

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

IN RE:

BLACKMAN COMMUNITY WATER
SYSTEM, INC.,
Debtor.

CASE NO. 16-30031-JCO
Chapter 11

/

**CORRECTED MOTION FOR CONTINUED USE OF CASH COLLATERAL
AND ADEQUATE PROTECTION PAYMENTS**
(Corrected case number)

The Debtor-in-Possession Blackman Community Water System, Inc., files this Corrected Motion for Continued Use of Cash Collateral and Adequate Protection Payments (“**Motion**”) and in support states as follows:

1. On February 19, 2016, the Court entered a Stipulated Order Granting Debtor’s Expedited Motion to Use Cash Collateral (“**Order**”), [Doc. 34]. The Order provided for the Debtor-in-Possession to make six (6) monthly payments to USDA/Rural commencing on March 1, 2016.

2. The Debtor-in-Possession and USDA/Rural continued their agreement for adequate protection payments, which was observed and ordered by the Court in the Stipulated Order Granting Debtor’s Motion to Extend Exclusivity Period [Doc. 53] and the Order Granting Debtor’s Motion to Extend Exclusivity Period [Doc. 71].

3. By the terms of the Order Granting Debtor’s Motion to Extend Exclusivity Period [Doc. 71], the Debtor-in-Possession continued making adequate protection payments until March 31, 2017, at which time it ceased making payments.

4. Pursuant to further discussions between the parties, the Debtor-in-Possession resumed making monthly payments and sent a payment to USDA/Rural to compensate for months in which payments were not made. In other words, the Debtor-in-Possession has made adequate protection payments in the amount of \$1,700.00 per month that would have been due had the prior stipulation between the parties not expired on March 31, 2017.

5. USDA/Rural is a secured creditor with a perfected security interest in all of the real and personal property of the Debtor-in-Possession. The real and personal property is used for the operation and delivery of potable water for consumption and fire protection to the rural community of Blackman, Florida.

6. The Debtor-in-Possession desires to continue to provide adequate protection to USDA/Rural in the amount of \$1,700.00 per month. Absent the granting of this Motion, the Debtor-in-Possession would not have the authority to continue to perform in a timely manner, and USDA/Rural could seek relief from the automatic stay. Any interruption in the business of the Debtor-in-Possession would likely affect its ability to provide potable water to the community.

7. The Debtor-in-Possession desires that the Court enter an order authorizing the Debtor-in-Possession to continue using cash collateral in accordance with the Order [Doc. 34].

8. The Debtor-in-Possession and USDA/Rural continue to make efforts for a successful reorganization of the Debtor-in-Possession. The Debtor-in-Possession

believes an extension of the time period to December 31, 2017, for adequate protection payments and use of cash collateral is reasonable.

9. The undersigned counsel will confer with counsel for USDA/Rural and seek consent to this Motion simultaneously with filing; however, due to the status of the current order regarding use of cash collateral, this Motion is being filed without delay.

10. To date, no official committee of unsecured creditors or any trustee has been appointed in this case.

11. USDA/Rural is the largest creditor of the Debtor-in-Possession. No other creditors will be prejudiced by the granting of this Motion.

WHEREFORE, the Debtor-in-Possession BLACKMAN COMMUNITY WATER SYSTEM, INC., respectfully requests that this Court grant this Motion and such other relief as the Court deems just and proper.

Dated this 26th day of July, 2017.

/s/Ashley B. Rogers
Ashley B. Rogers
Chessell & Barr, P.A.
398 N. Main St., Ste. B
Crestview, FL 32536
FL BAR ID# 33315
rogers@chessellbarr.com
Debtor-in-Possession

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy has been furnished to the following persons via notice of electronic filing by the CM/ECF system this 26th day of July, 2017:

- Jason H. Egan: jason.h.egan@usdoj.gov

- Kristen Fiore and Peter Fisher, U.S. Attorney's Office:
kristen.fiore@usdoj.gov, anthony.garner@usdoj.gov
- Andrew Jabus Grogan: andrew.grogan@usdoj.gov,
Christina.licardi@usdoj.gov
- United States Trustee: USTPRegion21.TL. ECF@usdoj.gov

Via Email this 26th day of July, 2017:
Peter Fisher: Peter.Fisher@usdoj.gov

Via U.S. Mail this 26th day of July, 2017:
To the parties on the attached mailing matrix.

/s/Ashley B. Rogers
Attorney

Case 16-30031-JCO

Northern District of Florida

Pensacola

Wed Jul 26 16:00:08 EDT 2017

*Harvey Gatewood
8256 Thames Rd.
Baker, FL 32531-7200

*Randall Ward
8324 Highway 189 North
Baker, FL 32531-7210

*USDA Rural Development
932 N. Ferdon Blvd.
Crestview, FL 32536-1703

*United States Department of Agriculture
c/o Kristen A. Fiore, Esq.
Assistant United States Attorney
21 East Garden Street, Ste. 400
Pensacola, FL 32502-5675

*United States Trustee
c/o Jason Egan, Esq.
110 East Park Ave., Ste. 128
Tallahassee, FL 32301-7728

Black Mountain Sofware
145 Southlake Crest, Suite 1
Polson, MT 59860-6969

Blackman Community Center
7626 Hwy. 189 N
Baker, FL 32531-7232

USDA Rural Development
2741 Pennsylvania Ave., Ste. 5
Marianna, FL 32448-4022

USDA Rural Development
2741 Pennsylvania Avenue #5
Marianna, FL 32448-4022

United States Trustee
110 E. Park Avenue
Suite 128
Tallahassee, FL 32301-7728

Ashley B. Rogers
Chesser & Barr, P.A.
398 N. Main St., Ste. B
Crestview, FL 32536-3508

End of Label Matrix
Mailable recipients 13
Bypassed recipients 0
Total 13