

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. _____
)
) **Notice of Preliminary Hearing on Motion**
) **For Use of Cash Collateral**
 Debtor(s)) **To Obtain Credit**
) **(Check One)**

YOU ARE NOTIFIED THAT:

1. The undersigned moving party, _____, filed a Motion For Use of Cash Collateral To Obtain Credit (check one). The motion is attached and it includes (1) the statement required by [Local Bankruptcy Form \(LBF\) 541.5](#) and (2) the following allegations:

a. The immediate and irreparable harm that will come to the estate pending a final hearing is _____

_____.

b. The amount of cash collateral credit (check one) necessary to avoid the harm detailed above prior to the final hearing is _____.

2. The name and service address of the moving party's attorney (or moving party, if no attorney) are: _____.

3. A preliminary hearing on the motion will be held as follows:

Date: _____ **Time:** _____ **Location:** _____

Testimony will be received if offered and admissible.

4. If you wish to object to the motion, you must do one or both of the following:

a. attend the preliminary hearing.

b. file a written response, which states the facts upon which you will rely, with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401.

If the response is filed within three business days before the hearing, notify the judge's chambers by telephone immediately after filing the document, as required by Local Bankruptcy Rule (LBR) 9004-1(b).

5. I certify that on _____ this notice and the motion were served pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 7004 on the debtor(s), any debtor's attorney, any trustee, any trustee's attorney, members of any committee appointed under 11 U.S.C. § 1102 or elected pursuant to 11 U.S.C. § 705 or its authorized agent [or, if no committee in a chapter 11 case, on all creditors listed on the list filed pursuant to FRBP 1007(d)], any creditors' committee attorney, the U.S. Trustee, and all entities with any interest in the cash collateral subject to this motion, whose names and addresses used for service are as follows:

Signature of Moving Party or Attorney OSB #

(If debtor is movant) Debtor's Address & Last 4 Digits of Taxpayer ID#(s)

David W. Criswell
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Attorneys for Kenneth S. Eiler, Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re)
HUT Airport Limousine, Inc.,)
Debtor.) **CASE NO. 18-63699**
) **TRUSTEE'S MOTION FOR AUTHORITY**
) **TO USE CASH COLLATERAL**
) **EXPEDITED HEARING REQUESTED**

Pursuant to 11 U.S.C. § 363(c) and Bankruptcy Rule 4001(b) Kenneth S. Eiler, as Chapter 11 Trustee (the “Trustee”), moves this Court for an order (i) authorizing the Estate to use cash collateral on a temporary basis until a final hearing can be held on this motion; and (ii) after a final hearing held pursuant to Bankruptcy Rule 4001(c)(2), a final order authorizing the Estate to use cash collateral during the pendency of this case. In support of this motion, Trustee state as follows:

1. On December 6, 2018 (the “Petition Date”), HUT Airport Limousine, Inc. (“Debtor”) filed its voluntary petition for relief under Chapter 11 of the United State Bankruptcy Code.
2. On January 25, 2019, the Bankruptcy Court entered an Order Approving Appointment of Chapter 11 Trustee.

3. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

4. No official creditors' committee has been established in this case.

5. Columbia State Bank ("Columbia") claims a security interest in substantially all of Debtor's personal property and in certain real property of Debtor.

6. To preserve and maintain the assets of this bankruptcy estate and to preserve the value of the Debtor's business as a going concern, Trustee requires the use of Columbia's cash collateral.

7. Trustee has prepared a 12-week cash collateral budget (attached hereto as Exhibit 1) setting forth the amount necessary for the Trustee's continued operation of the Debtor's business prior to the final hearing and during such 12-week period.

8. Without the use of cash collateral, Debtor has insufficient funds to meet its expenses and other payments set forth in the budget. Debtor has an immediate need to use Columbia's cash collateral to make payroll on Tuesday, February 5, 2019, to make an insurance payment on February 8, 2019, and to pay general operating expenses.

9. It is in the best interest the Estate, its creditors, and its estate for Trustee to use Columbia's cash collateral because the use of cash collateral will allow the continued operation of Debtor as a going concern, will maximize the likelihood of reorganization or going concern sale, and will maximize the recovery to all creditors.

10. To provide adequate protection for the use by Trustee of Columbia's cash collateral, Debtor proposes that Columbia be granted a replacement security interest in and lien upon Debtor's assets generated or acquired from and after the Petition Date of the same category, kind, character, and description as were subject to Columbia's lien on the Petition Date. The adequate protection lien granted to Columbia shall not enhance or improve the position of Columbia.

11. The Estate will suffer immediate and irreparable harm if it is not permitted to use Columbia's cash collateral. Without use of Columbia's cash collateral, Trustee will not be able to pay the Debtor's expenses and other payments set forth in the budget, Debtor's operations will need to cease, and the value of the Estate's assets will be materially diminished.

12. None of the disfavored provisions listed in LBF 541.7 are included in this motion or will be included in the proposed order.

13. A copy of the proposed interim order authorizing use of cash collateral and granting adequate protection will be circulated prior to the hearing on this Motion.

WHEREFORE, Trustee prays that this Court enter an interim order (i) authorizing Trustee to use cash collateral, pending a final hearing on this motion; (ii) granting to Columbia adequate protection as herein proposed or is otherwise approved by the Court; and (iii) setting a final or continued hearing on this motion.

DATED: January 30, 2019

LANE POWELL PC

By s/ David W. Criswell

David W. Criswell

OSB No. 925930

Telephone: 503.778.2100

Facsimile: 503.778.2200

Attorneys for Kenneth S. Eiler, Trustee

HUT Airport Limousine, Inc.

	02/03/2019	02/10/2019	02/17/2019	02/24/2019	03/03/2019	03/10/2019	03/17/2019	03/24/2019	03/31/2109	04/07/2019	04/14/2019	04/21/2019	04/28/2019
Gross Receipts:	\$30,492.00	\$30,492.00	\$30,597.00	\$32,597.00	\$47,206.00	\$49,206.00	\$51,951.00	\$53,465.00	\$56,206.00	\$35,938.00	\$35,938.00	\$35,938.00	\$35,938.00
Reservations 95%, Accts Receivable 4%, Walk-ups 1%													
TOTAL INCOME	\$30,492.00	\$30,492.00	\$30,597.00	\$32,597.00	\$47,206.00	\$49,206.00	\$51,951.00	\$53,465.00	\$56,206.00	\$35,938.00	\$35,938.00	\$35,938.00	\$35,938.00
Indirect fleet expenses:													
Bus Internet & Cell Phones: 15th	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00	\$702.00
Fleet Fuel: 8th & 24th	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00	\$5,200.00
Bus License Fees: DMV, City of Eugene, PDX	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00
Bus Repair & Maintenance: NAPA, Gills Point S (Tires), G&G Auto Care Supply,	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00
Peterson Trucks	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00
Bus Towing: BC Towing, Bob's	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00
Airport Usage Fees: Port of Portland	\$0.00	\$700.00	\$0.00	\$0.00	\$0.00	\$700.00	\$0.00	\$0.00	\$0.00	\$700.00	\$0.00	\$0.00	\$0.00
Total Fleet Expenses:	\$6,822.00	\$7,522.00	\$6,822.00	\$6,822.00	\$6,822.00	\$7,522.00	\$6,822.00	\$6,822.00	\$6,822.00	\$7,522.00	\$6,822.00	\$6,822.00	\$6,822.00
Passenger Transport: Oregon Taxi, Radio Cab, Willamette Valley Yellow Cab, Beaver Taxi	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
Office/Facility Exp. and Advertising													
Sierra Springs Water	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
American Rooter	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00
Alisco	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00	\$240.00
Alarm Monitoring	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00
Telephone & Internet: Comcast	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00
Web and HUT internet: Peak	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00	\$1,268.00
Utilities: NW Natural & Pacific Power	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00	\$327.00
Statenman Journal Subscription Salem	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00
Office Supplies: Paper, printer ink, paper towels, Tp, cups, coffee, etc.	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00
Advertising: KBZY, Craigslist, Statesman Journal, HIBU, Local Pages, Vivial, Franklin Press	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00
	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00
Rent													
Albany Comfort Inn & Suites	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00
Best Western Beginning 2/5/2019	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
City of Salem	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00	\$831.00
Professional Services: ADP	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00
Insurance: Commercial auto/umbrella, Building (\$15,000) SAIF (\$3000)	\$0.00	\$18,000.00	\$0.00	\$0.00	\$0.00	\$18,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,000.00	\$0.00	\$0.00

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2019, I caused to be served a copy of the foregoing TRUSTEE'S MOTION FOR AUTHORITY TO USE CASH COLLATERAL on the following person(s) in the manner indicated below at the following address(es):

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by CM/ECF

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by USPS First Class Mail

s/ David W. Criswell
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