

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

IN RE:

CUBA TIMBER CO., INC.

Case No.: 17-70349-11

Debtor.

VERIFIED EMERGENCY MOTION TO USE CASH COLLATERAL

Comes now the Debtor, Cuba Timber Co., Inc. (Debtor), and shows as follows:

1. Debtor's voluntary petition under Chapter 11 of the Bankruptcy Code was filed in this Court on February 24, 2017.
2. Debtor is in the business of buying, selling and harvesting timber and wood products.
3. One of Debtor's creditors, Fundamental Funding, LLC ("FF"), has asserted a security interest in Debtor's accounts receivables, contract rights, proceeds and other cash collateral.
4. The Debtor is investigating the validity of that claim and the history of dealings between the Debtor and FF. The extent to which FF may be adequately protected is not known at this time, but may be up to the full amount of its claim depending on the resolution and collection of certain unliquidated obligations claimed to be owed to the Debtor.
5. Debtor is informed and believes that FF has notified Debtor's customers that all payments for goods and services provided by Debtor should be made directly to FF. The request for direct payment may intercept Debtor's post-petition cash flow as well as pre-petition revenue.
6. The Debtor does not have sufficient unencumbered cash or other assets with

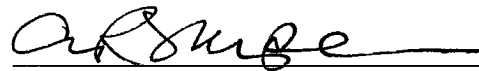
which to continue to operate its business in Chapter 11 if payment of Debtor's accounts receivables is delayed or interrupted. The Debtor requires immediate authority to use cash collateral in order to continue its business operations and pay its employees. Debtor's use of cash collateral on an interim basis as necessary to avoid immediate and irreparable harm to the estate pending a final hearing.

7. While it is believed that FF has a senior security interest in Debtor's cash collateral, there are other secured creditors who may seek to assert a superior interest. Therefore, Debtor is seeking entry of an interim order to use cash collateral limited to a thirty day duration.

8. Debtor will provide a replacement lien and such other adequate protection as the Court may deem appropriate of Debtor's use of cash collateral is approved.

9. A motion for expedite hearing has been filed contemporaneous to the filing of this motion.

WHEREFORE, Debtor asks that a hearing be scheduled for this motion on an expedited basis and that upon such hearing, this Court shall enter an order authorizing the Debtor to use cash collateral on an interim basis for a period of thirty (30) days on such terms as this Court deems appropriate.



A. RICHARD MAPLES, JR., Attorney for
the Debtor

OF COUNSEL:


MAPLES & FONTENOT, LLP
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VERIFICATION

I have read the allegation contained in this Verified Emergency Motion To Use Cash Collateral, and, to my best knowledge, information, and belief are true and correct.


Steve Goodman

Sworn to and subscribed before me on
this 24th day of February, 2016.


Notary Public
My Commission expires: 4-17-19

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of February, 2017, I electronically filed this Verified Emergency Motion to Use Cash Collateral with the Clerk of the Court using the CM-ECF system, and served a copy of the above and foregoing upon the Creditor Matrix (copy attached) via e-mail where indicated, and by depositing a copy of same in the United States mail, properly addressed and first-class postage prepaid.

Fundamental Funding, LLC
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/s/ A. Richard Maples, Jr.
A. RICHARD MAPLES, JR.