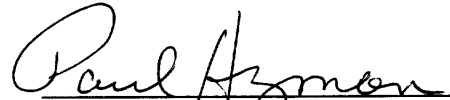




ORDERED in the Southern District of Florida on July 6, 2017.


Paul G. Hyman, Jr., Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

IN RE:

CASE NO. 17-14765-PGH

LUIS A. VINAS, MD, PA.,

Chapter 11

Debtor.

**ORDER GRANTING DEBTOR'S THIRD MOTION
FOR AUTHORITY TO USE CASH COLLATERAL**

This matter came before the Court for hearing on June 27, 2017 at 9:30 a.m. (the "Hearing"), upon the Third Motion of Luis A. Vinas MD, PA. (the "Debtor"), for Authority to Use Cash Collateral (the "Motion") [ECF No. 41]. The Court, having reviewed the Motion, considered the statements and representations of counsel in support of the relief requested in the Motion at the Hearing, finds as follows:

1. On April 17, 2017 (the "Petition Date"), the Debtor filed its chapter 11 petition for relief under the Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*,

2. The Debtor's business consists of providing cosmetic surgical and non-surgical procedures to its patients. The Debtor operates its business at 550 S Quadrille Avenue Suite 100, West Palm Beach FL 33401. The Debtor leases the premises. The surgical procedures for the Debtor's patients are performed in a outpatient surgery center not owned operated b the Debtor.

3. As of the Petition Date, King's Cash Group ("KGC"), LG Lending LLC ("LG") and Pearl Capital Rivis Ventures ("Pearl"), Bank United ("BU") and On Deck Capital ("On Deck") (collectively referred to as the "Secured Claimants") claim interests by virtue of recorded UCC-1's.

4. This Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. § 1408.

5. Entry of this Order will, among other things, minimize disruption of the Debtor's business and operations. Absent use the funds requested in the Motion, the Debtor's estate would not have the ability to continue the operations of the surgery practice, thereby jeopardizing the Debtor's licenses and its creditors' ability to receive distributions on their respective claims.

Accordingly, it is hereby **ORDERED** that:

1. The Motion is GRANTED solely to the extent set forth herein.
2. The Debtor is authorized to use cash collateral¹ to fund ongoing ordinary and necessary operations itemized on the budget attached as Exhibit A to this Order (the "Budget") for the period commencing on June 27, 2017 and ending on July 31, 2017. The Debtor is not authorized to use cash collateral except as set forth herein. The Debtor may exceed the line item

¹ The term "cash collateral" shall have the meaning set forth in 11 U.S.C. § 363(a).

amount within the budget by not more than ten percent (10%) and be in substantial compliance with the terms of this Order. However, it may not exceed that allowance or the line item amounts for all other Budget items or with respect to any expenditures not included within the Budget without the consent of the Secured Claimants. In the event of an emergency expenditure necessary for the preservation of the Debtor's operating licenses or patient health and safety, the Debtor may supplement the budget by disclosing the supplemental expenses.

3. Notwithstanding any alleged dispute as to the validity of the Secured Claimants' respective interests in the cash collateral, as adequate protection for any cash collateral expended by the Debtor on behalf of the Debtor pursuant to this Interim Order, the Secured Claimants are hereby granted, pursuant to sections 361(1) and 363(e) of the Bankruptcy Code, a lien on all property owned by the Debtor, and/or acquired or generated post-petition by the Debtor's continued operations (but excluding all causes of action including any and all proceeds of property recovered or transfers avoided by or on behalf of the Debtor or its estate under Sections 544 through 550, inclusive, of the Bankruptcy Code) (the "Post-Petition Collateral") to the same extent, validity and priority, if any, and of the same kind and nature as the Secured Claimants had prior to the filing of this bankruptcy cases, to secure an amount of Secured Claimants respective prepetition claims in all post-petition cash collateral, including any aggregate diminution in value of the prepetition collateral resulting from the Debtor's use of the cash collateral.

4. This replacement lien in the Post-Petition Collateral granted to Secured Claimants (the "Replacement Lien") is deemed to be valid and perfected as of the Petition Date, without the need for the execution, filing or recording of any further documents or instruments, otherwise required to be executed or filed under non-bankruptcy law.

5. Nothing in this order is intended to determine (a) the validity, priority, or extent of any pre-petition lien or security interest in alleged cash collateral, or personal property, and the rights and positions of the Debtor, Secured Claimants and other parties in interest are expressly preserved, except as stated herein.

6. The Debtor shall maintain all necessary insurances. Any payments necessary to comply with this paragraph must be included in the Budget.

7. The Debtor shall not remit any funds to any insider of any of the Debtors, including, without limiting the generality of the foregoing, any members, managers, or officers of any of the Debtors other than as set forth in the budget or absent court authority.

8. The Debtor shall, within three (3) days after the entry of this Interim Order, serve by U.S. Mail, a copy of this Interim Order upon: (i) parties having been given notice of the hearing on the motion for interim use of cash collateral; (ii) any other party that has filed a request for special notice with this Court and served such request upon the Debtor's counsel (iii) the Secured Claimants; (iv) counsel for any official committee; (v) of its entry upon all parties in interest; and (vi) the Office of the United States Trustee. The notice of the entry of this Interim Order shall state that any party in interest objecting to the entry of a Final Order on the Motion shall file written objections with the United States Bankruptcy Court Clerk for the Southern District of Florida no later than two (2) calendar days before the final hearing on the Motion.

9. This Order Constitutes findings of fact and conclusions of law that shall take effect and be fully enforceable *nunc pro tunc* to the date of the Hearing upon the entry thereof. The provisions of this Order shall remain in full force and effect unless modified or vacated by subsequent order of this Court.

10. To the extent that any provision of this Order conflicts with any provision of the Motion, this Order shall control.

11. The Debtor is authorized to pay fees due to the clerk of the Court and to the United States Trustee pursuant to 28 U.S.C. § 1930(a)(6). The Replacement Liens shall be subordinate to fees due to the United States Trustee pursuant to 28 U.S.C. § 1930(a)(6).

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Submitted by:

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(Attorney Bangos is directed to serve a conformed copy of this order on all interested parties and to file a Certificate of Service reflecting same.)