

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

AUTO MASTER EXPRESS, INC.

Debtor

Case No. 18-01464 ESL

Chapter 11

MOTION TO PROHIBIT USE OF CASH COLLATERAL

TO THE HONORABLE COURT:

NOW COMES, Banco Popular of Puerto Rico (“BPPR”), by its undersigned counsel, and respectfully requests and prays as follows:

1. On March 21, 2018, Debtor filed its voluntary petition under Chapter 11 of the Bankruptcy Code. *See Docket 1.*
2. On the April 10, 2018, Debtor filed before this Court a Motion for Use of Cash Collateral. *See Docket 18.*
3. On May 3, 2018, Banco Popular opposed said use, as the \$1,000 adequate protection payment provided was too low. *See Docket 28.*
4. On June 15, 2018, Banco Popular and Debtor reached an agreement in which Debtor was allowed to use the cash collateral derived from Debtor’s rents for the months of June and July paying BPPR a monthly amount of \$2,500.00. *See Docket 53.*
5. The Parties agreed that the Debtor was not authorized to use BPPR’s cash collateral other than as stated in the Stipulation.
6. The use of the cash collateral expired on July 31, 2018. As of this date the Parties have not reached an agreement for further use of the cash collateral.

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7. Rents are “cash collateral” as defined in Section 363(a) of the Code. Thus, the use of such collateral in the hands of the debtor, whether such funds were collected before or after the filing under Chapter 11, are subject to the restrictions of section 363(c) and sections 361 and 362 of the Code.

8. Debtor has not filed additional budgets or requested the continued use of cash collateral.

9. Banco Popular has not consented to the use of its cash collateral under section 363(c), and objects to the further unrestricted use of its cash collateral by Debtors.

10. That no search of the Department of Defense Manpower Data Center is needed as Debtor is a corporation.

WHEREFORE, it is respectfully requested that this Honorable Court enter an order:

1. Prohibiting and or restricting, under section 363(e) of the Bankruptcy Code, the Debtor’s use of BPPR’s cash collateral interests over rents previously collected or to be collected by the Debtor herein;
2. For such further relief as the court deems just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 3rd day of October of 2018.

NOTICE

14-DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST: YOU ARE HEREBY NOTIFIED THAT YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INEREST OF JUSTICE

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REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

CERTIFICATE OF SERVICE: We hereby certify that on this same date, we electronically filed the foregoing with the Clerk of the Court through the CM/ECF system which will send notification to the parties to their registered e-mail addressed.

DAGMAR FERNANDEZ, ESQ.

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