

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**IN RE:**

**CUBA TIMBER CO., INC.**

**DEBTOR.**

\*  
\*  
\*  
\*  
\*  
\*

**17-70349-JHH-11**

**UNITED STATES BANKRUPTCY ADMINISTRATOR'S  
LIMITED OBJECTION TO  
MOTION FOR AUTHORITY TO USE CASH COLLATERAL**

Comes now the United States Bankruptcy Administrator for the Northern District of Alabama ("BA"), by and through the undersigned counsel, and hereby consents in part and objects in part to the Motion for Authority to Use Cash Collateral (court document #3) as more specifically set out as follows:

1. This case was filed on February 24, 2017.
2. The Operating Order was entered on February 28, 2017 (court document #12).
3. On or about March 1, 2017, the BA sent out letters to the twenty largest unsecured creditors as scheduled by the Debtor for formation of an unsecured creditors' committee. The deadline for responses to such solicitation is March 13, 2017.
4. It is unknown whether there will be a committee formed. The BA believes that the creditors should have an opportunity to review any loan, security, or assignment documents of Fundamental Funding, LLC ("FF") which set forth FF's purported security interest in Debtor's accounts receivables, contract rights, proceeds and other cash collateral. BA does not see that such documents have been filed of record in the case.
5. The BA believes that to further protect the interests of creditors until it is known whether there will be a committee formed, the BA believes that any interim order should preserve the right of any committee or other creditors to object to the validity

of FF's purported security interest once further information regarding its purported security interest is provided.

6. The BA believes that any binding effects of the any interim order be limited to the Debtor and FF (and their successors and assigns) who will conceivably be the only parties to any interim order, and that in the event there is a committee formed that the rights of the committee or other creditors be preserved to challenge the liens and claims of FF and to bring claims and causes of action against FF.
7. The Motion does not provide a budget, any other financial information related to the purported interest of FF and value of any cash collateral. The BA believes this is essential information for creditors to make an informed decision.

Wherefore, these premises considered the BA does not have an objection to the use of cash collateral if the Debtor can provide the foregoing information and address any other concerns that creditors might have in order to protect their interests on a going forward basis.

Respectfully submitted March 1, 2017.

J. THOMAS CORBETT  
BANKRUPTCY ADMINISTRATOR FOR THE  
NORTHERN DISTRICT OF ALABAMA

BY: /s/ Rachel L. Webber  
Rachel L. Webber  
Assistant U.S. Bankruptcy Administrator  
Alabama Bar ID ASB-4475-B64R

OF COUNSEL:  
United States Bankruptcy Administrator  
Northern District of Alabama  
2005 University Boulevard, Suite 1300  
Tuscaloosa, Alabama 35401  
(205) 561-1690

CERTIFICATE OF SERVICE

This is to certify that on March 1, 2017, I have served a copy of the Bankruptcy Administrator's Limited Objection on the parties listed below by depositing the same in the United States Mail, postage prepaid and properly addressed, or if the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a "Notice of Electronic Filing" pursuant to FRBP 9036 in accordance with subparagraph II.B.4 of the Court's Administrative Procedures.

Mr. A. Richard Maples, Jr.  
Maples & Fontenot, LLP  
P.O. Box 1281  
Mobile, AL 36633

***Service provided via email / CM/ECF to:***  
maplex@bellsouth.net

Atlaco, LLC  
PO Box 85  
Samantha, AL 35482

Avery Timber  
3761 Highway 12 East  
Steens, MS 39766

Caterpillar Financial  
PO Box 340001  
Nashville, TN 37203

Mr. Charles Kelm  
5821 Florence Drive  
Slidel, LA 70458

Diamond Funding  
80 Pine Street  
New York, NY 10005

East MS Forest Products, Inc.  
11309 Brooksville Road  
Louisville, MS 39339

FJH, Inc.  
PO Box 375  
Maben, MS 39750

GOC, Ltd.  
P. O. Box 598  
Butler, AL 36904

Mack Financial Services  
PO Box 7247-0238  
Philadelphia, PA 19170

Max Leasing  
PO Box 241948  
Montgomery, AL 36124

Quality Land & Timber, Inc.  
P. O. Box 826  
Double Springs, AL 35553

Randy Martin Logging  
8139 Highway 21  
Shuqualak, MS 39361

Reece Logging  
248 Reece Drive  
Carrolton, AL 35447

Shaw Farms, LLC  
P. O. Box 22  
Cuba, AL 36907

Mr. Tony Singley  
11569 May Tower Road  
Stockton, AL 36579

By: /s/ Rachel L. Webber  
Rachel L. Webber