


ORDERED.

Dated: October 05, 2017


Cynthia C. Jackson
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re:

SQUARE ONE DEVELOPMENT, LLC,
Debtor,

CASE NO.: 6:17-bk-03846-KSJ
CHAPTER 11

Jointly Administered¹

**FIFTH INTERIM ORDER GRANTING DEBTOR'S EMERGENCY MOTION
TO USE CASH COLLATERAL AND NOTICE OF CONTINUED HEARING**
[Continued Hearing: Wednesday, November 15, 2017 at 2:00 p.m.]

THIS CASE came on for continued hearing on October 2, 2017 (the "Hearing") upon the *Emergency Motion for Authority to Use Cash Collateral*, filed by Square One Development, LLC (the "Debtor") on June 9, 2017 (Doc. No. 3) (the "Motion"). Upon consideration of the Motion and noting the agreement of the parties to continue the use of cash collateral through Wednesday,

¹Jointly-administered cases: Square One Development, LLC, Case No.: 6:17-bk-03846-KSJ; Square One Winter Park, LLC, Case No.: 6:17-bk-03843-KSJ; Square One Tamiami, LLC, Case No.: 6:17-bk-03847-KSJ; Square One University, LLC, Case No.: 6:17-bk-03848-KSJ; Square One Ft. Myers, LLC, Case No.: 6:17-bk-03849-KSJ; Square One Tampa Bay, LLC, Case No.: 6:17-bk-03850-KSJ; Square One Henderson, LLC, Case No.: 6:17-bk-03851-KSJ; Square One Brandon, LLC, Case No.: 6:17-bk-03852-KSJ; Square One Tyrone, LLC, Case No.: 6:17-bk-03853-KSJ; Square One The Villages, LLC, Case No.: 6:17-bk-03855-KSJ; Square One Gainesville, LLC, Case No.: 6:17-bk-03856-KSJ; Square One Burgers Prop Co., LLC, Case No.: 6:17-bk-03857-KSJ; and Square One Lakeland, LLC, Case No.: 6:17-bk-03858-KSJ.

November 15, 2017 pursuant to the terms set forth below, the evidence presented, the arguments of counsel present at the Hearing, it is

ORDERED:

1. Interim Authorization Granted. The Motion is granted on a continuing interim basis as provided herein.

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 hereto as **Exhibit A**, plus an amount not to exceed ten (10) percent for each line item; and (c) such additional amounts as may be expressly approved in writing by First Citrus Bank. This authorization will continue through Wednesday, November 15, 2017. Except as authorized in this order, the Debtor is prohibited from the use of cash collateral.

3. Debtor Obligations. The 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. In addition, Debtor will permit inspection upon reasonable notice, and provide bi-weekly comparison reporting of its actual to budgeted income and expenses in a format to be agreed upon by First Citrus Bank and the Debtor.

4. Replacement Lien. First Citrus Bank 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 documents as may otherwise be required under applicable nonbankruptcy law.

5. Insurance. The Debtor shall maintain insurance coverage for its property in accordance with the obligations under the loan and security documents with First Citrus Bank.

6. 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.

7. 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 timely challenge the validity, priority, or extent of any lien(s) asserted against cash collateral.

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

9. **A continued hearing on use of cash collateral will be held before the Honorable Karen S. Jennemann, United States Bankruptcy Judge, on Wednesday, the 15th day of November 2017 at 2:00 p.m., at the George C. Young United States Bankruptcy Court, 400 W. Washington Street, 6th Floor, Courtroom 6A, Orlando, Florida 32801.**

Attorney R. Scott Shuker is directed to serve a copy of this order on interested parties and file a proof of service within three (3) days of entry of the order.

SQUARE ONE DEVELOPMENT
DAILY CASH REPORT

| | 9/30/2017 | 10/1/2017 | 10/2/2017 | 10/3/2017 | 10/4/2017 | 10/5/2017 | 10/6/2017 | 10/7/2017 | 10/8/2017 | 10/9/2017 | 10/10/2017 | 10/11/2017 | 10/12/2017 | 10/13/2017 |
|--------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|
| First Citrus CASH BOD | 20,662 | 20,662 | 22,841 | 12,624 | 21,984 | 2,484 | 2,484 | 11,540 | 11,540 | 11,540 | 11,540 | (98) | (98) | (98) |
| PRIOR DAY MERCHANT | | | | | | | | | | | | | | |
| Remote Deposits | | | | | | | | | | | | | | |
| Leich & Teeling Reimbursement | | | | | | | 3,600 | | | | | | | |
| Bella Insurance/Payroll Reimb | | | | 10,500 | | | | | | | | | | |
| Development Fees Reimbursement | | | | | | | | | | | | | | |
| Misc Vendors | | | | | | | | | | | | | | |
| BCBS Payments | | | | | | | | | | | | | | |
| United Healthcare Payments | | | | | | | | | | | | | | |
| United Concordia Payments | | | | | | | | | | | | | | |
| FCCI Payments | | | | | | | | | | | | | | |
| ME WILSON Payments | | | | | | | | | | | | | | |
| RKC Payments | | | | | | | | | | | | | | |
| United Healthcare | | 2,179 | (10,217) | | | | | | | (8,000) | | | | 2,919 |
| Insurance Payments | | | | | | | 588 | | | | | | | |
| BLUECROSS BLUE SHIELD Reimbursement | | | | | | | | | | | | | | |
| PAYROLL- Development | | | | (1,141) | (45,000) | | | | | | | | | 1,500 |
| Dev Payroll Store Reimbursement | | | | | 25,500 | | 3,500 | | | | | | | |
| FCCI (GL/PROP/WC/EPLI) Reimbursement | | | | | | | 1,369 | | | | | | | 3,010 |
| RENT | | | | | | | | | | (3,638) | | | | |
| END CASH | 20,662 | 22,841 | 12,624 | 21,984 | 2,484 | 2,484 | 11,540 | 11,540 | 11,540 | (98) | (98) | (98) | (98) | 7,331 |

SQUARE ONE DEVELOPMENT
DAILY CASH REPORT

| | 10/14/2017 | 10/15/2017 | 10/16/2017 | 10/17/2017 | 10/18/2017 | 10/19/2017 | 10/20/2017 | 10/21/2017 | 10/22/2017 | 10/23/2017 | 10/24/2017 | 10/25/2017 | 10/26/2017 |
|--------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| First Citrus CASH BOD | 7,331 | 7,331 | 7,331 | 5,831 | 5,831 | 5,331 | 5,331 | 15,831 | 15,831 | 15,831 | 6,731 | 7,859 | 7,859 |
| PRIOR DAY MERCHANT | | | | | | | | | | | | | |
| Remote Deposits | | | | | | | | | | | | | |
| Leich & Teeling Reimbursement | | | | | 10,500 | | | | | 3,400 | | | |
| Bella Insurance/Payroll Reimb | | | | | 5,500 | | 3,500 | | | 7,500 | | | |
| Development Fees Reimbursement | | | 6,500 | | | | | | | | | | |
| Misc Vendors | | | | | | | | | | | | | |
| BCBS Payments | | | | | | | | | | | | | |
| United Healthcare Payments | | | | | | | | | | | | | |
| United Concordia Payments | | | | | | | | | | | | | |
| FCCI Payments | | | | | | | | | | | | | |
| ME WILSON Payments | | | | | | | | | | | | | |
| RKC Payments | | | | | | | | | | | | | |
| United Healthcare | | | | | | | | | | | | | |
| Insurance Payments | | | (8,000) | | | | | | | (20,000) | | | |
| BLUECROSS BLUE SHIELD Reimbursement | | | | | | 7,000 | | | | | 1,128 | | |
| PAYROLL- Development | | | | | (55,000) | | | | | | | | |
| Dev Payroll Store Reimbursement | | | | | 38,500 | | | | | | | | |
| FCCI (GL/PROP/WC/EPLI) Reimbursement | | | | | | | | | | | | | |
| RENT | | | | | | | | | | | | | |
| END CASH | 7,331 | 7,331 | 5,831 | 5,831 | 5,331 | 5,331 | 15,831 | 15,831 | 15,831 | 6,731 | 7,859 | 7,859 | 7,859 |

SQUARE ONE DEVELOPMENT
DAILY CASH REPORT

| | 10/27/2017 | 10/28/2017 | 10/29/2017 | 10/30/2017 | 10/31/2017 | 11/1/2017 | 11/2/2017 | 11/3/2017 | 11/4/2017 | 11/5/2017 | 11/6/2017 | 11/7/2017 | 11/8/2017 |
|--------------------------------------|------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| First Citrus CASH BOD | 7,859 | 27,639 | 27,639 | 27,639 | 27,639 | 27,639 | 21,639 | 21,639 | 6,639 | 6,639 | 6,639 | 3,001 | 4,129 |
| PRIOR DAY MERCHANT | | | | | | | | | | | | | |
| Remote Deposits | | | | | | | | | | | | | |
| Leich & Teeling Reimbursement | | | | | | 10,500 | | | | | | | |
| Bella Insurance/Payroll Reimb | | | | | | | | | | | | | |
| Development Fees Reimbursement | 22,500 | | | | | | | | | | | | |
| Misc Vendors | | | | | | | | | | | | | |
| BCBS Payments | | | | | | | | | | | | | |
| United Healthcare Payments | | | | | | | | | | | | | |
| United Concordia Payments | | | | | | | | | | | | | |
| FCCI Payments | | | | | | | | | | | | | |
| ME WILSON Payments | | | | | | | | | | | | | |
| RKC Payments | | | | | | | | | | | | | |
| United Healthcare | | | | | | | | | | | | | |
| Insurance Payments | (10,000) | | | | | | (15,000) | | | | | 1,128 | |
| BLUECROSS BLUE SHIELD Reimbursement | 2,627 | | | | | | | | | | | | |
| PAYROLL- Development | | | | | | (55,000) | | | | | | | |
| Dev Payroll Store Reimbursement | | | | | | 38,500 | | | | | | | |
| FCCI (GL/PROP/WC/EPLI) Reimbursement | 4,653 | | | | | | | | | | | | |
| RENT | | | | | | | | | | | | | (3,638) |
| END CASH | 27,639 | 27,639 | 27,639 | 27,639 | 27,639 | 21,639 | 21,639 | 6,639 | 6,639 | 6,639 | 3,001 | 4,129 | 4,129 |

SQUARE ONE DEVELOPMENT
DAILY CASH REPORT

| | 11/9/2017 | 11/10/2017 | 11/11/2017 | 11/12/2017 | 11/13/2017 | 11/14/2017 | 11/15/2017 |
|--------------------------------------|--------------|---------------|---------------|---------------|---------------|--------------|--------------|
| First Citrus CASH BOD | 4,129 | 4,129 | 23,666 | 23,666 | 23,666 | 5,921 | 5,921 |
| PRIOR DAY MERCHANT | | | | | | | |
| Remote Deposits | | | | | | | 50,061 |
| Leich & Teeling Reimbursement | | | | | | | 16,255 |
| Bella Insurance/Payroll Reimb | | | | | | | 159,988 |
| Development Fees Reimbursement | - | 12,000 | - | - | - | - | 210,521 |
| Misc Vendors | | | | | | | - |
| BCBS Payments | | | | | | | (31,296) |
| United Healthcare Payments | | | | | | | (8,407) |
| United Concordia Payments | | | | | | | - |
| FCCI Payments | | | | | | | - |
| ME WILSON Payments | | | | | | | - |
| RKC Payments | | | | | | | - |
| United Healthcare | | | | | | | 19,010 |
| Insurance Payments | | | | | (20,000) | | (226,373) |
| BLUECROSS BLUE SHIELD Reimbursement | | 2,919 | - | - | 2,255 | - | 40,374 |
| PAYROLL- Development | | | | | | | (784,648) |
| Dev Payroll Store Reimbursement | | | | | | | 508,099 |
| FCCI (GL/PROP/WC/EPLI) Reimbursement | | 4,618 | - | - | - | - | 64,313 |
| RENT | | | | | | | (18,476) |
| END CASH | 4,129 | 23,666 | 23,666 | 23,666 | 5,921 | 5,921 | (579) |