




ORDERED in the Southern District of Florida on February 8, 2019.


Raymond B. Ray, Judge
United States Bankruptcy Court

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

In re:

Case No.: 19-10417-RBR
Chapter 11

BOCA HEALTH & FITNESS, LLC
d/b/a Dale's Raw Foods,

Debtor-in-Possession.

**INTERIM ORDER AUTHORIZING USE OF CASH COLLATERAL NUNC
PRO TUNC TO JANUARY 11, 2019 AND SETTING FINAL HEARING DATE**

THIS MATTER came before the Court on Wednesday, February 6, 2019 at 10:00 a.m. upon Debtor's *Motion to Use Cash Collateral Nunc Pro Tunc to January 11, 2019* (DE 15) (the "Motion"). The Court, having reviewed the Motion and heard argument of counsel, finds that good cause exists to grant the Motion.

IT IS THEREFORE ORDERED:

1. The Motion is granted and approved on an interim basis pending a final order.
2. Debtor is authorized to use the cash collateral referenced in the Motion.

3. Debtor shall make monthly adequate protection payments to American Express National Bank (the “Secured Creditor”), in the amount of **\$175.14** for the use the cash collateral, with payments being sent to:

Kenneth W. Kleppinger, Esq.
BECKET & LEE LLP
16 General Warren Boulevard, P.O. Box 3001
Malvern, PA 19355

4. The payment shall commence on the first day of the month following the entry of this order, and shall be list American Express as payee.

5. Subject to the provisions of this Order, Debtor is authorized to use cash collateral in accordance with the budget, a copy of which is attached hereto as Exhibit “A” (the “Projected Budget”), so long as the aggregate of all expenses of the Debtor do not exceed the amount in the Projected Budget for the Debtor by a ten (10%) percent variance (“Variance”).

6. A copy of this Interim Order shall be served on the Notice Parties within three (3) business days from entry.

7. There shall be a carve-out in the budget for the inclusion of fees due the Clerk of Court or the U.S. Trustee pursuant to 28 U.S.C. § 1930.

8. This Interim Order is without prejudice to the rights of the parties to seek any further or different relief, or modification of this Interim Order, including, but not limited to, relief from the automatic stay.

9. Except as expressly provided herein, the rights, claims, and interests of the Debtor, any prepetition lender, and all other parties in interest are hereby reserved.

10. A final hearing shall be held on ***March 6, 2019 at 10:00 a.m. at the United States Courthouse, 299 E. Broward Blvd., Courtroom 308, Fort Lauderdale, FL 33301***, and any objections to Debtor’s use of cash collateral must be served on Debtor’s counsel two (2) business days prior to the final hearing.

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Submitted by:

Chad Van Horn, Esq.

Florida Bar No.: 64500

VAN HORN LAW GROUP, P.A.

330 N. Andrews Ave., Suite 450

Fort Lauderdale, FL 33301

Telephone: (954) 765-3166

Facsimile: (954) 756-7103

Email: Chad@cvhlawgroup.com

(Chad Van Horn, Esq. is hereby directed to provide a conformed copy of this Order to all parties-in-interest and to file a Certificate of Service as to same.)

Boca Health & Fitness (19-10417-RBR)			
Projected Budget (January 2019 to December 2019)			
		Jan-19	Feb-19
INCOME	Total Receipts	\$110,000.00	\$88,000.00
DISBURSEMENTS	Advertising		\$1,000.00
	Bank Charges	\$160.00	
	Contract Labor	\$0.00	
	Fixed Asset Payments		
	Insurance	\$4,600.00	\$3,000.00
	Inventory Payments		
	Leases	\$260.00	\$260.00
	Manufacturing Supplies	\$40,000.00	\$30,000.00
	Office Supplies	\$100.00	\$100.00
	Officer Salary	\$7,500.00	\$7,500.00
	Payroll	\$16,000.00	\$16,000.00
	Professional Fees		
	Rent	\$6,500.00	\$6,500.00
	Repairs & Maintenance		
	Secured Creditor Payment		
	Taxes Paid - Payroll	\$4,000.00	\$4,000.00
	Taxes Paid - Sale & Use	\$0.00	
	Taxes Paid - Other		
	Telephone	\$450.00	\$450.00
	Travel & Entertainment	\$0.00	
	U.S. Trustee Quarterly Fees		
	Utilities	\$600.00	\$600.00
	Vehicle Expenses		
	Other Operating Expenses (Shipping)	\$20,000.00	\$16,000.00
	Gross Disbursements	\$100,170.00	\$85,410.00
	Net Income	\$9,830.00	\$2,590.00

Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19
\$88,000.00	\$110,000.00	\$82,000.00	\$90,000.00	\$100,000.00	\$80,000.00
\$1,000.00	\$1,000.00		\$1,000.00	\$1,000.00	\$1,000.00
\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
\$260.00	\$260.00	\$260.00	\$260.00	\$260.00	\$260.00
\$30,000.00	\$40,000.00	\$30,000.00	\$30,000.00	\$40,000.00	\$25,000.00
\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00
\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00
\$6,500.00	\$6,500.00	\$6,500.00	\$6,500.00	\$6,500.00	\$6,500.00
\$175.14	\$175.14	\$175.14	\$175.14	\$175.14	\$175.14
\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
\$450.00	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00
	\$1,950.00			\$1,950.00	
\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00
\$16,000.00	\$22,000.00	\$18,000.00	\$15,000.00	\$18,000.00	\$12,000.00
\$85,585.14	\$103,535.14	\$86,585.14	\$84,585.14	\$99,535.14	\$76,585.14
\$2,414.86	\$6,464.86	-\$4,585.14	\$5,414.86	\$464.86	\$3,414.86

Sep-19	Oct-19	Nov-19	Dec-19
\$90,000.00	\$100,000.00	\$75,000.00	\$85,000.00
\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
\$260.00	\$260.00	\$260.00	\$260.00
\$32,500.00	\$35,000.00	\$25,000.00	\$27,500.00
\$100.00	\$100.00	\$100.00	\$100.00
\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00
\$6,500.00	\$6,500.00	\$6,500.00	\$6,500.00
\$175.14	\$175.14	\$175.14	\$175.14
\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
\$450.00	\$450.00	\$450.00	\$450.00
	\$1,950.00		
\$600.00	\$600.00	\$600.00	\$600.00
\$16,000.00	\$22,000.00	\$12,000.00	\$13,000.00
\$88,085.14	\$98,535.14	\$76,585.14	\$80,085.14
\$1,914.86	\$1,464.86	-\$1,585.14	\$4,914.86