

ORDERED.

Dated: December 28, 2016



Caryl E. Delano
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Chapter 11

STARZ ACQUISITION, LLC,

Case No. 9:16-bk-8045-FMD

Debtor.

**FINAL ORDER GRANTING DEBTOR'S EMERGENCY MOTION
FOR AUTHORITY TO USE CASH COLLATERAL ON AN
INTERIM BASIS THROUGH CONFIRMATION OR BY MARCH 31, 2017**

THIS CAUSE came on for hearing on December 14, 2016 upon the motion by Starz Acquisition, LLC ("*Starz*" and "*Debtor*"), the above-captioned debtor and debtor-in-possession, for authority to use cash collateral on final basis [ECF No. 7] ("*Cash Collateral Motion*"). For the reasons stated in Court, it is

ORDERED:

1. The Cash Collateral Motion is GRANTED on a final basis, as set forth below:

A. Cash Collateral Authorization. The Debtor is authorized to use cash collateral to pay the current and necessary expenses set forth in the revised budget attached hereto as Exhibit A and is also authorized to pay the monthly premium for its Liquor License Insurance in the amount of \$129.00 per month (collectively, "**Budget**"). The Debtor is further authorized, if necessary: (i) to exceed any line item on the Budget by an amount up to ten (10) percent of each such line item; or (ii) to exceed any line item by more than ten (10) percent so long as the total of all amounts in excess of all line items for the Budget do not exceed ten (10) percent of the aggregate of the total Budget.

B. Replacement Lien. Each creditor with an alleged security interest in cash collateral shall have a perfected post-petition lien against cash collateral to the same extent and with the same validity and priority as the alleged prepetition lien, without the need to file or execute any document as may otherwise be required under applicable non-bankruptcy law.

C. Without Prejudice. This order is without prejudice to: (a) any subsequent request by a party in interest for modified adequate protection or restrictions on use of cash collateral; (b) any other right or remedy which may be available to any creditor; and (c) the Debtor's challenge to any of the liens asserted by any creditor in this case.

D. Creditors Committee. The provisions of this Order are without prejudice to the rights of the US Trustee to appoint a committee or any rights of a duly appointed committee to challenge the validity, priority or extent of any lien(s) asserted against cash collateral.

E. Enforcement. The Court shall retain jurisdiction to enforce the terms of this Order.

2. The Court shall hold a further hearing on the Cash Collateral Motion at the Debtor's Confirmation Hearing which has yet to be scheduled.

3. This Order shall remain in effect through the Debtor's Confirmation or by March 31, 2017, whichever comes first.

4. The Court shall retain jurisdiction to hear and determine all matters emanating from this Order.

5. This Order shall be immediately effective and enforceable upon entry.

Attorney, Michael R. Dal Lago, is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of the entry of the order.

EXHIBIT A

Projected Financial Results Starz Acquisition, LLC DIP
 Projected Cash Flow October 1 - March 31, 2017

Prepared on October 13, 2016

	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17
Beginning Cash Est	\$ 13,000	\$ 13,121	\$ 19,554	\$ 13,767	\$ 35,765	\$ 63,828
<u>Total Sales Revenue</u>	\$ 106,500	\$ 127,000	\$ 151,000	\$ 179,000	\$ 181,000	\$ 197,000
Food Cost & Beverage Costs	\$ 41,535	\$ 48,260	\$ 57,380	\$ 68,020	\$ 68,780	\$ 74,860
Credit Card Fees	\$ 2,663	\$ 3,175	\$ 3,775	\$ 4,475	\$ 4,525	\$ 4,925
Gross Margin	\$ 62,303	\$ 75,565	\$ 89,845	\$ 106,505	\$ 107,695	\$ 117,215
Payroll	\$ 42,320	\$ 48,520	\$ 75,520	\$ 56,520	\$ 59,520	\$ 61,520
Rent (Gladiolus & McGregor)	\$ 4,896	\$ 4,896	\$ 4,896	\$ 4,896	\$ 4,896	\$ 4,896
Electric (FPL 4 accounts)	\$ 2,400	\$ 2,400	\$ 2,400	\$ 2,400	\$ 2,400	\$ 2,400
Water (Lee County Utilities)	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400
Gas (TECO and Infinite Energy)	\$ 1,100	\$ 1,100	\$ 1,100	\$ 1,100	\$ 1,100	\$ 1,100
CO2 (NU CO2)	\$ 175	\$ 175	\$ 175	\$ 175	\$ 175	\$ 175
Waste (Advanced Disposal)	\$ 375	\$ 375	\$ 375	\$ 375	\$ 375	\$ 375
Auto Chlor - Dishwashing	\$ 850	\$ 850	\$ 850	\$ 850	\$ 850	\$ 850
Advertising (see schedule)	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Telephone & Internet (Comcast)	\$ 800	\$ 800	\$ 800	\$ 800	\$ 800	\$ 800
Ice Machine Rent Gladiolus	\$ 165	\$ 165	\$ 165	\$ 165	\$ 165	\$ 165
Knife Sharpening	\$ 85	\$ 85	\$ 85	\$ 85	\$ 85	\$ 85
Cleaning (ALSCO)	\$ 725	\$ 725	\$ 725	\$ 725	\$ 725	\$ 725
Computer & POS Costs (POSabilities)	\$ 1,300	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200
General Insurance	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400
Business Licenses	\$ -	\$ 500	\$ -	\$ -	\$ -	\$ 2,500
Bank Service Charges	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200
Security Cameras	\$ 391	\$ 391	\$ 391	\$ 391	\$ 391	\$ 391
Repairs & Maintenance	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Misc. Operating Costs (Office, Car, etc)	\$ 950	\$ 950	\$ 950	\$ 950	\$ 950	\$ 950
Total Costs	\$ 60,532	\$ 66,132	\$ 92,632	\$ 73,632	\$ 76,632	\$ 81,132
Net Income / (Loss) -Excl Depr	\$ 1,771	\$ 9,433	\$ (2,787)	\$ 32,873	\$ 31,063	\$ 36,083
Legal Fees Bankruptcy	\$ 1,000	\$ 3,000	\$ 3,000	\$ 6,000	\$ 3,000	\$ 3,000
Trustee Fees Bankruptcy	\$ 650			\$ 4,875		
Ending Cash Est	\$ 13,121	\$ 19,554	\$ 13,767	\$ 35,765	\$ 63,828	\$ 96,911