

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re:

SQUARE ONE LAKELAND, LLC  
Debtor.

CASE NO.: 6:17-bk-03858-KSJ

CHAPTER 11

EMERGENCY RELIEF REQUESTED  
ON OR BEFORE JUNE 14, 2017

**EMERGENCY MOTION FOR AUTHORITY TO USE CASH COLLATERAL  
AND REQUEST FOR EMERGENCY PRELIMINARY HEARING**

SQUARE ONE DEVELOPMENT, LLC., (“Development”), and two (2) of its subsidiaries as listed on Exhibit “A” (the “Affiliates”), which includes the Debtor in the above captioned case, SQUARE ONE LAKELAND, LLC, (the “Affiliates” and “Development” are hereinafter collectively referred to as the “Debtors”), by and through their undersigned counsel, and pursuant to 11 U.S.C. §§ 363(c)(2) and 363(e), and the Federal Rules of Bankruptcy Procedure 4001(b), hereby move for authority to use cash collateral and to provide adequate protection to Stearns Bank (“Stearns Bank”), and to the extent necessary, to First Citrus Bank (“Citrus Bank”),<sup>1</sup> and in support of the relief sought, state as follows:

**Jurisdiction**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334 and 11 U.S.C. § 363. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (M).

**Background**

2. On June 9, 2017 (the “Petition Date”), the Debtors filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (“Bankruptcy Code”). The Debtors continue

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<sup>1</sup> Debtors’ inclusion of the creditors to this Motion is in no way an admission that such creditors have a properly perfected security interest in the Debtor’s property. The Debtor specifically reserves its rights to contest the validity of such alleged security interest that may be asserted by Stearns Bank and Citrus Bank.

to operate their businesses and manage their properties as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

3. Development is a multi-member Florida limited liability company formed on April 6, 2010. Development owns a group of twelve (12) related entities including eight (8) gourmet burger restaurants with operations in West Central Florida. For a complete history and description of Debtors' operations, please refer to the Case Management Summary filed contemporaneously with this Motion.

4. As of the Petition Date, Affiliates owed approximately \$3,800,000.00 on a loan from Stearns Bank (the "Loan"). The Loan is secured by a blanket lien on the personal property of Affiliates.<sup>2</sup> By virtue of its purported lien, Stearns Bank may assert a first priority security interest in the Affiliates' cash on hand and funds to be received into their operating accounts during normal operations (the "Cash Collateral").

5. Citrus Bank may claim an inferior interest in the Cash Collateral by virtue of its purported lien. The Debtors believe Citrus Bank's inferior interest is wholly unsecured due to the outstanding balance owed to Stearns Bank.

### **The Cash Management System**

6. Prior to the Petition Date, the Debtors, maintained a complex cash management system through which the Debtors collect and account for all monetary receipts and disbursements (the "Cash Management System").

7. The Cash Management System was developed to enable Debtors to accurately track: cash, checks and cash equivalents received by and transferred among Debtors.

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<sup>2</sup> Such entities include: Square One Gainesville, LLC and Square One Lakeland, LLC.

8. The primary accounts for each of the Debtors are at Citrus Bank. Each day, funds are swept from the bank accounts maintained by the Affiliates to a master account in the name of Development (the “Master Account”). The Master Account serves as the concentrated collection point for all cash received by Debtors. Following the account sweep, Development retains a portion of the swept funds to cover insurance expenses for insurance provided under group insurance policies and other related administrative expenses, and also to cover payroll for each restaurant location manager (the “Related Expenses”). The balance remaining in the Master Account after deduction of the respective share of Related Expenses is then remitted to each of the Affiliates.

**Cash Collateral and the Relief Sought by the Debtor**

9. Debtors will require the use of approximately \$1,524,565.00 of Cash Collateral to continue to operate their businesses for the next six weeks, and, depending on the month, a greater or lesser amount will be required for each comparable period thereafter. Debtors will use the Cash Collateral to pay their respective share of Related Expenses and their respective operating expenses, pending a final hearing on this Motion (the “Interim Period”).

10. A consolidated budget reflecting the estimated income and expenses for Debtors over the next six weeks is attached hereto as **Exhibit A** and is incorporated herein by reference.

11. As adequate protection for the use of Cash Collateral, Affiliates propose to grant Stearns Bank a replacement lien to the extent of any diminution in value, with such lien to have the same validity, extent, and priority as its respective pre-petition lien. Affiliates will operate on a positive cash flow basis during the interim six-week period and assert all interests on Cash Collateral are adequately protected by the replacement lien.

12. If Debtors are not permitted to use Cash Collateral, they will be forced to halt operations, creating an adverse effect on creditors and employees, and will likely eliminate the total

value of assets pledged as collateral. Thus, Debtors believe that the protections outlined herein are fair and reasonable under the circumstances and will be sufficient to protect the interests of Stearns Bank's collateral from a diminution in value during the period of use by Debtors. Accordingly, under the circumstances of this Chapter 11 case, the granting of the relief requested in the Motion is warranted.

**WHEREFORE**, Debtors respectfully request the Court enter an order, in the form of the proposed order attached hereto as **Exhibit B**, granting the request for an emergency hearing, the request to use Cash Collateral on an interim period of six-weeks, and for such other and further relief as is just and proper.

**RESPECTFULLY SUBMITTED** this 12th day of June 2017.

/s/ R. Scott Shuker, Esq.

R. Scott Shuker, Esquire

Florida Bar No. 984469

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[bknotice1@lseblaw.com](mailto:bknotice1@lseblaw.com)

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Orlando, Florida 32801

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Facsimile: 407-481-5801

*Attorneys for the Debtors*

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
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**In re:**

**CASE NO.: 6:17-bk-03858-KSJ**

**SQUARE ONE LAKELAND, LLC  
Debtor.**

**CHAPTER 11**

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true copy of **EMERGENCY MOTION FOR AUTHORITY TO USE CASH COLLATERAL AND REQUEST FOR EMERGENCY PRELIMINARY HEARING**, together with all exhibits, has been furnished either electronically or by U.S. First Class, postage prepaid mail to: Square One Lakeland, LLC, Attn: William Millner, 704 West Bay Street, Tampa, FL 33606; Stearns Bank, N.A., c/o Dennis Stearns, President, 324 W. Wendover Avenue, Suite 204, Greensboro, NC 27408 (via certified mail); Stearns Bank, N.A., c/o Dawn Brouillet, 4191 South 2<sup>nd</sup> Street, St. Cloud, Minnesota, 56302; Stearns Bank, N.A., c/o Joseph Edwards, Esq., Registered Agent, 201 E. Kennedy Boulevard, Suite 950, Tampa, Florida 33602; First Citrus Bank, c/o John Barrett, Chief Executive Officer, 10824 N. Dale Mabry Highway, Tampa, Florida 33618 (via certified mail); First Citrus Bank, c/o Tyler Hill, Esq., 101 East Kennedy Boulevard, Suite 3700, Tampa, Florida 33602 (per UCC-1); First Citrus Bank, c/o John T. Linton, Registered Agent, 10824 N. Dale Mabry Highway, Tampa, Florida 33618; First Citrus Bank, c/o Michael C. Markham, Esq., Johnson Pope Bokor Ruppel & Burns, LLP, 401 East Jackson Street, Tampa, FL 33602; the 20 largest unsecured creditors shown on the matrix attached to the original of this motion filed with the Court; and the U.S. Trustee, 400 W. Washington Street, Suite 1100, Orlando, Florida 32801, this 12<sup>th</sup> day of June 2017.

/s/ R. Scott Shuker  
R. Scott Shuker, Esq.

Label Matrix for local noticing  
113A-6  
Case 6:17-bk-03858-KSJ  
Middle District of Florida  
Orlando  
Mon Jun 12 11:20:07 EDT 2017

Square One Lakeland, LLC  
704 W Bay Street  
Tampa, FL 33606-2706

Alsco  
507 North Willow Avenue  
Tampa, FL 33606-1337

Blue Bell Creameries, LP  
PO Box 973601  
Dallas, TX 75397-3601

DVC Marketing  
5420 Pioneer Park Blvd  
Suite C  
Tampa, FL 33634-4312

ERC Parts Inc.  
4001 Cobb International Blvd NW  
Kennesaw, GA 30152-4374

Florida Department of Revenue  
Bankruptcy Unit  
Post Office Box 6668  
Tallahassee FL 32314-6668

Florida Dept of Revenue  
Attn: Executive Director  
5050 W Tennessee St  
Tallahassee, FL 32399-0140

Florida Natural Gas  
P.O. Box 934726  
Atlanta, GA 31193-4726

Haven Furniture Company, Inc.  
1500 Havendale Boulevard  
Winter Haven, FL 33881-5304

Hobart Services  
5424 W Waters Ave  
Tampa, FL 33634-1294

I-Deal Refuse Savings, Inc.  
190 Fitzgerald Rd.  
Suite 2  
Lakeland, FL 33813-2620

Internal Revenue Service  
Centralized Insolvency Ops  
PO Box 7346  
Philadelphia, PA 19101-7346

Internal Revenue Service  
Post Office Box 7346  
Philadelphia PA 19101-7346

Lakeland Area Chamber of Comm  
PO Box 3607  
Lakeland, FL 33802-3607

Land O'Lakes Recycling  
20 E Dr MLK Jr Blvd  
Brooksville, FL 34601-4039

Main Dolphin Cleaning Ent  
P.O. Box 6333  
Clearwater, FL 33758-6333

Master Purveyors  
6003 North 54th Street  
Tampa, FL 33610-4830

Muzak LLC  
PO Box 71070  
Charlotte, NC 28272-1070

NuCO2  
P.O. VBox 417902  
Boston, MA 02241-7902

Orange County Tax Collector  
PO Box 545100  
Orlando FL 32854-5100

Polk Cty Tax Collector  
430 E Main St  
Bartow, FL 33830-4717

Restaurant Magic Software  
4010 W Boy Scout Blvd  
Suite 300  
Tampa, FL 33607-5762

Sea Breeze International, Inc.  
P.O. Box 20442  
Bradenton, FL 34204-0442

Small Business Administratio  
N Florida District Office  
7825 Baymeadows Way  
Jacksonville, FL 32256-7543

Square One Development, LLC  
704 W Bay Street  
Tampa, FL 33606-2706

Staples  
PO Box 405386  
Atlanta, GA 30384-5386

Stearns Bank, NA  
Attn: Catherine Bonner, VP  
22 S Links Ave  
Sarasota, FL 34236-5939

Sysco West Coast Florida  
Sysco West Coast Florida  
PO Box 1839  
Palmetto, FL 34220-1839

Teco Peoples Gas  
PO Box 31017  
Tampa, FL 33631-3017

Vista Serv  
1509 Edgar Place  
Sarasota, FL 34240-9054

Weyand Food  
P.O. Box 310259  
Tampa, FL 33680-0259

R Scott Shuker +  
Latham Shuker Eden & Beaudine LLP  
Post Office Box 3353  
Orlando, FL 32802-3353

United States Trustee - ORL +  
Office of the United States Trustee  
George C Young Federal Building  
400 West Washington Street, Suite 1100  
Orlando, FL 32801-2210

End of Label Matrix  
Mailable recipients 33  
Bypassed recipients 0  
Total 33

**EXHIBIT A**

**SQUARE ONE GAINESVILLE, LLC  
SQUARE ONE LAKELAND, LLC**

**DAILY CASH REPORT**

	6/9/2017	6/10/2017	6/11/2017	6/12/2017	6/13/2017	6/14/2017	6/15/2017	6/16/2017	6/17/2017	6/18/2017	6/19/2017
DAILY CASH REPORT											
<b>BEGINNING CASH BALANCE</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$55,948.26	\$69,448.26	\$64,698.26	\$56,698.26			\$17,198.26
<b>INCOME</b>											
PRIOR DAY MERCHANT				\$100,000.00	\$30,000.00	\$25,000.00	\$25,000.00	\$30,000.00			\$95,000.00
Prior Day Cash				\$5,000.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00			\$5,000.00
Travelzoo/Groupm/UBER/Pepsi						\$8,000.00	\$10,000.00				
Insurance/Payroll Reimb							\$10,000.00				
Capital Contributions											
<b>TOTAL INCOME</b>	\$0.00	\$0.00	\$0.00	\$105,000.00	\$31,500.00	\$34,500.00	\$36,500.00	\$41,500.00			\$100,000.00
Blue Bell						\$ (750.00)					\$ (5,000.00)
Misc Vendors											
SeaBreeze											
Weyand Foods				\$ (1,500.00)	\$ (1,500.00)	\$ (500.00)	\$ (1,000.00)				\$ (1,500.00)
SYSCO					\$ (15,000.00)		\$ (20,000.00)				\$ (13,000.00)
MASTERS				\$ (13,000.00)			\$ (14,000.00)				\$ (4,000.00)
LIQUOR CHARGES				\$ (4,000.00)	\$ (1,500.00)		\$ (1,000.00)	\$ (1,000.00)			
UNITED HEALTHCARE											
SALES TAX				\$ (30,551.74)							
BLUECROSS BLUE SHIELD											\$ (9,573.27)
PAYROLL- STORES						\$ (38,000.00)					
DEV PAYROLL								\$ (80,000.00)			
FCCI (GL/PROP/WC/EPLI)							\$ (8,500.00)				
RENT											
<b>TOTAL EXPENSES</b>	\$0.00	\$0.00	\$0.00	\$ (49,051.74)	\$ (18,000.00)	\$ (39,250.00)	\$ (44,500.00)	\$ (81,000.00)			\$ (33,073.27)
<b>ENDING CASH BALANCE</b>	\$0.00	\$0.00	\$0.00	\$55,948.26	\$69,448.26	\$64,698.26	\$56,698.26	\$17,198.26			\$84,124.99



	6/20/2017	6/21/2017	6/22/2017	6/23/2017	6/24/2017	6/25/2017	6/26/2017	6/27/2017	6/28/2017	6/29/2017	6/30/2017	7/1/2017	7/2/2017
\$	84,124.99	\$ 25,124.99	\$ (14,125.01)	\$ (28,625.01)			\$ (5,625.01)	\$ 43,654.22	\$ 49,654.22	\$ 40,404.22	\$ 25,904.22		
\$	27,500.00	\$ 22,500.00	\$ 25,000.00	\$ 27,500.00			\$ 95,000.00	\$ 27,500.00	\$ 22,500.00	\$ 25,000.00	\$ 27,500.00		
\$	1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00			\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00		
\$		\$ 8,000.00							\$ 8,000.00				
\$	29,000.00	\$ 32,000.00	\$ 26,500.00	\$ 29,000.00			\$ 100,000.00	\$ 29,000.00	\$ 32,000.00	\$ 26,500.00	\$ 39,000.00		
\$	(5,000.00)	\$ (750.00)	\$ (5,000.00)	\$ (5,000.00)			\$ (5,000.00)	\$ (5,000.00)	\$ (750.00)	\$ (5,000.00)	\$ (5,000.00)		
\$	(1,500.00)	\$ (500.00)	\$ (1,000.00)				\$ (1,500.00)	\$ (1,500.00)	\$ (500.00)	\$ (1,000.00)			
\$	(15,000.00)		\$ (20,000.00)				\$ (13,000.00)	\$ (15,000.00)		\$ (20,000.00)			
\$	(1,500.00)		\$ (1,000.00)	\$ (1,000.00)			\$ (4,000.00)	\$ (1,500.00)		\$ (1,000.00)	\$ (1,000.00)		
\$	(65,000.00)						\$ (27,220.77)						
\$		\$ (65,000.00)							\$ (35,000.00)		\$ (80,000.00)		
\$	(88,000.00)	\$ (71,250.00)	\$ (41,000.00)	\$ (6,000.00)			\$ (50,720.77)	\$ (23,000.00)	\$ (41,250.00)	\$ (41,000.00)	\$ (86,000.00)		
\$	25,124.99	\$ (14,125.01)	\$ (28,625.01)	\$ (5,625.01)			\$ 43,654.22	\$ 49,654.22	\$ 40,404.22	\$ 25,904.22	\$ (21,095.78)		

	7/3/2017	7/4/2017	7/5/2017	7/6/2017	7/7/2017	7/8/2017	7/9/2017	7/10/2017	7/11/2017	7/12/2017	7/13/2017	7/14/2017	7/15/2017	7/16/2017
\$ (21,095.78)			\$ 26,960.95	\$ (5,289.05)	\$ (16,789.05)			\$ (10,289.05)	\$ 52,710.95	\$ 58,710.95	\$ 54,460.95	\$ 41,960.95	\$ (24,539.05)	
\$ 95,000.00			\$ 40,000.00	\$ -	\$ 27,500.00			\$ 95,000.00	\$ 27,500.00	\$ 22,500.00	\$ 25,000.00	\$ 27,500.00		
\$ 5,000.00			\$ 2,000.00	\$ 500.00	\$ 500.00			\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00		
\$ 4,000.00			\$ 8,000.00							\$ 8,000.00		\$ 10,000.00		
\$ 104,000.00			\$ 50,000.00	\$ 500.00	\$ 28,000.00			\$ 100,000.00	\$ 29,000.00	\$ 32,000.00	\$ 26,500.00	\$ 39,000.00		
\$ (5,000.00)			\$ (750.00)	\$ (5,000.00)	\$ (5,000.00)			\$ (5,000.00)	\$ (5,000.00)	\$ (750.00)	\$ (5,000.00)	\$ (5,000.00)		
\$ (1,500.00)			\$ (1,000.00)	\$ (1,000.00)	\$ (1,000.00)			\$ (1,500.00)	\$ (1,500.00)	\$ (500.00)	\$ (1,000.00)	\$ (1,000.00)		
\$ (15,000.00)			\$ 20,000.00	\$ (12,000.00)				\$ (13,000.00)	\$ (15,000.00)		\$ (20,000.00)			
\$ (4,000.00)			\$ (1,500.00)		\$ (1,500.00)			\$ (4,000.00)	\$ (1,500.00)		\$ (1,000.00)	\$ (1,000.00)		
\$ (9,573.27)			\$ (62,000.00)							\$ (30,000.00)		\$ (75,000.00)		
\$ (7,870.00)			\$ (12,000.00)	\$ (14,000.00)	\$ (14,000.00)			\$ (13,500.00)				\$ (24,500.00)		
\$ (55,943.27)			\$ (82,250.00)	\$ (12,000.00)	\$ (21,500.00)			\$ (37,000.00)	\$ (23,000.00)	\$ (36,250.00)	\$ (39,000.00)	\$ (105,500.00)		
\$ 26,960.95			\$ (5,289.05)	\$ (16,789.05)	\$ (10,289.05)			\$ 52,710.95	\$ 58,710.95	\$ 54,460.95	\$ 41,960.95	\$ (24,539.05)		

	7/17/2017	7/18/2017	7/19/2017	7/20/2017	7/21/2017	7/22/2017	7/23/2017	7/24/2017	7/25/2017	7/26/2017	7/27/2017	7/28/2017
\$ (24,539.05)	\$ 37,435.50	\$ 43,435.50	\$ 7,185.50	\$ 6,685.50				\$ 2,685.50	\$ 92,185.50	\$ 98,185.50	\$ 93,935.50	\$ 93,435.50
\$ 95,000.00	\$ 27,500.00	\$ 22,500.00	\$ 25,000.00	\$ 27,500.00				\$ 95,000.00	\$ 27,500.00	\$ 22,500.00	\$ 25,000.00	\$ 27,500.00
\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00				\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
		\$ 8,000.00								\$ 8,000.00		\$ 10,000.00
\$ 100,000.00	\$ 29,000.00	\$ 32,000.00	\$ 26,500.00	\$ 29,000.00				\$ 100,000.00	\$ 29,000.00	\$ 32,000.00	\$ 26,500.00	\$ 39,000.00
		\$ (750.00)								\$ (750.00)		
\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)				\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)
\$ (1,500.00)	\$ (1,500.00)	\$ (500.00)	\$ (1,000.00)	\$ (1,000.00)				\$ (1,500.00)	\$ (1,500.00)	\$ (500.00)	\$ (1,000.00)	
	\$ (15,000.00)		\$ (20,000.00)	\$ (27,000.00)					\$ (15,000.00)		\$ (20,000.00)	\$ (27,000.00)
\$ (4,000.00)	\$ (1,500.00)		\$ (1,000.00)	\$ (1,000.00)				\$ (4,000.00)	\$ (1,500.00)		\$ (1,000.00)	\$ (1,000.00)
\$ (27,525.45)												
		\$ (62,000.00)								\$ (30,000.00)		\$ (75,000.00)
\$ (38,025.45)	\$ (23,000.00)	\$ (68,250.00)	\$ (27,000.00)	\$ (33,000.00)				\$ (10,500.00)	\$ (23,000.00)	\$ (36,250.00)	\$ (27,000.00)	\$ (108,000.00)
\$ 37,435.50	\$ 43,435.50	\$ 7,185.50	\$ 6,685.50	\$ 2,685.50	\$ 92,185.50	\$ 98,185.50	\$ 93,935.50	\$ 93,435.50	\$ 93,935.50	\$ 93,435.50	\$ 24,435.50	

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re:

CASE NO.: 6:17-bk-03858

SQUARE ONE LAKELAND, LLC  
Debtor.

CHAPTER 11

**FIRST INTERIM ORDER GRANTING DEBTOR'S EMERGENCY MOTION  
TO USE CASH COLLATERAL AND NOTICE OF CONTINUED HEARING**

[Continued Hearing: ]

**THIS CASE** came on for emergency preliminary hearing on \_\_\_\_\_, 2017 (the "Hearing") upon the *Emergency Motion for Authority to Use Cash Collateral*, filed by Square One Lakeland, LLC (the "Debtor") on June 12, 2017 (Doc. No. \_\_) (the "Motion"). Upon consideration of the Motion, the evidence presented, the arguments of counsel present at the Hearing, it is

**ORDERED:**

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

**EXHIBIT "B"**

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 attached to the Motion, 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 Stearns Bank. This authorization will continue through \_\_\_\_\_, however, the parties may jointly agree to extend the authorization by submitting an agreed order reflecting such extension. 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.

4. Replacement Lien. Stearns 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 non-bankruptcy law.

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

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.