

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Odeha Warren SBN 249390 25096 Jefferson Avenue Suite C Murrieta, CA 92562 (951) 216-5577 (888) 665-2294	FOR COURT USE ONLY
<input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for.	

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION**

In re: Ohlone Tribe of Carmel First Settlers of Chino Valley, CA, Inc. Debtor	CASE NO.: 17-19665-MH CHAPTER: 11
	NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER AUTHORIZING USE OF CASH COLLATERAL [11 U.S.C. § 363]
Debtor(s).	This motion is being made under <u>ONLY ONE</u> of the following notice procedures: <input type="checkbox"/> Hearing requested on emergency basis: LBR 9075-1(a); or <input type="checkbox"/> Hearing requested on shortened notice: LBR 9075-1(b); or <input checked="" type="checkbox"/> Hearing set on regular notice: LBR 9013-1(d): DATE: 02/13/2018 TIME: 2 pm COURTROOM: 303 ADDRESS: 3420 12th street, Riverside, CA

1. **PLEASE TAKE NOTICE THAT** the Debtor moves this court for an order authorizing the use of cash collateral
 - on an interim basis through and including (date) 03/31/2018
 - through the date of confirmation of a chapter 11 plan or dismissal of this case.

2. **NOTICE PROVISIONS AND DEADLINES FOR FILING AND SERVING A WRITTEN RESPONSE:** Your rights might be affected by this Motion. You may want to consult an attorney. Refer to the box checked below for the deadline to file and serve a written response. If you fail to timely file and serve a written response, the court may treat such failure as consent to the relief sought in the Motion and may grant the requested relief. You must serve a copy of your opposition upon the Debtor, the Debtor's attorney, the United States trustee, and also serve a copy on the judge assigned to this bankruptcy case pursuant to LBR 5005-2(d) and the Court Manual.

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

- a. **Hearing Requested on Emergency Basis under LBR 9075-1(a):** The Debtor has contacted the court and requested an emergency hearing on less than 48 hours notice. If the court grants the request, you will receive a separate Notice of Hearing that identifies the deadline for you to file and serve a written response. If the court denies the request to set an emergency hearing, the Debtor will provide written notice of a hearing date on regular notice or other disposition of this Motion and the deadline for filing an opposition.
- b. **Hearing Requested on Shortened Notice under LBR 9075-1(b):** The Debtor has filed a separate application asking the court to set a hearing on shortened notice, entitled Application for Order Setting Hearing on Shortened Notice (Application). If the court grants the Application, the Debtor will serve you with another document providing notice. The deadline to file and serve a written response will be contained in this document. If the court denies the Application, the Debtor will provide written notice of a regular hearing date or other proposed disposition of this Motion.
- c. **Hearing Set on Regular Notice: Notice Provided Under LBR 9013-1(d):** This Motion is set for hearing on regular notice pursuant to LBR 9013-1(d). The full Motion and supporting documentation are attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response with the court and serve it as stated above **no later than 14 days prior to the hearing**. Your response must comply with LBR 9013-1(f). The undersigned hereby verifies that the hearing date and time selected were available for this type of Motion according to the judge's self-calendaring procedures [LBR 9013-1(b)].
- d. **Other (specify):**

Date: 11/7/18
11/07/2018

By: Odeha Warren
Signature of Debtor or attorney for Debtor

Name: Odeha Warren
Printed name of Debtor or attorney for Debtor

MOTION FOR ORDER AUTHORIZING USE OF CASH COLLATERAL

- 1. Cash collateral is defined in 11 U.S.C. § 363 (Cash Collateral).
2. Pursuant to 11 U.S.C. § 363(c)(2), a debtor cannot use Cash Collateral without court approval or the consent of a creditor with an interest in the Cash Collateral.
3. The Debtor filed this Motion because he/she requires the use of what a creditor or lienholder may claim to be Cash Collateral.
4. The Debtor in this case filed a voluntary petition. The court has jurisdiction to grant the relief requested in this motion pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 363.
5. The Debtor believes that the use of Cash Collateral is necessary for the Debtor to continue the Debtor's operations and to reorganize.
6. The Debtor believes that adequate protection [X] is [] is not required by law in this case. To the extent that the Debtor believes that adequate protection is not required by law under the circumstances of this case, a Memorandum of Points and Authorities is attached hereto addressing that issue.
7. Information about each real or personal property owned by the Debtor in which someone may claim a Cash Collateral interest and for which the Debtor seeks court permission to use Cash Collateral, and the Debtor's proposed budget with respect to each such property, is set forth below:

a. Collateral and budget #1 (check all that apply):

(1) The collateral (Collateral)

[X] Real Property

Street address: 15400 Highway 173

Unit/suite no.:

City, state, zip code: Hesperia CA

Legal description or document recording number (include county of recording):

Parcel 1 of parcel map No.15178 in the city of Hesperia, County of San Bernardino State of California as shown by map on file in Book 185 pages 63 through 65 of Parcel maps records San Bernardino County.

[] Equipment (manufacturer, type, and characteristics):

Serial number(s):

Location:

[] Vehicle (year, manufacturer, type and model):

Vehicle identification number:

Location of vehicle:

[X] Rents or accounts receivable (type, identifying information, and location):

Wells Fargo DIP account ending in 1605 which contains rents from the homes on the property

[] Cash on hand generated from the Collateral (type, identifying information, and location):

[] Other personal property (type, identifying information, and location):

(2) Value of Collateral: \$ 13,000,000.00

- Declaration of the Debtor as owner of the Collateral.
- Declaration of (*specify*)

(3) Income/rent generated: \$ 17,500.00 per month

(4) Liens:

1st Lien holder: <u>Vanhoops Holdings</u>	Principal balance due: \$ <u>2,900,000.00</u>
Monthly payment: \$ <u>0.00</u>	Monthly payment due date: <u>01/17/2018</u>
Prepetition arrears: \$ <u>0.00</u>	Postpetition arrears \$ <u>2,900,000.00</u>

2nd Lien holder: <u>EZ Housing Group LLC</u>	Principal balance due: \$ <u>500,000.00</u>
Monthly payment: \$ _____	Monthly payment due date: <u>01/15/2018</u>
Prepetition arrears: \$ <u>500,000.00</u>	Postpetition arrears \$ <u>5,000.00</u>

3rd Lien holder: _____	Principal balance due: \$ _____
Monthly payment: \$ _____	Monthly payment due date: _____
Prepetition arrears: \$ _____	Postpetition arrears \$ _____

Additional liens (see additional attached page)

(5) Equity in the Collateral: \$ 9,600,000.00

(6) Adequate Protection

The Debtor offers:

- (a) the equity in the Collateral above each respective lien.
- (b) the maintenance of the property.
- (c) payments in the following amounts to the following creditors:

Payment to the 2nd lien holder in the amount of \$5000 per month. The entire note on the first has been called due. As part of reorganization plan debtor will seek to repay the debt with interest if allowed or use seek motion of this court to use the collateral to obtain a loan to pay off the first mortgage.

- (d) the use or sale of the Cash Collateral which will generate more collateral (Replacement Collateral) each month, and the Debtor offers a lien in the Replacement Collateral.
- (e) other:

(7) Proposed Monthly Budget covering period of 1/1/18 through 3/30/18 or through the date of confirmation of a chapter 11 plan or dismissal of this case (or check the box if a Proposed Budget is attached as an exhibit).

INCOME:

Rent: \$ _____
 Sales: \$ _____
 Other: \$ _____

Total Income: \$ 0.00

EXPENSES:

1st Lien holder: \$ _____
 2nd Lien holder: \$ _____
 3rd Lien holder: \$ _____
 4th Lien holder: \$ _____
 Property taxes: \$ _____
 included in first lien holder payment
 Property insurance: \$ _____
 included in first lien holder payment
 Maintenance: \$ _____
 Cleaning: \$ _____
 Pest control: \$ _____
 Landscaping: \$ _____
 Management: \$ _____
 Electricity: \$ _____
 Gas: \$ _____
 Water: \$ _____
 Trash disposal: \$ _____
 Supplies: \$ _____
 Advertising: \$ _____
 Other: \$ _____
 Other: \$ _____
 Other: \$ _____
 Other: \$ _____

Total Expenses: \$ 0.00
 Net Income: \$ 0.00

b. Collateral and budget #2 (check all that apply):

(1) The collateral (Collateral)

Real Property

Street address:
 Unit/suite no.:
 City, state, zip code:
 Legal description or document recording number (include county of recording):

Equipment (manufacturer, type, and characteristics):

Serial number(s):
 Location:

Vehicle (year, manufacturer, type and model):

Vehicle identification number:

Location of vehicle:

Rents or accounts receivable (type, identifying information, and location):

Cash on hand generated from the Collateral (type, identifying information, and location):

Other personal property (type, identifying information, and location):

(2) Value of Collateral: \$ _____ . Basis of valuation:

(3) Income/rent generated: \$ _____ per month.

(4) Liens:

1st Lien holder: _____ Principal balance due: \$ _____

Monthly payment: \$ _____ Monthly payment due date: _____

Prepetition arrears: \$ _____ Postpetition arrears \$ _____

2nd Lien holder: _____ Principal balance due: \$ _____

Monthly payment: \$ _____ Monthly payment due date: _____

Prepetition arrears: \$ _____ Postpetition arrears \$ _____

3rd Lien holder: _____ Principal balance due: \$ _____

Monthly payment: \$ _____ Monthly payment due date: _____

Prepetition arrears: \$ _____ Postpetition arrears \$ _____

Additional liens (see additional attached page)

(5) Equity in the Collateral: \$ _____

(6) Adequate Protection

The Debtor offers:

(a) the equity in the Collateral.

(b) the maintenance of the property as adequate protection.

(c) payments in the following amounts to the following creditors:

- (d) the use or sale of the Cash Collateral generates more collateral (Replacement Collateral) each month, and the Debtor offers a lien in the Replacement Collateral.
- (e) other:

(7) Proposed Monthly Budget Covering Period of _____ through _____ or through the date of confirmation of a chapter 11 plan or dismissal of this case (or check the box if a Proposed Budget is attached as an exhibit).

INCOME:

Rent: \$ _____
 Sales: \$ _____
 Other: \$ _____

Total Income: \$ 0.00

EXPENSES:

1st Lien holder: \$ _____
 2nd Lien holder: \$ _____
 3rd Lien holder: \$ _____
 4th Lien holder: \$ _____
 Property taxes: \$ _____
 included in first lien holder payment
 Property insurance: \$ _____
 included in first lien holder payment
 Maintenance: \$ _____
 Cleaning: \$ _____
 Pest control: \$ _____
 Landscaping: \$ _____
 Management: \$ _____
 Electricity: \$ _____
 Gas: \$ _____
 Water: \$ _____
 Trash disposal: \$ _____
 Supplies: \$ _____
 Advertising: \$ _____
 Other: \$ _____
 Other: \$ _____
 Other: \$ _____
 Other: \$ _____

Total Expenses: \$ 0.00
 Net Income: \$ 0.00

c. **Collateral and budget #3 (check all that apply):**

(1) Type of Collateral

Real Property

Street address:

Unit/suite no.:

City, state, zip code:

Legal description or document recording number (*include county of recording*):

Equipment (*manufacturer, type, and characteristics*):

Serial number(s):

Location:

Vehicle (*year, manufacturer, type and model*):

Vehicle identification number:

Location of vehicle:

Rents or accounts receivable (*type, identifying information, and location*):

Cash on hand generated from the Collateral (*type, identifying information, and location*):

Other personal property (*describe type, identifying information, and location*):

(2) Value of collateral: \$_____. Basis of valuation:

(3) Income/rent generated: \$_____ per month.

(4) Liens:

1st Lien holder: _____

Principal balance due: \$ _____

Monthly payment: \$ _____

Monthly payment due date: _____

Prepetition arrears: \$ _____

Postpetition arrears \$ _____

2nd Lien holder: _____

Principal balance due: \$ _____

Monthly payment: \$ _____

Monthly payment due date: _____

Prepetition arrears: \$ _____

Postpetition arrears \$ _____

3rd Lien holder: _____

Principal balance due: \$ _____

Monthly payment: \$ _____

Monthly payment due date: _____

Prepetition arrears: \$ _____

Postpetition arrears \$ _____

Additional liens (see additional attached page)

(5) Equity in the Collateral: \$ _____

(6) Adequate Protection

The Debtor offers:

- (a) the equity in the Collateral.
- (b) the maintenance of the property as adequate protection.
- (c) payments in the following amounts to the following creditors:
- (d) the use or sale of the Cash Collateral generates more collateral (Replacement Collateral) each month, and the Debtor offers a lien in the Replacement Collateral.
- (e) other:

(7) Proposed Monthly Budget Covering Period of _____ through _____ or through the date of confirmation of a chapter 11 plan or dismissal of this case (or check the box if a Proposed Budget is attached as an exhibit .

INCOME:

Rent: \$ _____
 Sales: \$ _____
 Other: \$ _____

Total Income: \$ 0.00

EXPENSES:


1st Lien holder: \$ _____
 2nd Lien holder: \$ _____
 3rd Lien holder: \$ _____
 4th Lien holder: \$ _____
 Property taxes: \$ _____
 included in first lien holder payment
 Property insurance: \$ _____
 included in first lien holder payment
 Maintenance: \$ _____
 Cleaning: \$ _____
 Pest control: \$ _____
 Landscaping: \$ _____
 Management: \$ _____
 Electricity: \$ _____
 Gas: \$ _____
 Water: \$ _____
 Trash Disposal: \$ _____
 Supplies: \$ _____
 Advertising: \$ _____
 Other: \$ _____
 Other: \$ _____
 Other: \$ _____
 Other: \$ _____

Total Expenses: \$ 0.00
 Net Income: \$ 0.00

8. In addition to the expenses set forth in the proposed budget(s), the Debtor requests :
- a. to use Cash Collateral to pay quarterly fees to the United States trustee and to pay any required fees to the court;
 - b. to deviate from the line item expenses in the proposed budget(s) by no more than 20 percent on both a line item and aggregate basis without the need to seek further order of the court;
 - c. as some expenses, such as insurance, may not be required to be paid every month, to the extent that the amount allotted to a particular expense in a particular month is not used during that month, the Debtor requests permission to use that unused amount in subsequent months in payment of that particular expense for the duration of the period in which the Debtor is granted the use of Cash Collateral.
9. Other than as indicated herein, use of Cash Collateral is not intended to modify the rights of affected lienholders pursuant to the existing agreement between the lienholder(s) and the Debtor.

The Debtor requests that the court allow the use of the Cash Collateral pursuant to the terms of this Motion, the attached Memorandum of Points and Authorities (if any), and the proposed budget(s).

Date: 1/7/18

By: 
Signature of Debtor or attorney for Debtor

Name: Adena Waman
Printed name of Debtor or attorney for Debtor

DECLARATION OF DEBTOR IN SUPPORT OF MOTION FOR ORDER AUTHORIZING USE OF CASH COLLATERAL

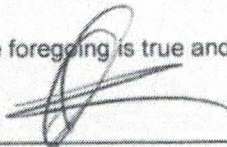
I, David Vargas, CFO of Debtor, declare:

- 1. I am the Debtor in this bankruptcy case.
- 2. The facts asserted in this declaration are of my own personal knowledge.
- 3. I am the owner of the Collateral.
- 4. The use of Cash Collateral is necessary in this case because:
I must have funds to continue in the operation of the business. The expenses I need paid are in relation to paying utilities for tenants (which will end in February as tenants must pay their utilities) and payment of employees, feed for animals and crops.
- 5. The value of the Collateral, the amounts of the claims secured by the respective liens thereon, and the equity in the Collateral, in Exhibits 1-3 are true and correct.
- 6. To the extent that adequate protection is offered and/or required, I offer the forms of adequate protection indicated in the Motion.
- 7. The income and expenses listed in the proposed budget(s)) are true and correct.
- 8. I propose to use Cash Collateral pursuant to the terms of the Motion, any Memorandum of Points and Authorities attached to the Motion, and the proposed budget(s).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

1-17-2018
Date

DAVID VARGAS
Printed Name


Signature