



FILED & JUDGMENT ENTERED
Steven T. Salata

August 26 2019

Clerk, U.S. Bankruptcy Court
Western District of North Carolina

J. Craig Whitley
United States Bankruptcy Judge

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

DR. RICHARD R. ROLLE, JR., PLLC)
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Debtor.)
_____)

**Chapter 11
Case No. 19-31124**

INTERIM ORDER AUTHORIZING DEBTOR TO UTILIZE CASH COLLATERAL

THIS MATTER came on to be heard upon that certain *Emergency Motion of the Debtor for Authority to Use Cash Collateral* (the “Motion”) filed by the above-captioned debtor and debtor in possession, Dr. Richard R. Rolle, Jr. PLLC (the “Debtor”), on August 16, 2019 [Doc. No. 8]. The Debtor requested that an expedited hearing be scheduled on the Motion [Doc. No. 10] which was granted by the Court [Doc. No. 17]. Appearing at the August 22, 2019 hearing held was John C. Woodman for the Debtor, for the Office of the Bankruptcy Administrator for the Western District of North Carolina, Alexandria Kenny, for First National Bank was Walt Pettit and telephonically for Newtek Small Business Finance, LLC was Lance Martin. Due notice of the Motion was provided via e-mail or facsimile transmission to the necessary parties in interest.

Said notice was adequate and reasonable considering the circumstances of the Motion.

Due notice of the Motion was provided via e-mail or facsimile transmission to the Debtor's twenty (20) largest creditors, the Bankruptcy Administrator, and the Debtor's purported creditors with an alleged interest in the Debtor's use of cash collateral (the "Creditors"). Said notice was adequate and reasonable considering the circumstances of the Motion.

Upon consideration of the contents of the Motion, counsel's statements at the hearing, the Court having jurisdiction to consider the Motion and the relief requested therein, the Court having determined that the relief sought in the Motion is in the best interest of the Debtor, its creditors, and all parties in interest, and after due deliberation and sufficient cause appearing, **IT IS HEREBY ORDERED, ADJUDGED and DECREED:**

- (i) that the Motion is GRANTED;
- (ii) that the Debtor is authorized to use cash collateral for the payment of the Debtor's operating expenses consistent with the Budget attached to the Motion as Exhibit A and incorporated by reference herein as Exhibit A;
- (iii) that the Debtor shall not use, sell or expend Cash Collateral, to the extent there is Cash Collateral, or any proceeds, products or offspring thereof, except as authorized in this Order;
- (iv) that the Debtor shall be considered in compliance with the Budget so long as the Debtor does not exceed the Budget by more than 10% per line item (on a cumulative basis);
- (v) that the Creditors are granted a replacement security interest under section 361 of the Bankruptcy Code to the extent the Creditors cash collateral is used by the Debtor and to the extent and with the same priority in the Debtor's post-petition

collateral, and the proceeds thereof, that the Creditors hold in the Debtor's pre-petition collateral;

- (vi) that this Order is entered without prejudice to the claims, rights and defenses that the Debtor and/or any other party in interest may have to challenge the validity, priority or extent of the liens asserted by the Creditors and any and all claims, rights, and defenses the Creditors may assert in any action to challenge the validity, priority, or extent of the liens asserted; and
- (vii) that a final hearing on the Motion shall be held on **September 10, 2019 at 9:30 A.M. (ET)** before the Honorable Craig Whitley, Charles R. Jonas Federal Building, Courtroom 1-4, 401 W. Trade Street, Charlotte, North Carolina; and
- (viii) that this Order shall be served by the Debtor upon the Office of the Bankruptcy Administrator for the Western District of North Carolina, the Debtor's twenty (20) largest creditors, the Creditors, and those parties requesting notice pursuant to Bankruptcy Rule 2002.

<i>This Order has been signed electronically. The Judge's signature and Court's seal appear at the top of this Order.</i>	<i>United States Bankruptcy Court</i>
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EXHIBIT A

Debtor Company
Weekly Cash Budget

	8/15/2019	8/21/2019	8/28/2019	9/4/2019
Beginning Cash - (in bank account)	2.10	4997.63	18297.63	23097.63
Cash Received	17500.00	17500.00	17500.00	17500.00
Materials	1500.00	1500.00	1500.00	1500.00
Health Insurance				3500.00
Dental Insurance				196.03
Automobile Insurance				300.00
General Operating Expenses	1250.00	1250.00	1250.00	1250.00
Payroll	8304.47		8500.00	
General Liability / Worker's Comp				1120.00
Office Supplies	250.00	250.00	250.00	250.00
Professional Fees **	1000.00	1000.00	1000.00	1000.00
Licenses				200.00
Marketing	200.00	200.00	200.00	200.00
Utility				1185.00
Total Expenses	12504.47	4200.00	12700.00	10701.03
Net Cash Change	4995.53	13300.00	4800.00	6798.97
Cash ending balance	4997.63	18297.63	23097.63	29896.60