



SO ORDERED,

A handwritten signature in black ink, appearing to read "Jason D. Woodard".

Judge Jason D. Woodard
United States Bankruptcy Judge

The Order of the Court is set forth below. The case docket reflects the date entered.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE:

HAWKERS REALTY, LLC

CHAPTER 11

Debtor

CASE NO. 17-13529-JDW

**FINAL ORDER ALLOWING USE OF
CASH COLLATERAL OF PEOPLES BANK**

Upon the Emergency Motion for Authority to Use Cash Collateral (the "Emergency Cash Collateral Motion") [Docket No. 9] filed in the United States Bankruptcy Court for the Northern District of Mississippi by Hawkers Realty, LLC for entry of an emergency order authorizing the use of cash collateral and granting adequate protection and an order having been entered one on September 10, 2017 [Docket No. 32] and one on November 2, 2017 [Docket No. 47], under Sections 361, 362, 363(c), and 363(e) of title 11 of the United States Code, 11 U.S.C. §§ 101, et seq. (as amended, the "Bankruptcy Code"), Rules 2002, 4001 and 9014 of the Federal Rules of Bankruptcy Procedure (as amended, the "Bankruptcy Rules") and Rule 4001-1 of the Local

Bankruptcy Rules for the United States Bankruptcy Court for the Northern District of Mississippi (the "Local Rules") and the parties having agreed to the terms of a final order.

THE COURT HEREBY FINDS AND CONCLUDES AS FOLLOWS:

A. On September 21, 2017 (the "Commencement Date"), the Debtor filed with this Court a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtor is continuing to operate its business and manage its properties as debtor in possession pursuant to Section 1107(a) and 1108 of the Bankruptcy Code.

B. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b) and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

C. A previous Interim Emergency Order (i) Authorizing the Debtor to Use Cash Collateral of Peoples Bank; (ii) Granting Adequate Protection to Peoples Bank, and (iii) Granting Related Relief was entered on October 10, 2017 [Docket No. 38] and the second Interim Order Extending Use of Cash Collateral of Peoples Bank was entered on November 2, 2017 [Docket No. 47] and the terms and finding of those orders are incorporated herein.

D. The Debtor has an immediate and critical need to use Cash Collateral in order to make post-petition payroll payments and other related expenses. The Debtor's access to sufficient working capital and liquidity through the incurrence of postpetition financing via the use of Cash Collateral under the terms of this Order is vital to the preservation and maintenance of the going concern value of the Debtor's estate, the orderly operation of the Debtor's business and, ultimately, the success of the Case. Consequently without access to the use of Cash Collateral, to the extent authorized pursuant to this Order, the Debtor and its estate would suffer immediate and irreparable harm.

E. The Debtor requires the use of Cash Collateral under the terms of this Order in

order to satisfy its immediate liquidity needs.

F. Solely on the terms and conditions set forth in this Order, Peoples Bank is prepared to consent to the Debtor's use of the Cash Collateral provided that the Court authorizes the Debtor, pursuant to Section 361 and 363 of the Bankruptcy Code, to grant to Peoples Bank a continuing postpetition lien in the account and rents generated by the Hamilton Road Building.

G. After the final hearing the Court instructed the parties to propose terms for the use of Cash Collateral. Entry of this Order is in the best interest of the Debtor, its estate and creditors. The terms of this Order are fair and reasonable under the circumstances, reflect the Debtor's exercise of prudent business judgment consistent with their fiduciary duties and are supported by reasonably equivalent value and fair consideration.

H. The Debtor and Peoples Bank represent that they negotiated the terms and conditions of this Order in good faith and at arm's length, and therefore any credit extended and loans made to the Debtor pursuant to this Order shall be, and hereby are, deemed to have been extended, issued or made, as the case may be, in "good faith" within the meaning of Section 364(e) of the Bankruptcy Code.

I. Based on the foregoing and good and sufficient cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

(1) Extension of the Interim Order. The Emergency Cash Collateral Motion was granted on an interim basis pursuant to § 363 of the Bankruptcy Code and Bankruptcy Rule 4001 and was extended until November 16, 2017.

(2) Rental Payments. Boa Vida Healthcare, LLC ("Boa Vida") is instructed to pay the entire \$5,200.00 monthly rental to Peoples Bank and Peoples Bank will make \$1,500.00 of the rental payment available to the Debtor. Peoples Bank has no obligation to fund the payment to the

Debtor until the payment is made by Boa Vida.

(3) Use of Cash Collateral. The funding under this Order is retroactive to the October rent payment due from Boa Vida and the Bank will fund the \$1,500.00 for October and \$1,500.00 for November when those payments are remitted by Boa Vida.

(4) The terms and conditions of the previous interim order remain in effect and are incorporated herein.

##END OF ORDER##

AGREED TO AND APPROVED FOR ENTRY BY:

/s/ R. Michael Bolen
R. Michael Bolen
Attorney for Debtor

/s/ J. Walter Newman IV
J. Walter Newman IV
Attorney for Peoples Bank

Submitted by:

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