

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

T & S SUBS, LLC	)	Case No. 18-30526
d/b/a QUIZNO'S STORE #769	)	
Debtor	)	Chapter 11

MOTION TO AUTHORIZE USE OF CASH COLLATERAL

COMES NOW T & S SUBS d/b/a QUIZNO'S STORE #769 ("Debtor"), by and through its attorney, Norman E. Rouse, and hereby moves the Court, pursuant to §105 and 363(c) of Title 11 of the United States Code (the Bankruptcy Code") and Rules 2002, 4001 and 9014 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for the entry of (i) an interim order (a) authorizing the Debtor's use of cash collateral and granting adequate protection for said use and (b) scheduling the following hearing on this Motion under Bankruptcy Rule 4001(c) (the "Final Hearing") within the next 21 days; and (ii) after appropriate notice as required by Rule 4001 of the Bankruptcy Rules, a final order (the "Final Order") with respect to such use of cash collateral. In support of this motion, the Debtor respectfully represents as follows:

I. THE CHAPTER 11 FILING; JURISDICTION AND VENUE

1. On September 17, 2018(the "Petition Date"), the Debtor filed a voluntary petition for reorganization under Chapter 11 of the Bankruptcy Code. The Debtor continues to operate its business and manage its properties as a debtor in possession pursuant to 1107(a) and 1108 of the Bankruptcy Code.

2. This Court has jurisdiction over the Debtor's Chapter 11 case and the Motion pursuant to 28 U.S.C. § 157(b) and 1334. Consideration of the Motion constitutes a core proceeding as defined in 28 U.S.C. § 157(b)(2).

3. No creditors' committee has yet been appointed in the Debtor's case. Likewise, no Trustee or Examiner has been appointed.

4. The events leading up to the Petition Date and the facts and circumstances supporting the relief requested in this motion is the fact that the Debtor operates a restaurant known as QUIZNO'S STORE #769 in Neosho, Missouri. The Debtor believes that the only creditor who has a non-preferential interest in the Debtor's cash collateral is Swift Capital. Prior to the filing of the bankruptcy, Quick Silver and Fox Capital seized credit card funds owed to the Debtor.

II. DEBTOR'S NEED TO USE CASH COLLATERAL

5. Since the filing of its petition, Debtor has remained in possession of all property of the estate and continues to operate Debtor's business.

6. Debtor proposes to use cash collateral, as that term is defined in 11 U.S.C. § 363(a) and 11 U.S.C. §552, in the operation of its business. Such cash collateral arises from bank account proceeds as well as receivables from the sale of food and drinks.

7. At this time, the Debtor has approximately \$2,997.00, more or less, on deposit at Southwest Missouri Bank.

8. Debtor proposes that if permitted, to use cash collateral according to the projected operating statement attached hereto, incorporated by reference as Exhibit "A."

9. That the proposed use of cash collateral is necessary and in the best interest of the estate because Debtor has no other immediately available source of funds from which to operate its business.

10. The Debtor proposes to pay Swift Capital the sum of \$750.00 per month for the use of cash collateral.

WHEREFORE, the Debtor requests that an expedited hearing be held on this Motion for Use of Cash Collateral; for an Order authorizing the use of cash collateral in the operation of its business as requested herein; for its costs incurred herein; and for such further relief as the Court may deem just and proper.

COLLINS, WEBSTER AND ROUSE, P.C.

/s/ Norman E. Rouse
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically to those parties who have entered an appearance in the courts electronic court filing (ECF) system and conventionally, via first class mail, postage pre-paid, to those parties below, if any, who have requested notice but are not participating in the ECF system, to all creditors on the debtors mailing matrix, Sherri Wattenbarger, and to the United States Trustee, 400 East 9th Street, Room 3440, Kansas City, Missouri, 64106 on the date entered on the court's docket.

/s/ Norman E. Rouse
NORMAN E. ROUSE