

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In re:)	
LTD Management, Inc)	Chapter 11
Debtor)	Case No.: 17-10684-MAF
)	

**DEBTOR’S FIRST MOTION FOR ORDER
AUTHORIZING CONTINUED USE OF CASH COLLATERAL**

The debtor-in-possession, LTD Management, Inc (the “Debtor”) respectfully submits its First Motion for Order Authorizing Continued Use of Cash Collateral. The Court approved the Debtor’s original motion for use of cash collateral [Doc. 27] on June 13, 2017 allowing the Debtor to use cash collateral until September 30, 2017 [Doc. 29]. The Debtor hereby seeks authorization for the continued use of cash collateral through November 30, 2017.

In support of this Motion, the Debtor states as follows:

INTRODUCTION AND REQUESTED RELIEF

1. Pursuant to 11 U.S.C. §§ 105 and 363, the Debtor asks this Court for permission to use the cash collateral to pay for the costs and expenses incurred by the Debtor in the ordinary course and in the operation of its business for the period beginning on October 1, 2017 and ending on November 30, 2017 (the “Use Period”) as detailed in the Budget attached hereto as Exhibit A (the “Budgeted Costs” and the “Budget”).
2. The following exhibits are attached hereto and incorporated herein by reference:
 - a. Budget.
3. Accompanying this Motion is a proposed order granting the Debtor the relief requested (the “Order”). Among other things, the proposed order:

- a. Limits the amount of cash collateral which the Debtor may spend during the Use Period to \$7931 (the “Maximum Use Amount”);
- b. Grants to each record holder of a lien on cash collateral a replacement lien on the Debtor’s property to the same extent, scope and validity that each record lienholder held as of the petition date, unless or until avoided by an order of this Court;
- c. Reserves to each lienholder the right to contest in an appropriate proceeding the value of the cash collateral and other collateral held or claimed by the record lienholder; and
- d. Reserves to the Debtor the right to contest the validity, perfection, enforceability or value of any lien held or claimed by a record lienholder for any reason.

4. The Debtor incorporates herein by reference the allegations made in the original motion requesting an order allowing the use of cash collateral [Doc. 27] (the “Preceding Cash Collateral Motion”).

JURISDICTION

5. This Motion is predicated upon 11 U.S.C. §§ 105 and 363 and Fed. R. Bankr. Proc. 4001.
6. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
7. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

BASIS FOR RELIEF REQUESTED

8. A debtor is prohibited from using cash collateral without the consent of each entity that has a lien on cash collateral or with Court authorization of such use. 11 U.S.C. § 363(c)(2).

9. The Debtor is a debtor-in-possession. It continues to own and operate the business pursuant to 11 U.S.C. §§ 1107 and 1108.

10. The Debtor cannot continue to operate without the use of the cash collateral to meet the Debtor's ordinary operating expenses. Without access to cash collateral generated from the rents received, the Debtor will be unable to pay: (i) its modest utility obligations; (ii) its property and general liability insurance premiums, and/or (iii) its other ordinary and necessary operating expenses as listed on the Budget.

11. Attached to this Motion as Exhibit A is the Budget for the management, operation and maintenance of the business during the Use Period. The Budget was prepared by the Debtor's President and equity holder, Lisa D'Aoust, and was based on her knowledge of the Debtor and its business.

12. The Budget projects the amount of expected receipts and disbursements as required by LBR 4001-2(d) and shows that the Debtor will be able to meet its ordinary operating costs and expenses during the Use Period as indicated on the Budget. The Budget includes only costs and expenses which will be incurred in the ordinary course of the Debtor's on-going business.

13. The Budget shows, among other things, that:

a. The Debtor proposes to use \$7,931 of its \$11,086 in revenue during the Use Period to pay costs and expenses incurred in the ordinary course of business;

b. The Debtor will be able to pay the costs and expense incurred in the ordinary course of business during the Use Period if it has the ability to spend the Maximum Use Amount.

c. The Debtor should have a remaining positive cash flow of \$3,155 during the Use Period.

14. The inability to use cash collateral up to the Maximum Use Amount would jeopardize the reorganization and the Debtor's creditors and other parties in interest.

15. The Debtor believes through the continued rental of the building, the cash collateral will be adequately replaced during the Use Period. The Debtor believes its limited use of cash collateral during the Use Period will permit it to maintain essential business operations, thereby preserving the value of the estate, and confirm a plan that will be in the best interest of the Debtor's creditors.

16. This Motion is the Debtor's first request for continued use of cash collateral. The Debtor expects to have its Disclosure Statement and proposed Plan of Reorganization scheduled for hearing before the end of the Use Period.

WHEREFORE, the Debtor respectfully requests that this Court grant the Debtor the relief requested herein by entering the proposed Order and grant the Debtor such other and further relief as may be just and equitable.

Respectfully submitted,

LTD MANAGEMENT, INC.

By Its Attorney,

Dated: September 20, 2017

/s/ Cheryl C. Deshaies
Cheryl C. Deshaies, Esq. BNH 05451
Attorney at Law
24 Front Street, Suite 111
P.O. Box 648
Exeter, New Hampshire 03833
Telephone: (603) 580-1416
Facsimile: (888) 308-7131
Email: cdeshaies@deshaieslaw.com

CERTIFICATE OF SERVICE

I, Cheryl C. Deshaies, do hereby certify that on this 20th day of September, 2017 a copy of the foregoing *Debtor's First Motion for Order Authorizing Continued Use of Cash Collateral* with Exhibit A

and the proposed order and contingent hearing notice were this day forwarded to the following parties as indicated below:

Electronically via the CM/ECF System to:

Ann Marie Dirsa on behalf of U.S. Trustee Office of the U.S. Trustee
ann.marie.dirsa@usdoj.gov

Christopher M. Dube on behalf of Creditor National Finance Corporation
christopher.dube@mclane.com, bankruptcy@mclane.com

Philip S. Levoff on behalf of Creditor National Finance Corporation
plevoff@aol.com

Office of the U.S. Trustee
USTPRegion01.MR.ECF@usdoj.gov

F. Bruce Sleeper on behalf of Creditor TD Bank, N.A.
bankruptcy@jbgh.com

Via direct email to:

Michael.McCormack2@usdoj.gov

Via First Class Mail Postage Prepaid to:

Internal Revenue Service (IRS)
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

IRS Special Procedures
80 Daniel Street, P.O. Box 9502
Portsmouth, NH 03802

NH Dept. of Employment Security
45 S Fruit St,
Concord, NH 03301

NH Dept. of Revenue Administration
109 Pleasant St
Concord, NH 03301

Town of Raymond
4 Epping Street
Raymond, NH 03077

Daniel M. Eliades, Esq. and David S. Catuogno, Esq.
LECLAIRRYAN, A PROFESSIONAL CORPORATION
One Riverfront Plaza,
1037 Raymond Boulevard, 16th Floor
Newark, New Jersey 07102

Dated: September 20, 2017

/s/ Cheryl C. Deshaies
Cheryl C. Deshaies (BNH #05451)