

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

In re:

EAST MAIN COMPLEX, LLC,

Debtor.

Chapter 11

Tax ID 16-1539673

No. 1-17-11789-CLB

Hon. Carl L. Bucki

**INTERIM ORDER AUTHORIZING USE OF CASH COLLATERAL
AND ESTABLISHING DATE FOR FINAL HEARING ON DEBTOR'S
MOTION FOR LEAVE TO USE CASH COLLATERAL**

This matter having come before this Court upon the motion (the "Motion"),¹ of East Main Complex, LLC (the "Debtor"), seeking (a) the mandatory turnover and accounting of the Debtor's Property, (b) authority for the Debtor to use the Cash Collateral in which Manufacturers and Traders Trust Company ("M&T" or, the "Secured Creditor") has or claims a lien or security interest(s) on an emergency basis pursuant to the Emergency Budget, (c.) seeking a determination of this Court that the proposed use of that cash collateral will not otherwise modify the rights of Secured Creditors' and the Secured Creditor's collateral is adequately protected, and (d) to schedule an interim hearing on the Debtor's use of Cash Collateral,

AND, these matters having come on before this Court on an interim basis, on notice to all creditors, on September 29, 2017, 2:00 p.m.; and proper notice, and due deliberation being had thereon; and upon reading said Notice of Motion with Exhibits and after due deliberation being had thereon, for the reasons stated by the Court on the record, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

ORDERED that, the Debtor is hereby authorized and permitted to use cash collateral on an interim basis until the time of a final hearing on the Debtor's Cash Collateral Motion in which the Secured Creditor has or claims a lien or security interests as set forth in the Interim Budget; and it is

ORDERED, that the Debtor shall not deviate from the figures set forth in the Interim Budget by greater than 5% without the prior written consent of M&T and the failure to comply with this provisions shall be grounds for termination of this emergency authority to use cash collateral; and it is further

¹ Capitalized terms utilized but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

ORDERED, that as interim adequate protection to the Secured Creditor, the Secured Creditor is hereby granted "rollover" and replacement liens in post-petition assets of the Debtors of the same relative priority and on the same types and kinds of collateral as it possessed prepetition, as the same may ultimately be determined, to the extent of cash collateral actually used, effective as of the dates of the filings of these cases, without the necessity of any further public filing or other recordation to perfect such liens or security interests; and it is

ORDERED, that as additional adequate protection to the Secured Creditor, Debtor shall forward the regular monthly payments, in the amount of \$15,196, beginning with September, 2017, with each subsequent payment to be made on the 1st day of each month beginning on October 1, 2017, payable to "M&T Bank" and forwarded directly to:

M&T Bank
Attn: Kenneth W. Paulin, Jr.
One Fountain Plaza, 9th Floor
Buffalo, New York 14203

and it is further

ORDERED, that nothing contained in this Order shall be deemed to constitute either a finding by this Court that those liens to be provided pursuant to this Order are themselves sufficient to adequately protect the Secured Creditor's secured claim(s), and the entry of this Order is without prejudice to the Secured Creditor's right to oppose further use of cash collateral or, alternatively, asserting that it is entitled to additional adequate protection of its secured claims, and the entry of this Order is without prejudice to the rights of the Debtor or any other party seeking to challenge the secured status of the Secured Creditor, or to assert that the Secured Creditor's claims are less than fully secured, that the Secured Creditor should be entitled to different protections of its claims; and it is

ORDERED, that a final hearing on the Debtor's Cash Collateral Motion will be held on October 16, 2017 at 10:00 a.m., before the Hon. Carl L. Bucki, in the courtroom usually occupied by him, at the United States Bankruptcy Court, Olympic Towers, 300 Pearl Street, Third Floor, Buffalo, New York 14202-2501; and it is

ORDERED, that the Debtor shall serve copies of this Order ~~and the Debtor's Motion~~: (1) upon the US Trustee, M&T, counsel to M&T, the Receiver, and (2) upon the Debtor's 20 largest unsecured creditors via First Class Mail only on or before ~~October~~ ^{September} 30, 2017 at 5:00 p.m..

ENTER: SEP 29 2017


Hon. Carl L. Bucki
U.S. Bankruptcy Judge

