Benda Merola

Brenda Moody Whinery, Bankruptcy Judge

Dated: June 23, 2017



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In re:

corporation

LAZAR ENTERPRISES, INC, d.b.a.

ARIZONA STAGECOACH an Arizona

Debtor.

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IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA

Chapter 11 Proceedings

Case No. 4:17-bk-06877-BMW

INTERIM ORDER AUTHORIZING USE OF CASH COLLATERAL

Final Hearing Date: July 13, 2017 Hearing Time: 11:00 am Hearing Locations: U.S. Bankruptcy Court, Courtroom

U.S. Bankruptcy Court, Courtroom 446

38 South Scott Avenue, Tucson, Arizona, 85701

U.S. Bankruptcy Court, Courtroom 602 230 North 1st Avenue

Phoenix, Arizona 85003

This matter came before the Court on the *Emergency Motion For (1) Interim Order* Authorizing Use of Cash Collateral; (2) Order Scheduling Final Hearing on Use of Cash Collateral; And, (3)Final Order Authorizing Use of Cash Collateral [Doc. 5] (the "Motion") filed by the debtor and debtor in possession LAZAR ENTERPRISES, INC, an Arizona corporation, d.b.a. ARIZONA STAGECOACH (the "Debtor" or "Arizona Stagecoach"). The Court conducted an emergency hearing on the Motion on expedited notice on June 22, 2017 at 1:30 p.m. (the "Hearing"). While no objections to the Motion were filed, the United States Trustee filed a *Statement of Position* [Doc 18] (the "UST Position Statement") and appeared at the hearing through counsel.

Based on the Motion, the *Omnibus Declaration of Kirk Markworth* [Doc. 7], the UST Position Statement, the proffer of evidence by counsel, the statements on the record and arguments by counsel at the Hearing, and good cause appearing,

IT IS HEREBY ORDERED authorizing the Debtor to use Cash Collateral on an interim basis, subject to the terms set forth in this Order pending a final hearing on use of Cash Collateral. The Court will conduct the Final Hearing on the Motion use of cash collateral on Thursday, July 13, 2017 at 11:00 am.

IT IS FURTHER ORDERED THAT the Debtor must immediately serve a copy of this Order together with the Motion and Declaration in accordance with rule 4001(b) Fed. R. Bankr. P..

**IT IS FURTHER ORDERED THAT** under Local Rule 9013-1 any responses or objections to the Motion or this Order must be filed with the Court and served on counsel for the Debtor and other parties entitled to notice no later than **Monday**, **July 10**, **2017**.

**IT IS FURTHER ORDERED THAT** the following adequate protection is granted to creditors asserting interests in the Debtor's Cash Collateral:

- The Debtor must operate under the Budget attached hereto as Exhibit A. If the Debtor needs to exceed any budget line by more than 10% it must obtain consent from creditors asserting an interest in said collateral, or obtain permission from the Court.
- The Debtor shall provide budget to actual reporting to parties asserting an interest in cash collateral on a weekly basis;
- Creditors asserting interests in Cash Collateral are hereby granted a
  replacement lien on Cash Collateral generated post-petition to the same
  nature, extent and priority as the creditor enjoyed in the Cash Collateral on
  the Petition Date.

## [DATED AND SIGNED ABOVE]

## Exhibit A

					STAGECOACH		WEEKLY BUDGET		13 WEEKS					
WEEK ENDING	6-23-17	6-30-17	7-7-17	7-14-17	7-21-17	7-28-17	8-4-17	8-11-17	8-18-17	8-25-17	9-8-17	9-15-17	9-22-17	9-29-17
500 · Sales	12,000	14,000	12,000	14,000	12,000	14,000	12,000	14,000	12,000	14,000	12,000	14,000	12,000	14,000
606 · Fuel	1,500	1,500	1,400	1,400	1,400	1,400	1,300	1,300	1,300	1,300	1,300	1,400	1,400	1,400
607 · Permit Fees	0	3,250	0	0	0	0	0	0	0	0	0	0	0	0
604 · Sub Contract Drivers	8,500	0	8,100	0	8,100	0	8,100	0	8,100	0	8,100	0	8,100	0
608 · Van Insurance	2,210	2,210	2,210	2,210	2,210	2,210	2,210	2,210	2,210	2,210	2,210	2,210	2,210	2,210
611 · Auto Expense & Repair	450	450	450	450	450	450	450	450	450	450	450	450	450	450
618 · Credit Card Fees	0	0	1,800	0	0	0	1,800	0	0	0	1,800	0	0	0
700 · Advertising & Promotion	0	0	1,600	0	0	0	1,600	0	0	0	1,600	0	0	0
701 · Management Wages	3,200	0	3,200	0	3,200	0	3,200	0	3,200	0	3,200	0	3,200	0
704 · Dispatch Wages	4,000	0	4,000	0	4,000	0	4,000	0	4,000	0	4,000	0	4,000	0
710 · Rent & Storage	0	1,350	0	0	0	1,350	0	0	0	1,350	0	0	0	1,350
711 · Payroll Taxes	648	0	648	0	648	0	648	0	648	0	648	0	648	0
713 ·Uniforms	0	0	0	0	0	0	0	0	0	0	0	0	0	0
714 · Postage & Freight	0	0	0	0	0	0	0	0	0	0	0	0	0	0
717 · Telephone/cable	0	1,300	0	1,300	0	0	0	1,300	0	0	0	1,300	0	0
720 · Office Supplies	30	30	30	30	30	30	30	30	30	30	30	30	30	30
722 · Dues & Membership	0	0	0	0	0	0	0	0	0	0	0	0	0	0
728 · Radio Expense	0	0	450	0	0	0	450	0	0	0	450	0	0	0
736 · Business Insurance	0	0	0	0	0	0	0	0	0	0	0	0	0	0
737 · Printing	0	0	0	0	0	0	0	0	0	0	0	0	0	0
748 · Professional Fees	0	0	0	0	0	0	0	0	0	0	0	0	0	0
753 · Miscellaneous Expense	0	0	0	0	0	0	0	0	0	0	0	0	0	0
754 · Database	0	0	1,100	0	0	0	1,100	0	0	0	1,100	0	0	0
	20,538	10,090	24,988	5,390	20,038	5,440	24,888	5,290	19,938	5,340	24,888	5,390	20,038	5,440