

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:)	
Walter H. Booth Clause 4 Trust)	Bk. No. 16-11598-BAH
Debtor)	Chapter 11
)	

**INTERIM EMERGENCY ORDER ON DEBTOR'S
EX PARTE, EMERGENCY FIRST DAY MOTION FOR
ORDER AUTHORIZING USE OF CASH COLLATERAL AND
PROVISION OF ADEQUATE PROTECTION**

Upon the Ex Parte Emergency First Day Motion for Order Authorizing Use of Cash Collateral and Provision of Adequate Protection (the "Motion") and after having reviewed the pleadings filed in this case to date and having found therefrom good and sufficient cause, it is hereby ordered, adjudged and decreed that:

1. The Emergency Application for Use of the Cash Collateral is necessary in order to preserve the operations, value, and integrity of the Debtor's business. The entry of the relief contained in this Order is in the best interest of the Debtor, its estate, and creditors. To avoid immediate and irreparable harm to the estate pending a final hearing on use of the Cash Collateral, the Debtor is authorized to use cash collateral of Ocwen Loan Servicing, LLC ("Ocwen") in the ordinary course of its business pending a final hearing on the Motion; and it is further

ORDERED, that pursuant to Sections 361 and 363(e) of the Bankruptcy Code, and for purposes of Section 507(b) of the Bankruptcy Code, as adequate protection to Ocwen, for the Debtor's use of Cash Collateral, Ocwen, is hereby granted a post-petition replacement lien and security interest in all post-petition property of the estate of the same type against which Ocwen,

held validly perfected and not avoidable liens and security interests as of the Petition Date (the “Replacement Lien”). The Replacement Lien shall maintain the same priority, validity and enforceability as such liens on the Cash Collateral, but shall be recognized only to the extent of any diminution in the value of the Collateral resulting from the use of cash Collateral pursuant to this Order. For the purposes of this Order, the term “collateral diminution” or “diminution in value” shall mean an amount equal to the aggregate diminution of the value of the Cash Collateral after the Petition Date. The Replacement Liens shall not attach to any avoidance powers held by any of the Debtor or any trustee for any Debtor, including those avoidance powers set forth in Sections 544, 545, 547, 548, 549, 550, 551 and 553 of the Bankruptcy Code, or to the proceeds of any claims under or actions commenced pursuant to such powers.

2. Except as otherwise defined herein, all words, terms and phrases defined or used in the Motion shall have and be given the same meaning when used herein.

3. Debtor is permitted to use and expend the proceeds of cash collateral, as such term is defined in Section 363, to pay the costs and expenses incurred by Debtor in the ordinary course of business during the period from November 16, 2016 through December 31, 2016 or the date on which this Court enters an order revoking the Debtor’s right to use Cash Collateral subject to the further provisions of this Order (the “Interim Use Period”) in accordance with the budget attached hereto as Exhibit A.

4. The Debtor shall timely file monthly operating reports during this case through the Court’s electronic filing system and provide Ocwen with a copy.

5. The Debtor shall pay Ocwen its monthly mortgage payment of \$6,745.55, payments in each month commencing December 1, 2016. These payments will be the normal mortgage payments and loan payments going forward. These payments will continue pending further order of this Court.

6. The so-called "winding up proviso" set forth in LBR 4001-2 is incorporated herein by reference as fully as if completely set forth.

7. Absent the Court's entry of a further order extending this authorization, this Order will expire on the last day of the Interim Use Period or the earliest date on which a preliminary or final hearing on cash collateral requirements can be held under the notice and service requirements of Bankruptcy Rules 4001(b) and (d) and 7004(h) (the "hearing Date").

A final hearing on the Debtor's use of Cash Collateral shall be held on 12/6
 , 2016 at 1:30 p.m..

Objections to the final approval of the Motion shall be filed and served by 11/30
 , 2016.

Dated: 11/23, 2016

 /s/ Bruce A. Harwood
Bruce A. Harwood, Chief Bankruptcy Judge

Exhibit A

Walter H. Booth Clause 4 Trust
Cash Flow Projection 11/16/2016 through 12/31/2016

INCOME:

	November 16, 2016 to November 30, 2016	December 1, 2016 to December 31, 2016
CASH RECEIPTS		
Rent received	\$0.00	\$10,200.00
TOTAL CASH RECEIPTS	\$0.00	\$10,200.00
EXPENSES:		
Ocwen Mortgage	\$0.00	\$6,745.55
Escrow for Taxes	\$0.00	\$3,200.00
Fire Alarm	\$0.00	\$ 37.50
Water bill	\$0.00	\$ 60.00
Total Cash Paid Out:	\$0.00	\$10,043.05
Cash position (end of month)	\$0.00	\$ 156.95