

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE:

BARIA AND SONS, LLC,

Debtor.

CHAPTER 11
CASE NO. 17-00970-jwb
HON. JAMES W BOYD

**AGREED ORDER EXTENDING DEBTOR'S INTERIM
AUTHORIZATION FOR LIMITED USE OF CASH COLLATERAL**

Now come Debtor, Chemical Bank and LQD Business Finance, LLC ("LQD"), by and through their respective counsel of record and agree to the entry of an order extending the provisions of the Order Regarding First Day Motion of the Debtor for Interim Authority to Use Cash Collateral and Provide Adequate Protection. The Debtor, Chemical Bank and LQD agree to the entry of an order as follows:

IT IS THEREFORE ORDERED

1. Except as modified under this Order, all provisions of the Order Regarding First Day Motion of the Debtor for Interim Authority to Use Cash Collateral and Provide Adequate Protection (DN 42), as extended (DN79) (the "Existing Interim Cash Collateral Order") shall continue in full force and effect until July 18, 2017. This extension shall be interim in nature.
2. Between July 6, 2017 and July 18, 2017, Debtor shall only use cash collateral in accordance with the recitation on the record in the United States Bankruptcy Court for the Western District of Michigan on July 6, 2017. Assuming gross sales of \$60,000, such uses are limited to approximately \$42,000.00 to acquire inventory, payroll of \$6,640.00, payroll related taxes of \$3,600.00, sales tax of \$3,800.00, Telephone and Utilities of \$1,800.00, Bank charges of \$1,260.00, and additional utilities of \$500. In addition,

Debtor holds \$12,000.00 in its operating bank account as of July 6, 2017. Permissible uses for the approximately \$12,000.00 include \$3,500.00 for accrued payroll tax obligations payable July 17, 2017, and withholdings and \$6,300.00 for accrued sales tax payable July 21, 2017.

3. Debtor shall escrow \$1,500.00 in the IOLTA account of Oppenhuizen Law Firm, PLC, which shall provide adequate protection to LQD Business Finance, LLC (“LQD”) for the period between July 6, 2017 and July 18, 2017, provided that the Court determines, or the parties agree, that the lien of LQD is perfected. If the Court determines or the parties agree that the lien of LQD is perfected, the \$1,500.00 escrowed with Oppenhuizen Law Firm, PLC shall be released immediately to LQD. If the Court determines or the parties agree that the lien of LQD is not perfected, the \$1,500.00 shall be returned to the debtor for use in accordance with further order of this Court, or in the ordinary course of business. Further adequate protection, if any, for LQD for the period subsequent to July 18, 2017, shall be addressed by the Court at the July 18, 2017 hearing discussed below, or by agreement of Debtor and LQD.
4. Paragraph 2.f of DN 42 of the Existing Interim Cash Collateral Order is amended and restated as follows: “LQD’s security interests are unaffected by this Order.”
5. Should Debtor fail to make its adequate protection payment on a timely basis to Chemical Bank, as provided in the previous interim Orders, Chemical Bank shall be entitled to an accelerated hearing on shortened notice related to termination or continued use of cash collateral. Said hearing may be held 15 days after Chemical Bank files a notice of default and request for hearing with the Court, or on the Court’s first available date thereafter.
6. The hearing regarding Debtor’s Motion for Final Authority to use Cash Collateral that

was scheduled to take place on July 6, 2017 at 11:00 AM is hereby adjourned until July 18, 2017 at 10:00 AM, which hearing shall be an evidentiary hearing that will be governed by a Scheduling Order to be prepared by the Court.

7. This Order shall be served on all interested parties by James R. Oppenhuizen, Esq. attorney for the Debtor.

Agreed to:

OPPENHUIZEN LAW FIRM, PLC

Warner Norcross & Judd, LLP

By: /s/James R. Oppenhuizen
James R. Oppenhuizen (P68715)
Attorney for Debtor
PO Box 230071
Grand Rapids, MI 49523
(616) 730-1861
joppenhuizen@oppenhuizenlaw.com

By: /s/ Timothy Hillegonds
Timothy Hillegonds (P25555)
Elizabeth Von Eitzen (P70183)
Attorneys for Chemical Bank
111 Lyon St. NW, Suite 900
Grand Rapids, MI 49503
(616) 752-2000
thillegonds@wnj.com
evoneitzen@wnj.com

Bodman, PLC

United States Trustee

By: /s/ Marc M. Bakst
Marc M. Bakst (P41575)
Floyd E. Gates (P54234)
Ford Field, Sixth Floor 1901 St. Antoine St.
Detroit, MI 48226
(313) 259-7777
mbakst@botmanlaw.com
fgates@bodmanlaw.com

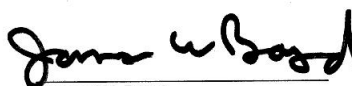
By: /s/ Michael V. Maggio
Michael V. Maggio
Trial Attorney
125 Ottawa Ave. NW, Suite 200
Grand Rapids, MI 49503
(616) 456-2002
michael.v.maggio@usdoj.gov

END OF ORDER

IT IS SO ORDERED.

Dated July 7, 2017




James W. Boyd
United States Bankruptcy Judge