

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

CAJ SOUTHWAY PLAZA LLC,

Debtor.

Chapter 11

Case No. 18-12631-JNF

**THIRD INTERIM ORDER (I) AUTHORIZING USE OF RENTAL
REVENUE; AND (II) GRANTING ADEQUATE PROTECTION**

Upon consideration of the Debtor's Expedited Motion for Authority to Use of Cash Collateral and for Adequate Protection [ECF 3] (the "*Motion*") dated July 10, 2018, wherein the Debtor seeks an order of this Court authorizing, on an interim and final basis, the Debtor to use the rental revenue and other collateral claimed by JPMBB 2013-C15 Rhode Island Avenue, LLC ("*RIA LLC*"), the Debtor's Secured Creditor (as that term is defined in the Motion), and for approval of the adequate protection for such use on the terms proposed in the Motion; this Court having held an expedited hearing on the Motion on July 11, 2018 and further hearings on August 16, 2018 and October 23, 2018; and having granted the interim use of cash collateral by Orders dated July 12, 2018; August 17, 2018, and October 23, 2018, captioned Interim Order (I) Authorizing Use of Rental Revenue; and (II) Granting Adequate Protection (the "August Order"); the Court having scheduled and conducted a further hearing on the Motion on January 3, 2019; the Debtor having attested that copies of the Notice of Hearing thereon was served on October 24, 2018 by ECF, email or fax transmission, as reflected in the Certificate of Service filed with the Motion and Notice upon: (a) the Office of the United States Trustee for this district; (b) all of the Debtor's secured and unsecured creditors or their counsel; (c) the Internal Revenue Service; (d) the Massachusetts Department of Revenue; (e) the Massachusetts Department of

Unemployment Assistance; and (f) the Massachusetts Department of Labor (collectively the “*Notice Parties*”); and the Court having reviewed the Motion and having heard the statements of counsel in support of the relief requested in the Motion at each of the hearings; and the Court finding that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) venue is proper before this Court pursuant to 28 U.S.C. § 1408; (c) this matter is core pursuant to 28 U.S.C. § 157(b)(2); (d) notice of the Motion and the Hearing was sufficient under the circumstances; and (e) the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein, it is accordingly:

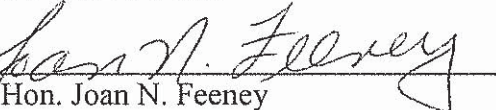
ORDERED AND ADJUDGED as follows:

1. Subject to the terms and conditions of this Order and the August Order, the Debtor is authorized to use rental revenue to pay for the operating expenses incurred by the Debtor strictly in accordance with the budget attached hereto as Exhibit A (the “*Budget*”), for the period of time (the “*Interim Period*”) from the date hereof until the earliest to occur of (a) Feb. 21, 2019, or (b) the occurrence of a “*Termination Event*”.

2. A further interim hearing on the Debtor’s continued use of Cash Collateral shall be conducted by the Court on Feb. 21, 2019 ^{at 11:00 AM}. The Debtor shall provide notice of such hearing, by way of copy of this Order, by first class mail upon each of the Notice Parties by the next business day following the Court’s entry of this Order. Any objections must be filed by Feb. 19, 2019 ^(P) 4:30pm.

3. On or before Feb. 15, 2019 at 12:00 p.m., the Debtor shall file, and serve on all interested parties, an accounting of its actual income and expenses.

BY THE COURT


Hon. Joan N. Feeney
United States Bankruptcy Judge

Dated: January 3, 2019

