6. This Order constitutes the Court's findings of fact and conclusions of law. It takes effect and becomes enforceable immediately upon entry by the Court.

7. Within two business days of entry of this Order, Debtor's counsel shall serve a copy by U.S. Mail to (a) the Debtor's 20 largest unsecured creditors, (b) the Cash Collateral Lienholders and any other entity with an interest in the cash collateral, and (c) any other party requesting or believed by the Debtor to be entitled to notice.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THE FIRST PAGE.

APPROVED FOR ENTRY:

LEFKOVITZ & LEFKOVITZ, PLLC

S/ JAY R. LEFKOVITZ

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