

ORDERED.

Dated: July 13, 2017



Paul M. Glenn
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

TOTAL OFFICE SOLUTIONS, INC.

Case No. 3:17-bk-01830-PMG
Chapter 11

Debtor.

_____ /

FINAL ORDER AUTHORIZING USE OF CASH COLLATERAL

THIS CASE came on for trial on July 5, 2017 on the Debtor-in-Possession's Motion for Authority to Use Cash Collateral Pursuant to 11 U.S.C. § 363 (Doc. No. 5)(the "Motion"). For the reasons stated in Court, it is

ORDERED:

1. The motion to allow use of cash collateral is **GRANTED** on a final basis.
2. *Cash Collateral Authorization.* Subject to the provisions of this order, the Debtor is authorized to use cash collateral to pay only: (a) the current and necessary expenses for the maintenance and preservation of the properties secured by the lien of the creditor and not any pre-petition expenses, salaries, professional fees or insiders without further order of the Court; and (b) such additional amounts as may be expressly approved in writing by Fidelity Bank

(the "Secured Creditor"). 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, Debtors shall grant to the Secured Creditor access to Debtors' business records and premises for inspection. During the term of this Order, Debtor shall provide to Secured Creditor weekly borrowing base certificates calculated in accordance with the terms of the loan documents Debtor executed and delivered to Secured Creditor and accounts receivable aging reports and inventory reports sufficient to support its borrowing base certificate.

5. *Replacement Lien.* Each Secured Creditor with a security interest in cash collateral shall have a perfected post-petition lien against all such cash collateral, cash, rents, accounts receivable, or proceeds thereof, 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.

6. *Insurance.* Debtor shall maintain insurance coverage for its property in accordance with the obligations under the loan and security documents with the Secured Creditor.

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. *Enforcement.* The Court shall retain jurisdiction to enforce the terms of this Order.

9. *Other Non-Standard Terms or Conditions:*

a. Adequate Protection Payment. As adequate protection for the Debtor's continued use of Secured Creditor's cash collateral, the Debtor shall make monthly payments in the sum of \$7,762.91 to Secured Creditor in certified funds no later than the 5th day of each month during the term of this Order. b.

Payment Default. In the event of a default by the Debtor under the terms of this Order, Secured Creditor shall file an Affidavit of Default stating that a default has occurred and serve the Affidavit on Debtor's counsel. Upon filing of the Affidavit of Default, the Court shall set Secured Creditor's Amended Motion to Convert the Debtor's Chapter 11 Case to a Chapter 7 Case, or in the Alternative, Motion to Dismiss (Doc. No. 42).

c. Property Tax Escrow Amount. N/A.

d. Reporting of Actual Expenditures. The Debtors shall file Monthly Operating Reports as required by the United States Trustee and the Court. The Debtor shall attach bank statements as available for each reporting, together with copies of all checks written from the Debtor in Possession account(s) each period.

10. The cash collateral terms contained in this Order shall not constitute terms for the Debtor's Plan of Reorganization, unless agreed to in writing between the parties.

###

Attorney Thomas C. Adam is directed to serve a copy of this order on interested parties who are non-CM/ECF users and file a proof of service within 3 days of entry of the order.