

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN RE:)	
)	Case No. 17-14819-JGR
HIGH PLAINS COMPUTING, INC. DBA)	
HPC SOLUTIONS)	
EIN: 84-1277752)	Chapter 11
)	
Debtor.)	

FOURTH ORDER AUTHORIZING USE OF CASH COLLATERAL

UPON CONSIDERATION of the Motion of the Debtor and Debtor in Possession to continue the use of cash collateral (“Motion”), and any additional papers filed in opposition thereto and in further support thereof; and having heard the arguments of counsel, if any; and having considered any evidence presented; and due and proper notice of the Motion having been provided; and for good cause shown:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED and this Fourth Order Authorizing Use Of Cash Collateral shall govern the Debtor’s use of cash collateral from January 7, 2018 through the earlier of confirmation of the Debtor’s Plan of Reorganization or April 30, 2018;
2. That adequate protection of each secured creditor’s interest in cash collateral proposed to be used by the Debtor in accordance with the new Budget for the time period of January 1, 2018 through April 30, 2018 that has been filed with the Court is approved as follows:
 - a. The Debtor will provide Wells Fargo Commercial Distribution Finance, LLC (“WFCDF”) and any other allowed secured creditor with a post-petition lien on all post-petition inventory, accounts receivable, other income derived from the operation of the business, and all assets, to the same extent and on the same assets that the secured creditor held a pre-petition lien¹, to the extent that the use of the cash results in a decrease in the value of secured creditor’s interest in the collateral pursuant to 11

¹ Specifically, WFCDF’s replacement lien encumbers all inventory, equipment, fixtures, accounts, chattel paper, instruments, deposit accounts, documents, general intangibles and letter of credit rights and other supporting obligations, and all attachments, accessories, accessions, exchanges, substitutions and replacements thereto; all whether now owned or hereafter acquired; and all proceeds of any of the above.

U.S.C. § 361(2). All replacement liens will hold the same relative priority to assets as did the pre-petition liens;

b. The Debtor will only use cash collateral in accordance with the Budget provided to WFCDF, the United States Trustee, and the Official Committee of Unsecured Creditors (“Committee”) subject to a deviation on line item expenses not to exceed 15% without the prior agreement of secured creditors and notice to the United States Trustee, and to the extent such deviation is not in the ordinary course of business an order of the Court;

c. The Debtor will keep all of WFCDF’s collateral fully insured;

d. The Debtor will provide WFCDF with a complete accounting, on a monthly basis, of all revenue, expenditures, and collections through the filing of the Debtor’s Monthly Operating Reports;

e. The Debtor will maintain in good repair all of WFCDF’s collateral;

f. The post-petition liens granted herein shall be perfected without the need for WFCDF or any other allowed secured creditor to file any additional UCC-1 Financing Statement or any other document; and

g. WFCDF or any other allowed secured creditor shall be entitled to avail itself of the right to assert a super-priority claim pursuant to 11 U.S.C. §507(b) should the adequate protection provided herein prove to be inadequate.

3. The Debtor’s use of cash collateral pursuant to this Order is authorized with a complete reservation of rights of WFCDF and other allowed secured creditors to their various claims and lien positions in and to the Debtor’s assets.

4. The Debtor shall reduce the WFCDF claim through payments commencing on January 31, 2018, and continuing on the last day of each month thereafter as follows:

a. January and February 2018: \$10,000

b. March and April 2018: \$15,000

5. In the event of a default in any payment due to WFCDF, WFCDF shall provide the Debtor with a written ten day notice of default with opportunity to cure. If the Debtor does not provide a cure within the ten days, the Debtor’s right to use cash collateral shall stop pending further order of the Court.

Dated: February 8, 2018

A handwritten signature in black ink, consisting of a large, stylized capital letter 'R' followed by a horizontal stroke that extends to the right.

Judge Joseph G. Rosania, Jr.
United States Bankruptcy Judge