ORDERED.

Dated: July 24, 2018

Cynthia C. Jackson

Cynthia C. Jackson

United States Bankruptcy Judge

## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

In re:	Chapter 11	
COASTAL MENTAL HEALTH CENTER, INC.,	Case No. 18-02161-CCJ	

Debtor.

THIRD INTERIM ORDER (I) AUTHORIZING IN PART USE OF CASH COLLATERAL; (II) GRANTING ADEQUATE PROTECTION AND TURNOVER; AND (III) SCHEDULING CONTINUED HEARING (DOC. NO. 13)

THIS MATTER came before the Court for hearing on July 12, 2018 at 2:00 p.m., upon Debtor's Motion for an Interim and Final Order Authorizing the Use of Cash Collateral and Granting Adequate Protection and for Turnover (the "Motion") (Doc. No. 13) and Strategic Funding Source, Inc.'s ("Strategic Funding") Objection to Debtor's Motion for Authority to Use Cash Collateral (the "Objection") (Doc. No. 60). The Court has jurisdiction over the matters raised in the Motion and the Objection pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157 (b)(2)(A). The relief requested in the Motion is in the best interest of the Debtors, their estates and creditors. Proper and adequate notice of the Motion and the Objection and the hearing thereon has been given and no other or further notice is necessary.

## Accordingly, it is

## **ORDERED:**

- 1. The Motion is hereby GRANTED in part on an interim basis. The Debtor is hereby authorized to use Cash Collateral only the terms and conditions as those set forth in the Second Interim Order Granting Motion for Authority to Use Cash Collateral (Doc. No. 46), as set forth below, and in accordance with the budget attached hereto as Exhibit "A".
- 2. The Debtor shall make monthly adequate protection payments to Secured Creditor, Strategic Funding Source, Inc. ("Strategic Funding"), in the amount of \$1,500.00, which will be due on the 5th of each month beginning on August 5, 2018. If the payments provided for in this paragraph are not received by Strategic Funding within 5 days after the date they are due, Strategic Funding will be entitled to seek by expedited motion, shortened notice and expedited hearing, the entry of an Order granting Strategic Funding relief with respect to the Debtor's property, including the Cash Collateral. The adequate protection payments shall be applied to the Debtor's obligations to Strategic Funding in a manner to be determined at confirmation.
- 3. The Debtor acknowledges that Strategic Funding claims a perfected, enforceable, first priority lien on essentially all of the Debtor's property, including the Cash Collateral, except certain, specific copier and computer equipment.
- 4. Strategic Funding shall have a perfected post-petition replacement 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.

- 5. The Debtor shall provide Strategic Funding proof of Insurance (i) listing Strategic Funding as loss payee and (ii) including Strategic Funding as an additional insured and certificate holder under the policy, within 10 days of the date of the entry of this Order.
- 6. The Debtor shall also provide Strategic Funding, upon request, with a proposed budget no later than three (3) days prior to any continued hearing on the Debtor's Motion to Use Cash Collateral. Further, the Debtor shall maintain its cash collateral at the same level that existed prepetition and not allow cash collateral to diminish.
  - 7. The Debtor shall not deviate from budgeted expenses by more than 15%.
- 8. Strategic Funding may, upon two days' notice, and reasonable appointment inspect and copy any of the Debtor's books and records, and Debtor shall provide to Strategic Funding any additional financial or other information as Strategic Funding may reasonably request.
- 9. The Debtor waives the right to surcharge any of Strategic Funding's collateral under 11 U.S.C. § 506(c), including any Cash Collateral, as it is defined in the Bankruptcy Code.
- 10. 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 Strategic Funding.
- 11. Continued hearing is set for August 9 at 2 PM Judge Cynthia Jackson Courtroom D (6th Floor) C. Young Federal Courthouse 400 W. Washington Street Orlando, FL32801.

Attorney Joel M. Aresty is directed to serve a copy of this order on interested parties who are non-CM/ECF users and to file a proof of service within three days of entry of the order.

CMHC
Budget July 2018 & August 2018
7/11/18

7/11/10	Jul-18		Aug-18
Income			-
4900 Service Revenue Total Income	\$	350,000.00 350,000.00	\$ 400,000.00
Total Income		350,000.00	\$ 400,000.00
Expenses		80.00	80.00
6000 Operations Expense 6010 Books, Subscriptions, Reference		85.00	85.00
6020 Postage, Mailings Service		300.00	300.00
6030 Printing and Copying		110.00	110.00
6040 Supplies		230.00	230.00
6050 Telephone, Telecommunications		275.00	275.00
6051 Vocalcity		1,450.00	1,450.00
6052 Ring Central		70.00	70.00
6053 Cell Phones		430.00	430.00
6055 Internet Expense		1,450.00	1,450.00 \$ 3,675.00
Total 6050 Telephone, Telecommunications	\$		\$ 3,675.00 0.00
6054 EHR Software 6060 Billing Expense		0.00 1,300.00	1,300.00
Total 6000 Operations Expense	\$	5,780.00	
6080 Facilities and Equipment	•	4,015.00	4,015.00
6081 Janitorial Expense		200.00	200.00
6081.1 Office Cleaning Expense		565.00	565.00
Total 6081 Janitorial Expense	\$	765.00	\$ 765.00
6082 Copiers Lease		8,000.00	8,000.00
6083 Computers and supplies		0.00	0.00
6084 Moving Expense		0.00	0.00
6300 Repairs		0.00	0.00
Total 6080 Facilities and Equipment	\$	12,780.00	
6090 Contract Expense		0.00	0.00
6093 Therapist and Doctors Total 6090 Contract Expense	\$	168,000.00 168,000.00	\$ 168,000.00
6100 Business Expenses	•	100,000.00	100,000.00
6120 Business Registration Fees		200.00	200.00
6135 Licenses and Permits		0.00	0.00
Total 6100 Business Expenses	\$	200.00	
6110 Automobile Expense		0.00	0.00
6111 Auto Leases		2,570.00	2,570.00
6112 Gasoline Expense		250.00	250.00
Total 6110 Automobile Expense	\$	2,820.00	\$ 2,820.00
6180 Insurance		376.00	376.00
6181 Malpractice Insurance		0.00	0.00
6182 Employee Benefits		0.00	0.00
Total 6180 Insurance	\$		\$ 376.00
6200 Bank Charges		100.00	100.00
6240 Miscellaneous 6271 Legal Fees		1,500.00 0.00	1,500.00 15,000.00
6271 Legal Fees 6272 Recruitment Fee		0.00	0.00
6290 Rent		0.00	0.00
6290.1 Palm Bay Rent		3,559.00	3,559.00
6290.2 Daytona Beach		3,569.00	3,569.00
6290.3 Orange City		3,713.00	3,713.00
6290.4 Palm Coast		0.00	0.00
6290.5 Rockledge		2,410.00	2,410.00
6290.6 Orlando		3,511.00	3,511.00
6290.7 Leesburg Rent		2,816.00	2,816.00
6290.8 Kissimmee		3,435.00	3,435.00
6290.9 Corporate Office		0.00	0.00
6290.92 Sanford		2,918.00	2,918.00
Total 6290 Rent	\$	25,931.00	
6290.23 Rent or Lease of Buildings S&B 6291 Utilities		0.00 1,890.00	0.00 1,890.00
6380 Travel		350.00	350.00
6382 Conferences and Meetings		100.00	100.00
Total 6380 Travel	\$		\$ 450.00
6600 Other Expense		9,560.00	1,660.00
6620 Membership and Dues		0.00	0.00
Total 6600 Other Expense	\$	9,560.00	\$ 1,660.00
6700 Interest Expense		0.00	0.00
Payroll Expenses			
Taxes		11,000.00	11,000.00
Wages	-	72,000.00	72,000.00
Total Payroll Expenses	\$		\$ 83,000.00
Reimbursements		1,875.00	1,875.00
Unapplied Cash Bill Payment Expense		0.00	0.00
Uncategorized Expense	<u> </u>	55.00	\$ 321 417 00
Total Expenses	*	314,317.00	\$ 321,417.00
Net Gain (Loss)		35,683.00	78,583.00
		,5.00	,000.00
Cash Balance Beginning of Month:		20,000.00	55,683.00
Net Gain (Loss) Current Month		35,683.00	78,583.00
Cash Balance End of Month:		55,683.00	134,266.00