

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE: AHP HOME HEALTH CARE, INC.
Debtor(s).

Case No.: 3:17-bk-01644
Chapter 11

_____/

MOTION TO ALLOW USE OF CASH COLLATERAL
(Nunc Pro Tunc to Petition Date)

In accordance with 11 U.S.C. §363(b)(1) and (c)(2), the Debtor moves this Court for entry of an Order allowing the use of cash collateral, to the extent creditors hold any interest in cash collateral.

1. Debtor files the instant motion to obtain court permission to use cash collateral, to the extent secured creditors may assert any interest in cash collateral.

WORLD BUSINESS LENDERS, LLC

2. Secured Creditor, WORLD BUSINESS LENDERS, LLC (“WORLD BUSINESS”), holds a claim secured by a UCC1 lien and Mortgage on the Debtor’s real property and account receivables as identified on the Debtor’s Schedule A/B. Debtor uses the real property for its business location and the account receivables for debt payment, payroll and other related business expenses.
3. On May 12, 2015, Debtor executed a UCC1 Financing Statement which encumbered all of the Debtor’s cash collateral in relation to the WORLD BUSINESS Mortgage.
4. There is currently owing to WORLD BUSINESS the approximate amount of \$79,375.00 on the mortgage.
5. Due to the Mortgage and UCC1, Debtor proposes to pay interest only payments to WORLD BUSINESS as adequate protection to WORLD BUSINESS. Such payments would

commence on June 1, 2017 and continue until the confirmation of any Plan in this Case. The mortgage is escrowed.

Relief Requested

6. The Debtor utilizes its pledged cash collateral in order to meet post-petition obligations related to its home health business. Debtor pays a small salary (to the majority shareholder) and utilizes the remaining funds to pay contractors, salaries, insurance and other necessary operating expenses. Without the ability to use the cash collateral and pay necessary expenses, the Debtor's business operations will cease and the Debtor will be prevented from effectively reorganizing debts through the Chapter 11 case.
7. The Debtor is willing to enter into an agreement with the secured creditor(s) to provide a post-petition replacement lien, in the same priority and extent of any pre-petition lien, without determining the extent or existence of such lien.
8. A copy of the Proposed Cash Collateral Order is attached as Exhibit 1. A proposed budget is attached as Exhibit 2.

Accordingly, the Debtor requests this Court enter an Order allowing the use of the cash collateral with such protections that are necessary in favor of the secured creditor.

Respectfully submitted this 5th day of May, 2017.

Law Offices of Mickler & Mickler, LLP

By: /s/ Bryan K. Mickler
Bryan K. Mickler
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Attorney for Debtor in Possession
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was furnished to:

Office of United States Trustee
400 W. Washington, Suite 1100
Orlando, FL 32801 (by CM/ECF filing)

Which is the place it regularly conducts its business, this 5th day of May, 2017 and to all interested parties per the attached matrix by U.S. Mail, First Class.

By: /s/ Bryan K. Mickler
Bryan K. Mickler
Attorney

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**INTERIM ORDER AUTHORIZING DEBTOR'S USE OF CASH COLLATERAL
AND SETTING CONTINUED HEARING
(*Nunc Pro Tunc to Petition Date*)**

This case came on for hearing on _____, 2017 to consider the Debtor's Motion to Use Cash Collateral (the "Motion") (Doc. No. # _____). For the reasons stated in Court, it is

ORDERED:

1. The Motion is granted *nunc pro tunc* to the Petition Date.
2. Cash Collateral Authorization. Subject to the provisions of this order, the Debtor is authorized to use cash collateral to pay: (a) amounts expressly authorized by this Court, including payments to the United States Trustee for quarterly fees; (b) the current and necessary expenses set forth in the budget attached as Exhibit A; and (c) such additional amounts as may be expressly approved in writing by the lenders referenced in the Motion. This authorization will continue until further order of the Court. Except as authorized in this order, the Debtor is prohibited from use of cash collateral.

3. Debtor Obligations. Debtor shall timely perform all obligations of a debtor-in-possession required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the orders of this Court.
4. Access to Records and Premises. Upon reasonable notice, and provided that it does not unreasonably interfere with the business of Debtor, Debtor shall grant to the Secured Creditor access to Debtor’s business records and premises for inspection.
5. Insurance. Debtor shall maintain insurance coverage for its property in accordance with the obligations under the loan and security documents with the secured creditors.
6. Replacement Lien. Each creditor with a security interest in cash collateral shall have a perfected post-petition lien against cash collateral to the same extent and with the same validity and priority as the prepetition lien, without the need to file or execute any document as may otherwise be required under applicable non bankruptcy law.
7. Without Prejudice. This order is without prejudice to: (a) any subsequent request by a party in interest for modified adequate protection or restrictions on use of cash collateral; or (b) any other right or remedy which may be available to the Secured Creditor.
8. Creditors Committee. The provisions of this Order are without prejudice to the rights of the United States Trustee to appoint a committee or any rights of a duly appointed committee to challenge the validity, priority or extent of any lien(s) asserted against cash collateral.
9. Enforcement. The Court shall retain jurisdiction to enforce the terms of this Order.
10. The Debtor is Ordered to pay Adequate Protection payments in the following amounts:

LENDER	PAYMENT AMOUNT WITH START DATE OF JUNE 1, 2017
World Business Lenders, LLC 101 HUDSON STREET 33RD	\$266.00 per month interest

FLOOR Jersey City NJ 07302-0000	only – 4% with 15 day grace period prior to default
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11. The Court will hold a continued preliminary hearing on the Debtor's Cash Collateral Motion on _____, 2017 at 10:00 a.m. at the United States Federal Courthouse, 300 N. Hogan St., 4th Floor, Courtroom 4_____, Jacksonville, FL 32202 before the Honorable _____.
12. Should a creditor or party-in-interest file a written objection prior to the evidentiary hearing, the Court will hear the objection on an expedited basis.

Attorney Bryan K. Mickler is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.

