

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 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 Business Finance, LLC agree to the entry of an order as follows:

IT IS THEREFORE ORDERED

1. Except as modified herein, 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 twice (DN79 and DN113) shall continue in full force and effect until November 6, 2017. This extension shall be interim in nature.
2. Debtor shall only use cash collateral for the purposes enumerated in its cashflow projection attached as Exhibit 1 to DN 109 covering the period between July 1, 2017 through November 30, 2017, which is also attached hereto as Exhibit 1. In addition to the enumerated uses, Debtor may with the written consent of Chemical Bank and LQD, or upon further court order, use cash collateral for unexpected, necessary maintenance or repairs, and to purchase additional inventory for sale, even if doing so alters the use of cash collateral beyond the enumerated uses in Exhibit 1.

3. Should Debtor fail to make its adequate protection payment on a timely basis, Chemical Bank or LQD 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.
4. In addition to adequate protection payments to Chemical Bank as required, Debtor shall pay LQD adequate protection payments monthly, on or before the final day of each month of \$1,500.00. The July payment shall be paid out of the Oppenhuizen Law Firm, PLC IOLTA, from the \$1,500.00 deposited by Debtor on July 7, 2017.
5. As further adequate protection, Debtor shall provide the following to Chemical Bank and LQD in accordance with the time schedule set forth below:
 - a. Weekly (Sunday through Saturday) cashflow report showing daily sales figures, and daily expenses broken down in a manner consistent with Debtor's ordinary chart of accounts. Weekly cashflow reports shall be due to Chemical Bank's attorneys and LQD's attorneys by 5:00pm EDT on the Monday (or first business day) following the prior Saturday.
 - b. Debtor shall provide a monthly inventory conducted by a third party inventory valuation company, and Debtor shall authorize said third party inventory company to speak directly with Chemical Bank, its attorneys or representatives, or LQD, its attorneys or representatives, at Chemical Bank's or LQD's request. Monthly third party inventories shall be due to Chemical Bank's attorneys and LQD's attorneys by 5:00 pm EDT on the fifth business day of the following month.
 - c. Debtor shall comply with all reporting requirements of the United States Trustee

for the Western District of Michigan, providing signed reports, inclusive of required attachments, including but not limited to bank statements and bank reconciliations.

6. The hearing regarding Debtor's Motion for Final Authority to use Cash Collateral is hereby adjourned until October 26, 2017 at 11:00 AM.
7. This Order shall be served on all interested parties by James R. Oppenhuizen, Esq. attorney for the Debtor.
8. The United States Trustee shall have 14 days from the entry of this Order to bring an objection to this Order.

Agreed to:

OPPENHUIZEN LAW FIRM, PLC

Warner Norcross & Judd, LLP

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END OF ORDER