



IT IS ORDERED as set forth below:

Date: October 11, 2017

Paul Baisier

Paul Baisier
U.S. Bankruptcy Court Judge

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

IN RE:)	
M&K Walker & Sons Trucking, LLC)	
)	Case No. 17-64328-PMB
)	
Debtor)	Chapter 11
_____)	
M&K Walker & Sons Trucking, LLC,)	Contested Matter
Movant,)	
)	
vs)	
)	
Retail Capital, LLC,)	
Respondent.)	

**FINAL ORDER AUTHORIZING DEBTOR
TO USE CASH COLLATERAL**

This matter came before the Court on October 3, 2017 on M&K Walker & Sons Trucking, LLC (“Debtor” or “Debtor in Possession”)’s Emergency Motion for Entry of an Interim Order Authorizing Use of Cash Collateral [Doc. No. 4](the “Motion”) as the final hearing on the Motion. Present at the hearing were counsel for Debtor, Will B. Geer and counsel for the U.S. Trustee, Lindsay Kolba. No party objected to the relief requested.

A. Debtor filed its petition for relief under Chapter 11, Title 11 U.S.C. (the “Bankruptcy Code”) on August 16, 2017 (the “Petition Date”). Pursuant to Sections 1107 and 1108 of the Bankruptcy Code, the Debtor remains in possession of its assets and has continued the operation and management of its business in this reorganization case.

B. Debtor owns and operates a trucking business. (the “Business”).

C. Retail Capital, LLC dba Credibly (the “Noteholder”) asserts a claim in the approximate amount of \$144,000.00 (the “Claim”). Noteholder asserts that the Claim is secured by all accounts of the Business, with the exception of the accounts factored by Wex.

D. Debtor generates substantially all of its revenue from the operation of the Business.

E. Debtor’s cash revenue generated from the Business may constitute the cash collateral of Noteholder (the “Cash Collateral”) and others within the meaning of Section 363(a) of the Bankruptcy Code.

F. Debtor contends it has provided actual notice, by electronic mail, facsimile and/or overnight mail, of the Motion and the relief requested therein to all entities claiming an interest in the Business and/or the Cash Collateral, to each of the Debtor’s Twenty Largest Unsecured Creditors, and the United States Trustee.

G. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (M), and (O), involving matters under 11 U.S.C. §§ 361 and 363. Venue is proper in this district pursuant to 28 U.S.C. § 1408.

H. An immediate need exists for the Debtor to obtain use of the Cash Collateral to fund critical business operations. A schedule of the Debtor's revenues and cash requirements is set forth in the budget (the "Budget") attached hereto as Exhibit "A" and incorporated herein by reference.

I. In order to continue the Debtor's business operations and to preserve the value of the Debtor's assets, the Debtor requires the use of the Cash Collateral in accordance with this Order. The Debtor's budget is an estimate of the amounts needed to operate its business. Debtor may, in the ordinary course of business, pay the actual amounts for payroll, fuel, insurance, and maintenance on its fleet. The factoring fee for WEX Bank and the Reserve from WEX Bank will come from the income factored through WEX and not through Credibly's cash collateral.

J. Good cause has been shown for the entry of this Order. Among other things, entry of this Order will minimize the disruption of the Debtor's existing business, will increase the possibility for a successful reorganization, sale or orderly liquidation of the Debtor and its assets, and is in the best interests of the Debtor, its creditors and other parties-in-interest. Accordingly, it is hereby

ORDERED AND NOTICE IS HEREBY GIVEN THAT:

Authorization to Use Cash Collateral. The Motion is granted. Subject to the terms hereof, this Order is valid immediately and shall continue until either further order of this Court or Plan Confirmation.

Adequate Protection. In order to provide adequate protection to Noteholder and others for Debtor's use of Cash Collateral, the Debtor hereby grants to Noteholder and all other secured creditors with an alleged interest in cash collateral ("Cash Collateral Creditors"), and the Court hereby authorizes the Debtor to grant to Noteholder and Cash Collateral Creditors, a valid and properly perfected security interest on all property acquired by the Debtor after the Petition Date that is of the same or similar nature, kind or character, and priority as Noteholder's and Cash Collateral Creditors', including all cash, receivables, and accounts of the Debtor.

No Prejudice. This Order is entered without prejudice to the rights of either Noteholder, Cash Collateral Creditors, or the Debtor to seek a modification of the terms hereof after notice and a hearing.

END OF DOCUMENT

Prepared and Presented By:

Law Office of Will B. Geer, LLC

/s/ Will B. Geer
Will B. Geer
Georgia Bar No. 940493
333 Sandy Springs Circle, N.E., Suite 225
Atlanta, GA 30328
Tel.: (678) 587-8740
Fax: (404) 287-2767
willgeer@willgeerlaw.com
Attorneys for Debtor

No Opposition:

Guy G. Gebhardt
Acting United States Trustee
Region 21

/s/ Lindsay Kolba (w/ express permission)
Trial Attorney
Georgia Bar No. 541621
United States Department of Justice
Office of the United States Trustee
Suite 362 Richard Russell Building
75 Ted Turner Drive SW
Atlanta, GA 30303
Tel.: (404) 331-4437
Fax: (404) 331-4464

Exhibit "A" Budget

Income	
Sunrise Produce (WEX Account)	\$68,000.00
TQL (Credibly Account)	\$24,000.00
Total	\$92,000.00
Expenses	
Fuel	\$24,000.00
Wages	\$28,000.00
Insurance	\$6,300.00
Maintenance	\$6,000.00
Reserve for WEX at 6%	\$4,200.00
Factoring Fees	\$1,500.00
Internet and Telephone	\$1,200.00
U.S. Trustee Quarterly Fees	\$650.00
Month-to-month Lot for Trucks	\$800.00
Total	\$72,650.00

<p>Office of the U.S. Trustee c/o Lindsay Kolba 362 Richard B. Russell Building 75 Ted Turner Drive, SW Atlanta, Georgia 30303</p>	<p>Retail Capital, LLC 1250 Kirts Blvd Suite 100 Troy, MI 48084 Fax: (888) 371-8950</p>	<p>Wex Bank c/o Richard H. Fimoff Robbins, Salomon & Patt, Ltd. 180 N. LaSalle Street Suite 3300 Chicago, IL 60601</p>
<p>Balboa Capital Corp. 900 OLD ROSWELL LAKES PKWY Suite 310 Roswell GA 30076-0000</p>	<p>BMO Transportation Finance 300 E. Carpenter Frwy. Suite 504 Irving TX 75062-0000</p>	<p>ENGS Commercial Finance Co. CT Corp. System 289 S Culver St. Lawrenceville, GA 30046</p>
<p>Hitachi Capital America Corp. c/o Emmett Goodman 544 Mulberry St., St. 800 Macon GA 31201-0000</p>	<p>Paccar Financial Corp. THE PRENTICE-HALL CORP. SYSTEM 40 TECHNOLOGY PKWY SOUTH, #300 Norcross, GA 30092</p>	<p>MHC Kenworth, LLC 4040 Irving Blvd Dallas TX 75247-0000</p>
<p>Georgia Department of Revenue Compliance Division ARCS - Bankruptcy 1800 Century Blvd NE, Suite 9100 Atlanta, GA 30345-3202</p>	<p>Internal Revenue Service Centralized Insolvency Operation Post Office Box 7346 Philadelphia, PA 19101- 7346</p>	<p>Wells Fargo Equip. Fin., Inc. A. Todd Sprinkle, Esq. Parker Poe Adams & Bernstein LLP 1180 Peachtree Street NE, Suite 1800 Atlanta, Georgia 30309</p>
<p>Atlanta Commercial Tire 1440 Stratfield Circle Atlanta GA 30319-0000</p>	<p>Speedco.,Inc. 289 S. Culver St. Lawrenceville, GA 30046</p>	<p>M&K Walker & Sons Trucking, LLC 1128 Arden Avenue Marietta, Georgia 30008</p>

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 United States Bankruptcy Court
 Northern District of Georgia

In re:
 M&K Walker & Sons Trucking, LLC
 Debtor

Case No. 17-64328-pmb
 Chapter 11

CERTIFICATE OF NOTICE

District/off: 113E-9 User: slaterc Page 1 of 2 Date Rcvd: Oct 11, 2017
 Form ID: pdf422 Total Noticed: 19

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 13, 2017.

- db +M&K Walker & Sons Trucking, LLC, 1128 Arden Drive, SW, Marietta, GA 30008-3504
- +Lindsay Kolba, 362 Richard B. Russell Building, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303-3315
- +M&K Walker & Sons, Trucking, LLC, 1128 Arden Avenue, Marietta, Georgia 30008-3504
- +Paccar Financial Corp., THE PRENTICE-HALL CORP. SYSTEM, 40 TECHNOLOGY PKWY, SOUTH, #300, Norcross, GA 30092-2987
- +Wells Fargo Equip. Fin., Inc., A. Todd Sprinkle, Esq., 1180 Peachtree Street NE,, Suite 1800, Atlanta, Georgia 30309-7512
- +Wex Bank, c/o Richard H. Fimoff, Robbins, Salomon & Patt,, 180 N. LaSalle Street, Suite 3300, Chicago, IL 60601-2808
- 20933907 +Atlanta Commercial Tire, 1440 Stratfield Circle, Atlanta, GA 30319-2523
- 20933909 +BMO Transportation Finance, 300 E. Carpenter Frwy., Suite 504, Irving, TX 75062-2727
- 20933908 +Balboa Capital Corp., 900 OLD ROSWELL LAKES PKWY, Suite 310, Roswell, GA 30076-8667
- 20933911 +ENGS Commercial Finance Co., CT Corp. System, 289 S. Culver St., Lawrenceville, GA 30046-4805
- 20933913 +Hitachi Capital America Corp., c/o Emmett Goodman, 544 Mulberry St., St. 800, Macon, GA 31201-8261
- 20933917 +MHC Kenworth, LLC, 4040 Irving Blvd, Dallas, TX 75247-5800
- 20933918 +Paccar Financial Corp., THE PRENTICE-HALL CORP. SYSTEM, 40 Technology Pkw, St. 300, Norcross, GA 30092-2924
- 20933919 +Speedco, Inc., 289 S. Culver Street, Lawrenceville, GA 30046-4805

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

- E-mail/Text: brnotices@dor.ga.gov Oct 11 2017 20:29:49 Georgia Department of Revenue, Compliance Division, 1800 Century Blvd NE, Suite 9100, Atlanta, GA 30345-3202
 - +E-mail/Text: plamas@credibly.com Oct 11 2017 20:30:20 Retail Capital, LLC, 1250 Kirts Blvd, Suite 100, Troy, MI 48084-4737
 - 20933912 E-mail/Text: brnotices@dor.ga.gov Oct 11 2017 20:29:50 Georgia Department of Revenue, Bankruptcy Section, P.O. Box 161108, Atlanta, GA 30321
 - 20933915 E-mail/Text: cio.bncmail@irs.gov Oct 11 2017 20:29:39 Internal Revenue Service, CIO, P.O. Box 7346, Philadelphia, PA 19101-7346
 - 20937592 +E-mail/Text: usagan.bk@usdoj.gov Oct 11 2017 20:29:55 U. S. Attorney, 600 Richard B. Russell Bldg., 75 Ted Turner Drive, SW, Atlanta GA 30303-3315
- TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

- * +Atlanta Commercial Tire, 1440 Stratfield Circle, Atlanta GA 30319-2523
- * +Atlanta Commercial Tire, 1440 Stratfield Circle, Atlanta GA 30319-2523
- * +BMO Transportation Finance, 300 E. Carpenter Frwy., Suite 504, Irving TX 75062-2727
- * +BMO Transportation Finance, 300 E. Carpenter Frwy., Suite 504, Irving TX 75062-2727
- * +Balboa Capital Corp., 900 OLD ROSWELL LAKES PKWY, Suite 310, Roswell GA 30076-8667
- * +Balboa Capital Corp., 900 OLD ROSWELL LAKES PKWY, Suite 310, Roswell GA 30076-8667
- * +ENGS Commercial Finance Co., CT Corp. System, 289 S Culver St., Lawrenceville, GA 30046-4805
- * +ENGS Commercial Finance Co., CT Corp. System, 289 S Culver St., Lawrenceville, GA 30046-4805
- * ++GEORGIA DEPARTMENT OF REVENUE, COMPLIANCE DIVISION, ARCS BANKRUPTCY, 1800 CENTURY BLVD NE SUITE 9100, ATLANTA GA 30345-3202 (address filed with court: Georgia Department of Revenue, Compliance Division, 1800 Century Blvd NE, Suite 9100, Atlanta, GA 30345-3202)
- * Hitachi Capital America Corp., c/o Emmett Goodman 544, Mulberry St., St. 800, Macon, GA 31201-0000
- * Hitachi Capital America Corp., c/o Emmett Goodman 544, Mulberry St., St. 800, Macon, GA 31201-0000
- * Internal Revenue Service, Centralized Insolvency, Operation, Post Office Box 7346, Philadelphia, PA 19101-7346
- * Internal Revenue Service, Centralized Insolvency, Operation, Post Office Box 7346, Philadelphia, PA 19101-7346
- * +Lindsay Kolba, 362 Richard B. Russell Building, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303-3315
- * +M&K Walker & Sons, Trucking, LLC, 1128 Arden Avenue, Marietta, Georgia 30008-3504
- * +MHC Kenworth, LLC, 4040 Irving Blvd, Dallas TX 75247-5800
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- * +Retail Capital, LLC, 1250 Kirts Blvd, Suite 100, Troy, MI 48084-4737
- * +Speedco, Inc., 289 S. Culver St., Lawrenceville, GA 30046-4805
- * +Speedco, Inc., 289 S. Culver St., Lawrenceville, GA 30046-4805
- * +Wells Fargo Equip. Fin., Inc., A. Todd Sprinkle, Esq., 1180 Peachtree Street NE,, Suite 1800, Atlanta, Georgia 30309-7512
- * +Wex Bank, c/o Richard H. Fimoff, Robbins, Salomon & Patt,, 180 N. LaSalle Street, Suite 3300, Chicago, IL 60601-2808

TOTALS: 0, * 23, ## 0

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Total Noticed: 19

Date Rcvd: Oct 11, 2017

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USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 13, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 11, 2017 at the address(es) listed below:

Allen Todd Sprinkle on behalf of Creditor Wells Fargo Equipment Finance Inc.
toddsprinkle@parkerpoe.com, lynnettedavis@parkerpoe.com
Emmett L. Goodman, Jr. on behalf of Debtor M&K Walker & Sons Trucking, LLC
bkydept@goodmanlaw.org, dwilder@goodmanlaw.org
Emmett L. Goodman, Jr. on behalf of Creditor Hitachi Capital America Corp.
bkydept@goodmanlaw.org, dwilder@goodmanlaw.org
Lindsay P. S. Kolba on behalf of U.S. Trustee Guy G. Gebhardt lindsay.p.kolba@usdoj.gov,
lisa.manness@usdoj.gov
Matthew F. Kye on behalf of Creditor Hitachi Capital America Corp. mkye@magnozzikye.com
Ted William Hight, III on behalf of Creditor BMO Harris Bank N.A. tedhight27@gmail.com
Will B Geer on behalf of Debtor M&K Walker & Sons Trucking, LLC willgeer@willgeerlaw.com
Will B. Geer on behalf of Debtor M&K Walker & Sons Trucking, LLC willgeer@willgeerlaw.com,
1289189420@filings.docketbird.com;willgeer@ecf.courtdrive.com

TOTAL: 8