

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
www.flsb.uscourts.gov

IN RE:

CASE NO. 17-11037-BKC-JKO

NEW RIVER HOSPITALITY
HOLDINGS. LLC

Chapter 11

Debtor.

DEBTOR'S EXPEDITED MOTION TO APPROVE USE OF CASH COLLATERAL

NEW_RIVER HOSPITALITY HOLDINGS, LLC, Debtor In Possession through undersigned counsel and in accordance with Bankruptcy Code Section 363 and Rule 4001 of the Federal Rules of Civil Procedure files this Motion to Approve Debtor's Use of Cash Collateral and states:

1. On January 27, 2017, (the "Petition Date") the Debtor filed a voluntary petition under Chapter 11, Title 11 of the United States Code.
2. The Debtor is the owner and operator of a restaurant and Pizza delivery business.
3. In the ordinary course of its business, the Debtor's employees collect monies in the form of cash in the form of cash, debit or credit card charges. This is the only source of Debtor's revenue, Debtor uses this revenue to acquire food, pay rent, taxes, insurance and payroll.
4. There are several UCC1s filed under the Debtor's name as follows:

Roger Scott Wilcox filed August 9, 2013 .	Exhibit 1
GFS Florida LLC dated June 17, 2014	Exhibit 2
American Express Bank FSB dated June 16, 2014	Exhibit 3
Corporation Service Company as Representative dated Dec 2014	Exhibit 4
Primecard, Inc dated March 11, 2015	Exhibit 5
Stonegate Bank dated May 26, 2016	Exhibit 6

5. Only Corporation Service Company, As Representative has asserted an interest in “deposit accounts”. Debtor believes Corporation Service Company to be its prior “merchant account” holder. Debtor is not delinquent with any of its current or prior merchant account holders. The merchant account holder retains the monies due for transaction fees, and deposits the balance of monies collected in the merchant account into the Debtor’s bank account.

6. With the exception of Corporation Service Company, as Representative, all of the other entities as set forth in paragraph 4 assert an interest in personalty, equipment, accounts receivable and certain general intangibles such as “insurance proceeds”. Debtor does not have any accounts receivable or insurance recoveries or other intangible collateral.

7. Roger Scott Wilcox was first party to file a UCC-1. He funded the Debtor’s original build out and equipment purchases. Roger Wilcox is deceased, but his estate consents to the use of cash collateral.

8. This Motion is not an admission by the Debtor as to the nature, priority or extent of any parties interest in cash collateral and is simply filed to provide any party, which might believe they have an interest in cash collateral, with an opportunity to establish such an interest.

9. As the Debtor has recently filed this Chapter 11 bankruptcy case, a dialog with the above entities other than the estate of Roger Wilcox has not yet commenced. In fact, the Debtor is not even sure that some of the foregoing entities have claims against the estate of any kind.

10. Through this Motion the Debtor is seeking approval to continue to use cash collateral until such time as one of the foregoing entities can establish an interest in same.

WHEREFORE Debtor respectfully requests an order approving or authorizing the use of cash collateral and for such further relief as the court deems just.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by electronic mail to the Office of the United States Trustee on this 24th day of February, 2016, and

that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court as set forth in Local Rule 2090-1 (A).

SUSAN D. LASKY, PA
Attorney for Debtor
915 Middle River Dr.,/ Suite 420
Fort Lauderdale, FL 33304
(954) 400 7474(954) 206-0628 Fax
Sue@SueLasky.com

By: *Susan Lasky*
SUSAN D. LASKY, ESQ.
Florida Bar No. 451096

Estate of Roger Scott Wilcox
110 SW 12th Ave.
Dania Beach, Fl 33004

GFS Florida LLC
PO Box 2244
Grand Rapids Mich. 49501

American Express Bank FSB
4315 South 2700 West
Salt Lake City UT 84184

Corporation Service Co., As Representative
PO Box 2576
Springfield Ill 62708

Primecard Inc.
706 S. Federal Hwy
Fort Lauderdale Fl 33316

Stone gate Bank
3555 Military Trail
Jupiter Fl 33458

EXHIBIT "1"

FLORIDA SECURED TRANSACTION REGISTRY

FILED

2013 Aug 09 11:41 AM

***** 201309610914 *****

**STATE OF FLORIDA UNIFORM COMMERCIAL CODE
FINANCING STATEMENT FORM**

A. NAME & DAYTIME PHONE NUMBER OF CONTACT PERSON Roger Wilcox (954) 524-0201
(1. SEND) ACKNOWLEDGEMENT TO: Name Roger Scott Wilcox Address 110 SW 12 th Ave. Address City/State/Zip Dania Beach, FL 33004

1. DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (1a OR 1b)

1.a ORGANIZATION'S NAME New River Hospitality Holdings, LLC / DBA: New River Grill				
1.b INDIVIDUAL'S LAST NAME		FIRST NAME		
1.c MAILING ADDRESS Line One 701 S Federal Highway				
MAILING ADDRESS Line Two		CITY Fort Lauderdale	STATE FL	POSTAL CODE 33316
1.d TAX ID# 26-3619547	REQUIRED ADD'L INFO RE: ORGANIZATION DEBTOR	1.e TYPE OF ORGANIZATION Restaurant	1.f JURISDICTION OF ORGANIZATION Broward County	1.g ORGANIZATIONAL ID# <input checked="" type="checkbox"/> NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (2a OR 2b) - Do Not Abbreviate or Combine Names

2.a ORGANIZATION'S NAME				
2.b INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
2.c MAILING ADDRESS Line One This space not available.				
MAILING ADDRESS Line Two		CITY	STATE	POSTAL CODE
2.d TAX ID#	REQUIRED ADD'L INFO RE: ORGANIZATION DEBTOR	2.e TYPE OF ORGANIZATION	2.f JURISDICTION OF ORGANIZATION	2.g ORGANIZATIONAL ID# <input type="checkbox"/> NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - INSERT ONLY ONE SECURED PARTY (3a OR 3b)

3.a ORGANIZATION'S NAME				
3.b INDIVIDUAL'S LAST NAME Wilcox		FIRST NAME Roger	MIDDLE NAME Scott	SUFFIX
3.c MAILING ADDRESS Line One 110 SW 12 th Ave. This space not available.				
MAILING ADDRESS Line Two		CITY Dania Beach	STATE FL	POSTAL CODE 33004
			COUNTRY US	

4. This FINANCING STATEMENT covers the following collateral:

All Equipment, Inventory and other personal property, all proceeds related to and of the foregoing (including insurance, general intangibles and accounts proceeds).

5. ALTERNATE DESIGNATION (if applicable)	<input type="checkbox"/> LESSEE/LESSOR	<input type="checkbox"/> CONSIGNEE/CONSIGNOR	<input type="checkbox"/> BAILEE/BAILOR
	<input type="checkbox"/> AG. LIEN	<input type="checkbox"/> NON-UCC FILING	<input type="checkbox"/> SELLER/BUYER

6. Florida DOCUMENTARY STAMP TAX - YOU ARE REQUIRED TO CHECK EXACTLY ONE BOX

All documentary stamps due and payable or to become due and payable pursuant to s. 201.22 F.S., have been paid.

Florida Documentary Stamp Tax is not required.

7. OPTIONAL FILER REFERENCE DATA

EXHIBIT "2"

FINANCING STATEMENT FORM

FILED

2014 Jun 17 12:59 PM

***** 201401635073 *****

A. NAME & DAYTIME PHONE NUMBER OF CONTACT PERSON
MARLA FREAR; 8664515056
 Email **MARLA.FREAR@GFS.COM**

B. SEND ACKNOWLEDGEMENT TO:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (1a OR 1b) - Do Not Abbreviate or Combine Names

1a. ORGANIZATION'S NAME
NEW RIVER HOSPITALITY HOLDINGS, LLC

1b. INDIVIDUAL'S SURNAME | FIRST PERSONAL NAME | ADDITIONAL NAME(S)/INITIAL(S) | SUFFIX

1c. MAILING ADDRESS Line One
701 S. FEDERAL HWY

MAILING ADDRESS Line Two | CITY | STATE | POSTAL CODE | COUNTRY
 | **FT LAUDERDALE** | **FL** | **33316** | **US**

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (2a OR 2b) - Do Not Abbreviate or Combine Names

2a. ORGANIZATION'S NAME

2b. INDIVIDUAL'S SURNAME | FIRST PERSONAL NAME | ADDITIONAL NAME(S)/INITIAL(S) | SUFFIX

2c. MAILING ADDRESS Line One
 This space not available.

MAILING ADDRESS Line Two | CITY | STATE | POSTAL CODE | COUNTRY

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - INSERT ONLY ONE SECURED PARTY NAME (3a OR 3b)

3a. ORGANIZATION'S NAME
GFS FLORIDA, LLC

3b. INDIVIDUAL'S SURNAME | FIRST PERSONAL NAME | ADDITIONAL NAME(S)/INITIAL(S) | SUFFIX

3c. MAILING ADDRESS Line One
PO BOX 2244

MAILING ADDRESS Line Two | CITY | STATE | POSTAL CODE | COUNTRY
 | **GRAND RAPIDS** | **MI** | **49501** | **US**

4. This FINANCING STATEMENT covers the following collateral:

All assets, without limitation, including all goods, equipment, inventory, vehicles, fixtures, work in process, accounts receivable, instruments, chattel paper, causes of action, general intangibles, including any liquor license(s), and all proceeds thereof.

5. ALTERNATE DESIGNATION (if applicable) LESSEE/LESSOR CONSIGNEE/CONSIGNOR BAILEE/BAILOR
 AG LIEN NON-UCC FILING SELLER/BUYER

6. Florida DOCUMENTARY STAMP TAX - YOU ARE REQUIRED TO CHECK EXACTLY ONE BOX

All documentary stamps due and payable or to become due and payable pursuant to s. 201.22 F.S., have been paid.
 Florida Documentary Stamp Tax is not required.

7. OPTIONAL FILER REFERENCE DATA 100029642-66

EXHIBIT

“3”

UCC FINANCING STATEMENT
FOLLOW INSTRUCTIONS

FLORIDA SECURED TRANSACTION REGISTRY

FILED

2014 Jun 16 10:17 AM

***** 201401623490 *****

A. NAME & PHONE OF CONTACT AT FILER (optional) Phone: (800) 331-3282 Fax: (818) 662-4141	
B. E-MAIL CONTACT AT FILER (optional) CLS-CTLS_Glendale_Customer_Service@walterskluwer.com	
C. SEND ACKNOWLEDGMENT TO: (Name and Address) 23995 - AMERICAN	
CT Lien Solutions P.O. Box 29071 Glendale, CA 91209-9071	43699382 FLFL

File with: Department of State, FL

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. **DEBTOR'S NAME:** Provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 1b, leave all of item 1 blank, check here and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

1a. ORGANIZATION'S NAME NEW RIVER HOSPITALITY HOLDINGS, LLC				
OR	1b. INDIVIDUAL'S SURNAME			
	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)		SUFFIX
1c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
701 S FEDERAL HWY		FORT LAUDERDALE	FL	33316
			COUNTRY	USA

2. **DEBTOR'S NAME:** Provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 2b, leave all of item 2 blank, check here and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

2a. ORGANIZATION'S NAME				
OR	2b. INDIVIDUAL'S SURNAME			
	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)		SUFFIX
2c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
			COUNTRY	

3. **SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY):** Provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME AMERICAN EXPRESS BANK, FSB				
OR	3b. INDIVIDUAL'S SURNAME			
	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)		SUFFIX
3c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
4315 South 2700 West		Salt Lake City	UT	84184
			COUNTRY	USA

4. **COLLATERAL:** This financing statement covers the following collateral:
All assets of the Debtor, whether now owned or hereafter acquired or arising

All documentary stamps due and payable or to become due and payable pursuant to s. 201.22,F.S. have been paid

Florida documentary stamp tax is not required

5. Check only if applicable and check only one box: Collateral is held in a Trust (see UCC1Ad, Item 17 and Instructions) being administered by a Decedent's Personal Representative

6a. Check only if applicable and check only one box:
 Public-Finance Transaction Manufactured-Home Transaction A Debtor is a Transmitting Utility

6b. Check only if applicable and check only one box:
 Agricultural Lien Non-UCC Filing

7. **ALTERNATIVE DESIGNATION (if applicable):** Lessee/Lessor Consignee/Consignor Seller/Buyer Bailee/Bailor Licensee/Licensor

8. **OPTIONAL FILER REFERENCE DATA:**
43699382

Amex Risk User

EXHIBIT

“4”

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS

f

A. NAME & PHONE OF CONTACT AT FILER (optional) Corporation Service Company 1-800-858-5294	
B. E-MAIL CONTACT AT FILER (optional) SPRFiling@cscinfo.com	
C. SEND ACKNOWLEDGMENT TO: (Name and Address) 94086093 - 385660 Corporation Service Company 801 Adlai Stevenson Drive Springfield, IL 62703-4261	
Filed In: Florida (S.O.S.)	

FLORIDA SECURED TRANSACTION REGISTRY

FILED

2014 Dec 09 10:54 AM

***** 201402716603 *****

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. **DEBTOR'S NAME:** Provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 1b, leave all of item 1 blank, check here and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

1a. ORGANIZATION'S NAME NEW RIVER HOSPITALITY HOLDINGS, LLC				
OR	1b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
1c.	MAILING ADDRESS 701 S. FEDERAL HWY	CITY Ft Lauderdale	STATE FL	POSTAL CODE 33316
			COUNTRY USA	

2. **DEBTOR'S NAME:** Provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 2b, leave all of item 2 blank, check here and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

2a. ORGANIZATION'S NAME New River Pizza				
OR	2b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
2c.	MAILING ADDRESS 701 S. FEDERAL HWY	CITY Ft Lauderdale	STATE FL	POSTAL CODE 33316
			COUNTRY USA	

3. **SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY):** Provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME CORPORATION SERVICE COMPANY, as REPRESENTATIVE				
OR	3b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
3c.	MAILING ADDRESS P.O. Box 2576	CITY Springfield	STATE IL	POSTAL CODE 62708
	uccsprep@cscinfo.com		COUNTRY USA	

4. **COLLATERAL:** This financing statement covers the following collateral:
 All documentary stamps due and payable or to become due and payable pursuant to s. 201.22 F.S., have been paid. Security interest in and to all of Merchant's present and future accounts, chattel paper, deposit accounts, personal property, assets and fixtures, general intangibles, instruments, equipment, inventory wherever located, and proceeds now or hereafter owned or acquired by Merchant.

5. Check <u>only</u> if applicable and check <u>only</u> one box: Collateral is <input type="checkbox"/> held in a Trust (see UCC1Ad, Item 17 and Instructions) <input type="checkbox"/> being administered by a Decedent's Personal Representative	
6a. Check <u>only</u> if applicable and check <u>only</u> one box: <input type="checkbox"/> Public-Finance Transaction <input type="checkbox"/> Manufactured-Home Transaction <input type="checkbox"/> A Debtor is a Transmitting Utility	6b. Check <u>only</u> if applicable and check <u>only</u> one box: <input type="checkbox"/> Agricultural Lien <input type="checkbox"/> Non-UCC Filing
7. ALTERNATIVE DESIGNATION (if applicable): <input type="checkbox"/> Lessee/Lessor <input type="checkbox"/> Consignee/Consignor <input type="checkbox"/> Seller/Buyer <input type="checkbox"/> Bailee/Bailor <input type="checkbox"/> Licensee/Licenser	
8. OPTIONAL FILER REFERENCE DATA: UCC	

ps 94086093
 Corporation Service Company
 2711 Centerville Rd., Ste. 400
 Wilmington, DE 19808

EXHIBIT

“5”

**STATE OF FLORIDA UNIFORM COMMERCIAL CODE
FINANCING STATEMENT FORM**

A. NAME & DAYTIME PHONE NUMBER OF CONTACT PERSON
Mark Caveness / (305) 573-2800, ext. 412

B. Email Address mcaveness@primacard.com

C. SEND ACKNOWLEDGEMENT TO:
Name Mark Caveness
Address 21 SE 1st Ave.
Address 3rd Floor
City/State/Zip Miami, FL 33131

FLORIDA SECURED TRANSACTION REGISTRY

FILED

2015 Mar 11 05:59 PM

***** 201503248648 *****

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (1a OR 1b) - Do Not Abbreviate or Combine Names

1.a ORGANIZATION'S NAME
New River Hospitality Holdings LLC

1.b INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
1.c MAILING ADDRESS Line One 708 S. Federal Hwy			
This space not available			
MAILING ADDRESS Line Two	CITY Ft. Lauderdale	STATE FL	POSTAL CODE 33318
		COUNTRY US	

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (2a OR 2b) - Do Not Abbreviate or Combine Names

2.a ORGANIZATION'S NAME
New River Grill & Pizza

2.b INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
2.c MAILING ADDRESS Line One 708 S. Federal Hwy			
This space not available			
MAILING ADDRESS Line Two	CITY Ft. Lauderdale	STATE FL	POSTAL CODE 33318
		COUNTRY US	

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - INSERT ONLY ONE SECURED PARTY (3a OR 3b)

3.a ORGANIZATION'S NAME
Primacard, Inc.

3.b INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
3.c MAILING ADDRESS Line One 21 SE 1st Ave.			
This space not available			
MAILING ADDRESS Line Two 3rd Floor	CITY Miami	STATE FL	POSTAL CODE 33131
		COUNTRY US	

4. This FINANCING STATEMENT covers the following collateral:

All of the debtor's personal property, equipment, accounts, accounts receivable, inventory, and intangible property. In addition, this security agreement encompasses the following property located at the fore mentioned address, whether now owned or hereinafter acquired. See exhibit "A".

Located at:

708 S. Federal Hwy
Ft. Lauderdale
FL
33318

5. ALTERNATE DESIGNATION (if applicable)

<input type="checkbox"/> LESSEE/LESSOR	<input type="checkbox"/> CONSIGNEE/CONSIGNOR	<input type="checkbox"/> BAILEE/BAILOR
<input type="checkbox"/> AG LIEN	<input type="checkbox"/> NON-UCC FILING	<input type="checkbox"/> SELLER/BUYER

6. Florida DOCUMENTARY STAMP TAX - YOU ARE REQUIRED TO CHECK EXACTLY ONE BOX

All documentary stamps due and payable or to become due and payable pursuant to s. 201.22 F.S., have been paid.

Florida Documentary Stamp Tax is not required.

7. OPTIONAL FILER REFERENCE DATA

98-0527 New River Grill & Pizza

EXHIBIT "A" TO UCC-1**DEBTOR CORP: New River Hospitality Holdings LLC****DEBTOR DBA: New River Grill & Pizza**

All telephone equipment, computer systems, point of sale systems including computers and terminals and keyboards, printers, cash registers, lamps, stereo equipment including all components, amplifiers, tuners, CD players, tape players and speakers, televisions, VHS/VCR players and components, pinball machines, typewriters, desks, chairs, tables, bases, filing cabinets, furniture including couches and armchairs, barstools, booths, lobster tanks, ice cream machines, dishwasher machines, safes and contents thereof, slicing machines, mixers, espresso machines, coffee makers, beer boxes, pianos, counters including bolt-down but including not permanently incorporated, linen, napkins, matches, 1 door refrigerators, 2 door refrigerators, reach-in refrigerators, wine dispensers, ovens including microwave ovens and convection ovens and pizza ovens and wood-burning ovens and conventional ovens, stoves, ranges pots and pans, glassware, china and dishes including cups, saucers, plates, and bowls, flatware including knives, forks, spoons, and serving utensils, shelving including cooler and storerooms, liquor, beer, wines, and champagnes, stainless steel work tables, shelves and counters, stainless steel sinks, ice machines and ice making equipment, bars that are free-standing and/or bolted in, chicken roasting equipment, rotisseries, freezers, soda machines, vending machines, washing machines and dryers, pool tables and game tables, trays and tray stands, outdoor furniture, umbrellas, fryers and grills, artwork including all pictures, picture frames, sculpting, vases, paintings, and photographs, decorations, podiums and Maitre'd stands, public address systems including microphones and speakers, menu boards, rugs and moveable floor coverings, hand trucks, soda dispenser equipment, salamanders, Hobart equipment, Southbend equipment, Bakerspride equipment, Viking equipment.

EXHIBIT

“6”

FINANCING STATEMENT FORM

FILED

2016 May 26 05:41 PM

***** 201607713312 *****

A. NAME & DAYTIME PHONE NUMBER OF CONTACT PERSON
ADAM R. SELIGMAN, ESQ.; 5618423000
 Email **ASELIGMAN@WARD DAMON.COM**

B. SEND ACKNOWLEDGEMENT TO:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (1a OR 1b) - Do Not Abbreviate or Combine Names

1a. ORGANIZATION'S NAME
NEW RIVER HOSPITALITY HOLDINGS, LLC

1b. INDIVIDUAL'S SURNAME | FIRST PERSONAL NAME | ADDITIONAL NAME(S)/INITIAL(S) | SUFFIX

1c. MAILING ADDRESS Line One
701 S. FEDERAL HIGHWAY This space not available.

MAILING ADDRESS Line Two | CITY | STATE | POSTAL CODE | COUNTRY
FORT LAUDERDALE | FL | 33316 | US

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - INSERT ONLY ONE DEBTOR NAME (2a OR 2b) - Do Not Abbreviate or Combine Names

2a. ORGANIZATION'S NAME
NEW RIVER HOLDINGS USA INC.

2b. INDIVIDUAL'S SURNAME | FIRST PERSONAL NAME | ADDITIONAL NAME(S)/INITIAL(S) | SUFFIX

2c. MAILING ADDRESS Line One
701 S. FEDERAL HIGHWAY This space not available.

MAILING ADDRESS Line Two | CITY | STATE | POSTAL CODE | COUNTRY
FORT LAUDERDALE | FL | 33316 | US

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - INSERT ONLY ONE SECURED PARTY NAME (3a OR 3b)

3a. ORGANIZATION'S NAME
STONEGATE BANK

3b. INDIVIDUAL'S SURNAME | FIRST PERSONAL NAME | ADDITIONAL NAME(S)/INITIAL(S) | SUFFIX

3c. MAILING ADDRESS Line One
3555 MILITARY TRAIL This space not available.

MAILING ADDRESS Line Two | CITY | STATE | POSTAL CODE | COUNTRY
JUPITER | FL | 33458 | US

4. This FINANCING STATEMENT covers the following collateral:

All of the business assets of Debtor, including, without limitation, its accounts receivable, inventory, equipment, machinery, furniture, tangible and intangible personal property, more particularly described on Exhibit A, attached hereto.

5. ALTERNATE DESIGNATION (if applicable) LESSEE/LESSOR CONSIGNEE/CONSIGNOR BAILEE/BAILOR
 AG LIEN NON-UCC FILING SELLER/BUYER

6. Florida DOCUMENTARY STAMP TAX - YOU ARE REQUIRED TO CHECK EXACTLY ONE BOX

All documentary stamps due and payable or to become due and payable pursuant to s. 201.22 F.S., have been paid.
 Florida Documentary Stamp Tax is not required.

7. OPTIONAL FILER REFERENCE DATA

Exhibit A

All assets of Debtor, including, without limitation, the following described property (collectively the "Collateral"):

1. **Accounts Receivables and Other Intangibles.** All of the Debtor's accounts, contract rights, instruments, documents, chattel paper and other intangibles, including, but not limited to, choses in action, tax refunds, and insurance proceeds; any other claims (including commercial tort claims) or indebtedness and obligations owed to the Debtor from whatever source arising; all rights of the Debtor to receive any payments in money or in kind; all guaranties of the foregoing and security therefore; all the right, title, and interest of the Debtor in and with respect to the goods, services, or other property that gave rise to or that secure any of the foregoing and insurance policies and proceeds relating thereto; all rights of the Debtor as an unpaid seller of goods and services, including, but not limited to, the rights of stoppage in transit, replevin, reclamation, and resale; and all of the foregoing, whether or not now owned or hereafter created or acquired.

2. **Inventory.** All goods, merchandise, and other personal property now owned or hereafter acquired by the Debtor that are held for sale or lease, or are furnished to or to be furnished under any contract of services or are raw materials, work-in-process, supplies, or materials used or consumed in the Debtor's business, and all products thereof, and all substitutions, replacements, additions, or accessions therefore or thereto.

3. **Machinery, Equipment, Furniture, and Fixtures.** All machinery, equipment, furniture and fixtures now owned, or hereafter acquired, by the Debtor and used or acquired for use in the business of the Debtor, together with all accessions thereto and all substitutions and replacements thereof and parts therefore.

4. **General Intangibles.** Any and all of Debtor's general intangible property whether now owned or hereafter acquired by Debtor or used in Debtor's business currently or hereafter, including, without limitation, all patents, trademarks, service marks, trade secrets, copyrights and exclusive licenses (whether issued or pending), literary rights, contract rights and all documents, applications, materials and other matters related thereto, all inventions, all manufacturing, engineering and production plans, drawings, specifications, processes and systems, all trade names, goodwill and all chattel paper, documents and instruments relating to such general intangibles.

5. **Substitutions, Proceeds and Related Items.** Any and all substitutes and replacements for, accessions, attachments and other additions to, tools, parts and equipment now or hereafter added to or used in connection with, and all cash or non-cash proceeds and products of, the Collateral (including, without limitation, all income, benefits and property receivable, received or distributed which results from any of the Collateral, such as dividends payable or distributable in cash, property or stock; insurance distributions of any kind related to the Collateral, including, without limitation, returned premiums, interest, premium and principal payments; redemption proceeds and subscription rights; and shares or other proceeds of conversions or splits of any securities in the Collateral); any and all choses in action and causes of action of Debtor, whether now existing or hereafter arising, relating directly or indirectly to the Collateral (whether arising in contract, tort or otherwise and whether or not currently in litigation); all certificates of title, manufacturer's statements of origin, other documents, accounts and chattel paper, whether now existing or hereafter arising directly or indirectly from or related to the Collateral; all warranties, wrapping, packaging, advertising and shipping materials used or to be used in connection with or related to the Collateral; all of Debtor's books, records, data, plans, manuals, computer software, computer tapes, computer systems, computer disks, computer programs, source codes and object codes containing any information, pertaining directly or indirectly to the Collateral and all rights of Debtor to retrieve data and other information pertaining directly or indirectly to the Collateral from third parties, whether now existing or hereafter arising; and all returned, refused, stopped in transit, or repossessed Collateral, any of which, if received by Debtor, upon request shall be delivered immediately to Secured Party.

6. **Documents and Similar Items.** All ledger sheets, files, records, documents, and instruments (including, but not limited to computer programs, tapes, disks, diskettes, and related electronic processing software) evidencing an interest in or relating to any of the above.

EXHIBIT

“7”

DRAFT

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
www.flsb.uscourts.gov

IN RE:

CASE NO. 17-11037-BKC-JKO

NEW RIVER HOSPITALITY
HOLDINGS. LLC

Chapter 11

Debtor.

_____ /

ORDER APPROVING THE DEBTOR'S CONTINUED USE OF CASH COLLATERAL AND
(II) CONTINUING FINAL HEARING UNTIL

THIS MATTER came before the Court for hearing on upon the Motion to Approve Debtor's Use of Cash Collateral (the "Motion"). The Court having reviewed the record and noting that no objections were filed related to the matters contained in the Motion, and being otherwise advised in the premises, it is **ORDERED** as follows:

1. The Debtor is authorized to use cash collateral, without prejudice to any party asserting an interest in cash collateral, until a final hearing is conducted on the Motion as set forth below.
2. The Court shall conduct a final hearing on this matter on at 10:30 a.m. at 229 E. Broward Blvd., Room 301, Fort Lauderdale, FL 33301

###

Copies Furnished to: Susan D. Lasky, Esq. is directed to mail a conformed copy of this Order, immediately upon receipt, to the parties on the attached mailing list.

Label Matrix for local noticing
113C-0
Case 17-11037-JKO
Southern District of Florida
Fort Lauderdale
Fri Feb 10 13:22:37 EST 2017

701 Federal, LLC
6218 North Federal Highway
Fort Lauderdale, FL 33308-1904

Broward County Records, Taxes, & Treasury
Attn: Bankruptcy Section
115 S. Andrews Ave. #A-100
Fort Lauderdale, FL 33301-1888

New River Hospitality Holdings, LLC
701 South Federal Highway
Fort Lauderdale, FL 33316-1218

AT&T
POB 5014
Carol Stream, IL 60197-5014

American Express
POB 297871
Fort Lauderdale, FL 33329-7871

Brown Distributing
3136 John P Curci Dr #2
Hallandale, FL 33009-3837

CP Vegetable Oil
601 SW 21st Terr
Suite 1
Fort Lauderdale, FL 33312-2278

City of Fort Lauderdale
700 BW 19 Ave
Bldg Dept
Fort Lauderdale, FL 33311

Diane Wilcox
6095 Key Drive
Fort Lauderdale, FL 33304

Eco-Grip Flooring
3013 Bank St
Charlotte, NC 28203-5403

Ehrlich
4140 SW 30 Ave #100
Fort Lauderdale, FL 33312-6801

Florida Restaurant & Lodging
230 S Adams Street
Tallahassee, FL 32301-1729

Floriscap Lawn Service
512 SE 8 Street
Apt South
Fort Lauderdale, FL 33316-1126

Gordon Food Service
2535 N Federal Hwy
Fort Lauderdale, FL 33305-1620

Gran Forno Las Olas
1235 E Las Olas Blvd
Fort Lauderdale, FL 33301-2331

HR Mgmt Consultants Inc
10446 NW 31 Terr
Miami, FL 33172-1200

Infinite Energy
POB 104247
Atlanta, GA 30348

Keith Brown
2419 Laguna Drive
Fort Lauderdale, FL 33316-2311

Mr. Greens Produce
7350 NW 30 Ave
Hialeah, FL 33018

Office of the US Trustee
51 S.W. 1st Ave.
Suite 1204
Miami, FL 33130-1614

Premier Beverage
9801 Premier Pkwy
Hollywood, FL 33025-3200

Progressive Waste Solutions of Florida
3101 Nw 16th Ter
Pompano Beach, FL 33064-1408

Regulatory Compliance Svcs
2151 W Hillsboro Blvd
Deerfield Beach, FL 33442-1200

Rhino Paper
3540 NW 56 Street
Fort Lauderdale, FL 33309-2260

Scherer Realty
POB 1182
Fort Lauderdale, FL 33302-1182

Stonegate Bank
3555 Military Trail
Jupiter, FL 33458-2779

Stonegate Bank
c/o D. Brett Marks, Esquire
Akerman LLP
350 East Las Olas Blvd.
Suite 1600
Fort Lauderdale, Florida 33301-4247

Susan D. Lasky Esq
915 Middle River Dr
Suite 420
Fort Lauderdale, FL 33304-3561

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Stonegate Bank

End of Label Matrix	
Mailable recipients	28
Bypassed recipients	1
Total	29