



ORDERED in the Southern District of Florida on December 20, 2016.

Erik P. Kimball, Judge
United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**
www.flsb.uscourts.gov

In re:

Case No. 16-19155-EPK
Chapter 11

SCOTT A. BERGER, M.D., P.A.

Debtor

**THIRD INTERIM ORDER ON EMERGENCY MOTION FOR ORDER
AUTHORIZING USE BY DEBTOR OF CASH COLLATERAL (ECF 4)**

This matter came before the Court for hearing on December 7, 2016 in West Palm Beach upon Emergency Motion for Order Authorizing Use by Debtor, SCOTT A. BERGER, M.D., P.A., of Cash Collateral (the "Motion") (ECF 4). The Court being fully advised in the premises, it is:

ORDERED AND ADJUDGED that:

1. The Motion is CONTINUED to a status conference on **January 11, 2017 at 2:00 p.m.** at the Flagler Waterview Building, 1515 N. Flagler Dr., Room 801, Courtroom B, West Palm Beach, FL 33401.
2. The Debtor is authorized to use cash collateral for the line items detailed in

the budget attached to the Motion until 5:00PM on January 11, 2017. The Debtor shall not exceed the budgeted line item amounts by more than 10% unless otherwise agreed to by secured creditor.

3. Pursuant to this Court's guidelines on cash collateral motions, any adequate protection provided to creditors are subject and subordinate to fees due to the clerk of the court or the United States trustee pursuant to 28 U.S.C. §1930.

4. To adequately protect the secured creditor in connection with the use by the Debtor of cash collateral and any other property upon which security interests and liens have been previously granted by the Debtor to the secured creditor, the Court hereby confirms the grant, assignment and pledge by the Debtor to the secured creditor of a post-petition security interest and lien (of the same validity, extent and priority as the secured creditor's pre-petition security interests) in the secured creditor's pre-petition collateral in and to (a) all proceeds from the disposition of any of the cash collateral, and (b) any and all of its goods, property, assets and interests in property in which the secured creditor held a lien or security interest prior to the petition date, whether now existing and/or owned and hereafter arising and/or acquired and wherever located by the Debtor, and proceeds thereof. The security interests and liens granted in the post-petition collateral hereby shall be valid, perfected and enforceable security interests and liens on the collateral without further filing or recording of any document or instrument or any other actions. Nothing in this Order shall be construed as an improvement of the secured creditor's security or security interest as of the date of the filing of the petition. The replacement lien shall not apply to any funds recovered by the Estate pursuant to avoidance actions arising under §§ 542 through 550 of the Bankruptcy Code.

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Submitted by:

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Tarek Kiem, Esq. is directed to serve a copy of this order to all interested parties and file a certificate of service.