The relief described hereinbelow is SO ORDERED.

Signed May 08, 2026.

Ronald B. King
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

In re:	§	
TRS Contracting LLC,	§	**Case No. 26-10727-smr**
d/b/a Summit ReadyMix,	§	
Hercules Materials, LLC,	§	**Case No. 26-10728-smr**
Debtors.[1]	§	**Chapter 11, Subchapter V**
	§	*(substantive consolidation requested)*
	§	

INTERIM ORDER AUTHORIZING USE OF CASH
COLLATERAL AND GRANTING ADEQUATE PROTECTION

CAME ON FOR CONSIDERATION the *Debtors' Emergency Motion to Authorize Use of Cash Collateral* (the "Motion") filed by TRS Contracting LLC and Hercules Materials, LLC (the "Debtors"), which seeks entry of an interim order (a) authorizing the Debtors' immediate use of their cash and cash equivalents, as well as proceeds from the Debtors' other property (the "Cash Collateral"), in which

[1] The Debtors in these bankruptcy cases are TRS Contracting LLC (38-4107374) and Hercules Materials, LLC (85-3671956).

M&T Equipment Finance Corporation ("M&T") holds a senior security interest and the U.S. Small Business Administration (the "SBA") asserts a subordinate lien; (b) scheduling a final hearing on the Motion; and (c) granting related relief.

Having considered the Motion and the entire record before it, the Court finds and concludes[2] that: (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157(a) and 1334(b); (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) notice of the Motion and the hearing on the Motion has been given; (iv) no objections to the Motion have been filed, or any such objections have been overruled in their entirety for the reasons stated by the Court on the record; and (v) the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtors' estates pending a final hearing and is justified under sections 361(2) and 363(c)(2) of the Bankruptcy Code. The Court further finds and concludes:

A. **Lienholders**. M&T asserts purchase-money security interests in certain Debtors' equipment and a lien on substantially all of the Debtors' other property, including the Cash Collateral. The SBA asserts a subordinate lien on substantially all of the Debtors' property, including the Cash Collateral. North Mill Equipment Finance ("North Mill") and Mitsubishi CHC Capital America, Inc. ("Mitsubishi") each assert purchase-money security interests in certain of the Debtors' equipment.

B. **Adequate Protection**. M&T and the SBA (the "Lienholders") are entitled to adequate protection under 11 U.S.C. §§ 361 and 363. The proposed adequate protection described below is sufficient to protect the Lienholders' interest in the Cash Collateral.

[2] Findings of fact shall be construed as conclusions of law and conclusions of law shall be construed as findings of fact when appropriate. *See* Fed. R. Bankr. P. 7052.

It is therefore:

ORDERED that the Motion is GRANTED on an interim basis; it is further

ORDERED that a final hearing on the Motion shall be held on **May 28, 2026, at 10:00 a.m. (Central Time)** (the "Final Hearing") before the Honorable Shad M. Robinson, U.S. Bankruptcy Judge for the Western District of Texas, at https://www.zoomgov.com/my/robinson.txwb via Zoom or by calling (669) 254-5252, Meeting ID: 161 0862 5245; it is further

ORDERED that all parties-in-interest shall have until **May 26, 2026**, to file an objection to the Motion; it is further

ORDERED that the Debtors are authorized to use the Cash Collateral on an interim basis in accordance with the five-week budget attached hereto (the "Budget"), subject to a 10% variance per category and a 5% variance overall; it is further

ORDERED that the Debtors shall file a proposed final budget by no later than **May 21, 2026**; it is further

ORDERED that, as adequate protection for the use of the Cash Collateral and to the extent of any diminution in value of the Lienholders' interest in the Cash Collateral, the Lienholders are granted valid, binding, enforceable, and perfected post-petition liens on all assets of the Debtors of the same type and nature as those on which the Lienholders held valid, perfected pre-petition liens (excluding causes of action under Chapter 5 of the Bankruptcy Code); it is further

ORDERED that the rights of all parties—including the Debtor, the Lienholders, North Mill, Mitsubishi, and the U.S. Trustee—to contest the validity, priority, or extent of the liens and claims of any party are expressly reserved pending the Final Hearing; it is further

ORDERED that the Lienholders' right to seek additional adequate protection is expressly reserved pending the Final Hearing; it is further

ORDERED that this interim order shall be effective immediately upon entry and shall remain in effect pending the Final Hearing, unless otherwise ordered by the Court; it is further

ORDERED that the Court retains exclusive jurisdiction with respect to the implementation, interpretation, and enforcement of this Order.

###

Submitted by:
An Nguyen
Texas Bar No. 24118479
NGUYEN LAW, PLLC
P.O. Box 150146
Austin, TX 78715-0146
Telephone: (512) 712-3484
an@anwinlaw.com

Proposed Counsel to the Debtors
and Debtors-in-Possession

Five-Week Budget

	Week Ending May 1, 2026	Week Ending May 8, 2026	Week Ending May 15, 2026	Week Ending May 22, 2026	Week Ending May 29, 2026
Starting Cash:	$ 64.46	$ 64.46	$ 7,700.08	$ 17,588.37	$ 38,241.91
Sales:					
Net Sales:	$ -	$ 30,000.00	$ 50,000.00	$ 65,000.00	$ 65,000.00
Cost of Goods Sold:					
Raw Materials (cement, sand, aggregates, etc.)	$ -	$ -	$ (23,125.00)	$ (30,062.50)	$ (30,062.50)
Labor (1099 Contractors)	$ -	$ (3,750.00)	$ (6,250.00)	$ (8,125.00)	$ (8,125.00)
Fuel	$ -	$ (1,875.00)	$ (3,125.00)	$ (4,062.50)	$ (4,062.50)
Tolls	$ -	$ (187.50)	$ (312.50)	$ (406.25)	$ (406.25)
Gross Profit (Sales Less COGS)	$ -	$ 24,187.50	$ 17,187.50	$ 22,343.75	$ 22,343.75
Operating Expenses:					
Officer/Management Payroll	$ -	$ -	$ -	$ -	$ -
Payroll Taxes	$ -	$ -	$ -	$ -	$ -
Rental - Real Property	$ -	$ (2,500.00)	$ -	$ -	$ -
Leases - Personal Property	$ -	$ -	$ -	$ -	$ -
Repairs and Maintenance	$ -	$ (600.00)	$ (600.00)	$ (600.00)	$ (600.00)
Insurance	$ -	$ (11,222.00)	$ -	$ -	$ -
Telephone and Utilities	$ -	$ -	$ (400.00)	$ -	$ -
Registration/Permits/Inspection	$ -	$ -	$ -	$ -	$ (7,800.00)
Office Supplies	$ -	$ (40.00)	$ (40.00)	$ (40.00)	$ (40.00)
Total Operating Expenses	$ -	$ (14,362.00)	$ (1,040.00)	$ (640.00)	$ (8,440.00)
NET INCOME/(LOSS)	$ -	$ 9,825.50	$ 16,147.50	$ 21,703.75	$ 13,903.75
Secured Debt:					
M&T Equipment Finance		$ (1,814.88)	$ (4,768.21)	$ (675.21)	
North Mill Equipment Finance					$ (8,677.94)
Mitsubisihi CHC Capital			$ (1,116.00)		
SBA EIDL					
Total Secured Debt:	$ -	$ (1,814.88)	$ (5,884.21)	$ (675.21)	$ (8,677.94)
Subchapter V Trustee	$ -	$ (375.00)	$ (375.00)	$ (375.00)	$ (375.00)
ENDING CASH:	$ 64.46	$ 7,700.08	$ 17,588.37	$ 38,241.91	$ 43,092.72