

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:)	Bk. #18-10024-BAH
DGS Realty, LLC)	Chapter 11
Debtor)	Hearing Date: 09/26/2018
)	Hearing Time: 2:00 p.m.

**ORDER ON FOURTH MOTION FOR
ORDER AUTHORIZING USE OF CASH COLLATERAL AND
PROVISION OF ADEQUATE PROTECTION**

Upon the Fourth Motion for Order Authorizing Use of Cash Collateral and Provision of Adequate Protection (the “Motion”) and after having reviewed the pleadings filed in this case to date and having found therefrom good and sufficient cause, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. The granting of the relief requested in the Fourth Motion for Order Authorizing Use of Cash Collateral and Provision of Adequate Protection is necessary in order to preserve the operations, value, and integrity of the Debtor’s business, and it is in the best interest of the Debtor, its estate, and creditors. The Debtor is authorized to use cash collateral of Ocwen Loan Servicing, LLC (“Ocwen”) in the ordinary course of its business, subject to the terms of this order; and it is further

ORDERED, that pursuant to Sections 361 and 363(e) of the Bankruptcy Code, and for purposes of Section 507(b) of the Bankruptcy Code, as adequate protection to Ocwen, for the Debtor’s use of Cash Collateral, Ocwen, is hereby granted a post-petition replacement lien and security interest to the extent that such a lien or security interest is not otherwise extended under Section 552(b)(2), in all post-petition property of the estate of the same type against which

Ocwen, held validly perfected and not avoidable liens and security interests as of the Petition Date, and the cash proceeds thereof (the “Replacement Lien”). The Replacement Lien (including that portion extended pursuant to Section 552(b)(2) on post petition rents) shall maintain the same priority, validity and enforceability as such liens on the Cash Collateral, but shall be recognized only to the extent of any diminution in the value of the Collateral resulting from the use of cash Collateral pursuant to this Order. For the purposes of this Order, the term “collateral diminution” or “diminution in value” shall mean an amount equal to the aggregate diminution of the value of the Cash Collateral after the Petition Date. The Replacement Lien shall not attach to any avoidance powers held by any of the Debtor or any trustee for any Debtor, including those avoidance powers set forth in Sections 544, 545, 547, 548, 549, 550, 551 and 553 of the Bankruptcy Code, or to the proceeds of any claims under or actions commenced pursuant to such powers.

2. Except as otherwise defined herein, all words, terms and phrases defined or used in the Motion shall have and be given the same meaning when used herein.

3. Debtor is permitted to use and expend the proceeds of cash collateral, as such term is defined in Section 363, to pay the costs and expenses incurred by Debtor in the ordinary course of business during the period from October 1, 2018 through December 31, 2018 or the date on which this Court enters an order revoking the Debtor’s right to use Cash Collateral subject to the further provisions of this Order (the “Use Period”) in accordance with the budget attached hereto as Exhibit A.

4. The Debtor shall timely file monthly operating reports during this case through the Court’s electronic filing system and provide Ocwen with a copy.

5. The Debtor shall pay Ocwen its monthly mortgage payment of \$6,745.55, each month commencing February 1, 2018. These payments will be the normal mortgage payments and loan payments going forward. These payments will continue pending further order of this Court.

6. The Debtor shall provide Ocwen or its authorized agents with access to the Properties for the purposes of physically inspecting or appraising the same upon Ocwen's reasonable notice and request therefore and a copy of the appraisal shall be provided to the Debtor;

6. The so-called "winding down proviso" set forth in LBR 4001-2 is incorporated by reference as if completely set forth herein.

7. Absent the Court's entry of a further order extending this authorization, and subject to paragraph 6 above, authority to use cash collateral will terminate upon the earliest of: (i) the last day of the Use Period; (ii) appointment of a Trustee pursuant to Bankruptcy Code Section 1104; (iii) conversion of the Debtor's case to one under Chapter 7 of the Bankruptcy Code; (iv) dismissal of the Debtor's case; or (v) entry of an order granting a Motion for Relief from Automatic Stay with respect to any property that is Ocwen's collateral.

A further hearing on the Debtor's Further Use of Cash Collateral shall be held on **December 19, 2018 at 2:00 p.m.** The Debtor shall file and serve a motion requesting such use by **December 3, 2018.** Objections to the ~~final~~ approval of the Motion shall be filed and served by **December 12, 2018.**

Dated: September 28, 2018

/s/ Bruce A. Harwood
Bruce A. Harwood, Chief Bankruptcy Judge

Exhibit A

INCOME:	10/01/2018 to 10/31/2018	11/01/2018 to 11/30/2018	12/01/2018 to 12/31/2018
CASH RECEIPTS			
Rent received	\$10,425.00	\$10,425.00	\$10,425.00
TOTAL CASH RECEIPTS	\$10,425.00	\$10,425.00	\$10,425.00
EXPENSES:			
Ocwen Mortgage	\$ 6,745.55	\$ 6,745.55	\$6,745.55
Escrow for Taxes	\$ 3,200.00	\$ 3,200.00	\$3,200.00
Water bill	\$ 60.00	\$ 60.00	\$ 60.00
Liberty Utilities	\$ 400.00	\$ 400.00	\$ 400.00
Total Cash Paid Out:	\$10,405.55	\$10,405.55	\$10,405.55
Cash position (end of month)	\$ 19.45	\$ 19.45	\$ 19.45