

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

In re:

AGAWAM HUNT, LLC
Debtor-In-Possession

BK 17-10056
CHAPTER 11

**CONSENT MOTION FOR ORDER APPROVING CONTINUED
USE OF CASH COLLATERAL**

Agawam Hunt (“Debtor-In-Possession” or “Debtor”) hereby moves this Court for entry of an Order, pursuant to 11 U.S.C. §363, approving Debtor’s continued use of cash collateral for the period of November 3, 2017 through December 15, 2017 and to provide adequate protection of the Secured Creditor’s collateral position to the extent as proposed and as more fully set forth in the previous Order (Doc No. 71) and the Proposed Order filed in conjunction with this Motion. The Bank sold its Loan Documents, including its Notes, security for said Notes and rights under previously entered Cash Collateral Orders in this case, to a third party owned by a group of members of Debtor, named New Agawam, LLC (“LLC”). LLC is now the holder of all Bank’s Loan Documents, including Notes and security for said Notes. Debtor and LLC have consented to Debtor’s continued use of LLC’s Cash Collateral to continue the operation of its business and maintain its workforce.

In support of this Motion, the Debtor states the following:

The Court entered a Final Order by consent, on February 6, 2017 (Doc No. 41) authorizing use of Bank’s cash collateral. The Order authorized the Debtor’s use of Cash Collateral through March 8, 2017. With the consent of the U.S. Trustee and Bank, the Debtor filed a proposed amended order to use Cash Collateral for an additional thirty (30) days through April 8, 2017, subject to certain terms and conditions as set forth. An Order was entered by the Court on March 27, 2017 (Doc No. 57) authorizing continued use through April 8, 2017. The Debtor filed an Emergency Motion for Order Approving Continued Use of Bank’s Cash Collateral on March 31, 2017 (Doc No. 59) and the Court entered an Order authorizing continued use through May 9, 2017 (Doc No. 63). The Debtor filed an Emergency Order Approving Continued Use of Bank’s Cash Collateral on May 5, 2017 (Doc No. 70), and the Court entered an Order authorizing continued use through May 20, 2017 (Doc No. 71).

Debtor was advised on May 12, 2017 that Bank sold its Loan Documents to LLC. LLC has consented to permit Debtor the continued use of its Cash Collateral under substantially the same terms and conditions as were set forth in the several prior Cash Collateral Orders Debtor entered into with Bank that were approved by Orders of this Court. The present Cash Collateral Order between the Debtor and LLC expires November 2, 2017.

Debtor has been and is continuing to negotiate the terms of a plan with LLC, Debtor's members and Debtor's creditors. Without the use of LLC's Cash Collateral after November 2, 2017, Debtor will be unable to fund continued operations and will have to close. Debtor desires to continue to operate and continue its negotiation to propose a plan to pay LLC and other creditors. The Debtor seeks continued use of LLC's Cash Collateral through December 15, 2017.

LLC consents to use of its Cash Collateral through December 15, 2017 pursuant to the terms and conditions set forth in the attached Proposed Order.

WHEREFORE, the Debtor requests entry of an order allowing its continued use of the LLC's Cash Collateral through December 15, 2017 in order to continue operations while it continues to negotiate and prepare its plan.

Agawam Hunt,
By its attorney,

/s/ Peter J. Furness, Esq.
Richardson, Harrington & Furness
182 Waterman St.
Providence, RI 02906
Phone: (401) 273-9600
peter@rhf-lawri.com

Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted 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 interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2017 I electronically filed this document with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participants have received a copy of this document by email on October 9, 2017, including the US Trustee's Office, the Secured Creditor and the 20 Largest Creditors:

Gary L. Donahue, Esq.	Gary.L.Donahue@usdoj.gov
Sandra L. Nicholls, Esq.	Sandra.Nicholls@usdoj.gov
New Agawam, LLC	rland@crflp.com
Bank Rhode Island	jmdiorio@dioriolaw.com klforbes@dioriolaw.com gHPalmer@dioriolaw.com
City of East Providence	sdelsesto@dbslawfirm.com
Almon C. Hall	(member served at his last known email address)
Bruce C. Wilks	(member served at his last known email address)
Carol A. Peterson	(member served at her last known email address)
Charles Ransom	(member served at his last known email address)
Frank Mauran, IV	(member served at his last known email address)
Glenn Creamer	(member served at his last known email address)
Gregory Benik	(member served at his last known email address)
Harrell's LLC	BSCHOPPMAN@Harrells.com
John W. Wall	(deceased member)
Lawrence & Lisa Pryor	(member served at his last known email address)
Louis S. Mauran	(member served at his last known email address)
Malcom G. Chace Trust	(deceased member served at his last known email address of his daughter Elizabeth Chace)
Marion H. Mariner	(member served at her last known email address)

Nathan W. Chace (member served at his last known email address)

National Grid Legal Department APBankruptcy@NationalGrid.com

Norman Alberigo (member served at his last known email address)

R. Powers & Dorianne Defeo (member served at his last known email address)

Sheridan K. Howes (member served at his last known email address)

Thomsen Food Service ebtwo@gmail.com

Winfield W. Major (member served at his last known email address)

/s/ Kristen Oscarson