



IT IS ORDERED as set forth below:

Date: December 20, 2017

**James R. Sacca
U.S. Bankruptcy Court Judge**

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

**GLOBAL EMPOWERMENT MINISTRIES,
INC.**

Debtor.

CHAPTER 11

CASE NO. 17-63234-JRS

**GLOBAL EMPOWERMENT MINISTRIES,
INC.**

Movant,

v.

**CRIMSON PORTFOLIO, LLC,
SUSQUEHANNA COMMERCIAL FINANCE,
LIFTFORWARD, INC., U.S. BANK
EQUIPMENT A DIVISION OF U.S. BANK
N.A, AND SHERYLL MANERSON,**

Respondents.

CONTESTED MATTER

ORDER AUTHORIZING USE OF INSURANCE PROCEEDS

This matter came before the Court for hearing on December 19, 2017, at 1:30 p.m. pursuant to *Debtor's Motion To Use Insurance Proceeds* (the "Motion") filed by Global

Empowerment Ministries, Inc. ("Debtor"). Pursuant to the Motion, Debtor seeks authority to use Insurance Proceeds¹ generated from insurance covering the Real Property (as defined below), which may constitute Cash Collateral.

1. On July 31, 2017 (the "Petition Date"), Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division, commencing this Bankruptcy Case (the "Case").

2. Since the Petition Date, Debtor has operated as a debtor-in-possession under Sections 1107 and 1108 of the Bankruptcy Code.

3. Debtor operates and church and owns and leases portions of real property commonly known as 1836 Rockbridge Road, Stone Mountain, Georgia 30087 (the Rockbridge Property) and 1813 Pounds Avenue, Stone Mountain, Georgia 30087 (the "Pounds Road Property", collectively with the Rockbridge Property, the "Real Property").

4. Crimson asserts that Debtor is indebted to Crimson Portfolio, LLC ("Crimson") and Crimson asserts a lien upon the Real Property for a loan (the "Loan") represented by the following documents:

(i) that certain Promissory Note dated September 5, 2008, executed by Debtor in favor of Capital Mortgage Corporation ("Capital Mortgage") in the amount of \$2,126,250.00 (as modified, amended and/or renewed, "**Note A**");

(ii) that certain Promissory Note dated September 5, 2008, executed by Debtor in favor of First Financial Funding, Inc. ("First Financial") in the amount of \$393,750.00 (as modified, amended and/or renewed "**Note B**");

(iii) that certain Promissory Note dated September 5, 2008, executed by Debtor in favor of Prime Equity Lending, Inc. ("Prime Equity") in the amount of \$105,000.00 (as

¹ All capitalized terms not defined herein shall have the same meaning as in the Motion.

modified, amended and/or renewed "Note C"; with Note A, Note B and Note C collectively referred to herein as the "Notes").

(iv) that certain Purchase Money Security Deed and Agreement securing the Notes dated September 5, 2008 executed by Debtor in favor of Capital Mortgage, First Financial, and Prime Equity (collectively, "Original Lender") recorded on September 9, 2008 in Deed Book 49064, Page 6, Gwinnett County, Georgia real property records, as modified by that certain Modification Agreement recorded on September 17, 2012 in Deed Book 51647, Page 910 (as modified, the "Security Deed") covering the Real Property; and

(v) that certain Assignment of Leases and Rents securing the Notes for the Real Property dated September 5, 2008 executed by Debtor in favor of Original Lender recorded on September 9, 2008 in Deed Book 49064, Page 15, Gwinnett County, Georgia real property records (the "Assignment of Rents");

(v) that Transfer and Assignment of Notes, Deeds to Secure Debt and Other Collateral Loan Documents executed by Original Lender in favor of Bank of North Georgia, as recorded on October 20, 2008 in Deed Book 49126, Page 8, in the official records of Gwinnett County, Georgia;

(vi) that certain Assignment of Security Instrument from Synovus Bank, fka Columbus Bank and Trust Company, as successor in interest through name change and merger with Bank of North Georgia, to Crimson, as recorded on May 19, 2014 in Deed Book 52922, Page 0859, in the official records of Gwinnett County, Georgia; and

(vii) that certain Transfer and Assignment from Original Lender to Crimson as recorded on May 19, 2016 in Deed Book 54296, Page 0645, in the official records of Gwinnett County, Georgia.

5. Crimson contends that the amount of principal and interest due (but excluding fees and expenses and costs) under the Notes as of August 4, 2017 was \$2,574,281.89

6. Upon information and belief, Crimson asserts an interest in the Insurance Proceeds which may constitute cash collateral as defined in §363 of the Bankruptcy Code pursuant to the Security Deed.

7. Debtor is not aware of any additional asserted liens or security interest against the Insurance Proceeds.

8. Debtor requires the use of the Insurance Proceeds to repair the damage to the Real Property caused by Hurricane Irma as described in the Motion and exhibits thereto and approved by the insurance company.

9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Pursuant to a review of the record in this case, including the Certificate of Service and Notice of Hearing filed with the Motion, proper notice has been given.

Based on the representations in the Motion, and the entire record in this case, it is hereby ORDERED that:

A. Debtor's authority to use the Insurance Proceeds to complete the repairs to the Real Property is approved.

B. Debtor shall provide copies of invoices for which Insurance Proceeds are used to Crimson within 10 days of payment of same.

C. Debtor shall not use the Insurance Proceeds for matters other than repair of the Real Property without the prior written consent of Crimson or further order of the Court, after appropriate notice and hearing.

D. Notwithstanding anything to the contrary in the Federal Rules of Bankruptcy Procedure or otherwise, the effectiveness of this Order shall not be stayed, and this Order shall be immediately effective upon entry.

*****END OF DOCUMENT*****

Prepared and presented by:
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