

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:

NELSON, INC.

Case No. 17-29082-DSK

Debtor.

Chapter 11

EMERGENCY MOTION TO USE CASH COLLATERAL

Comes now the Debtor, by counsel, and for their expedited Motion to Use Cash Collateral would respectfully show the following:

1. By this motion, the Debtor requests (a) pursuant to sections 105, 361, 362, 363 and 507 of title 11 of the United States Code (the "Bankruptcy Code"), (a) authority to use asserted Cash Collateral (b authority to grant adequate protection to the seven creditors listed in Exhibit A , and (c) the scheduling of a final hearing (the "Final hearing") thereon. In accordance with Rule 4001 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), below is a summary of the terms of the proposed use of Cash collateral (as defined below):

(i) Parties with interest in Cash Collateral.

Great American Insurance Company (\$850,000) Jones Walker L.L.P. for the benefit of Integrated Construction LLC (\$400,000) Joree Brownlow Attorney (\$338,606) Darrell O'Neal Attorney (\$9,125) Dedrick Brittenaum Attorney (\$25,000) Asmor Schor Attorney (\$81,139) Kendal Dinelli Consulting (\$177,234) assert an interest to that certain Suntrust Bank account containing 2.6 million

dollars. Debtor does not object to the assertion of parties as set forth on the attached Exhibit A who have an interest to the proceeds of the Suntrust "trust" account.

(ii) Use of Cash Collateral

The asserted Cash Collateral is proposed to be used by the Debtor to pay expenses for payroll in continued construction operations and disaster relief efforts in Florida from the aftermath of Hurricane Irma which is Debtor's core business. Debtor is seeking use of \$320,000 to meet these immediate operation expenses as set forth on the attached Budget Exhibit B.

Debtor claims in an interest in the Suntrust "trust" account in the amount of \$700,000 dollars.

(iii) . As Adequate Protection,

Upon execution of appropriate waivers and releases the seven creditors listed in Exhibit A shall receive \$1,881,104 from the Suntrust Bank Account

On October 15, 2017 , (the "Commencement Date"), the Debtor filed a Petition for Relief under Chapter 11 of the United States Bankruptcy Code. The Debtor is authorized to operate their business and manage their property and construction projects as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. A significant part of the Debtor's business centers on the management of construction projects in Tennessee and Florida.

3. The court has jurisdiction to consider this matter pursuant to 28 U.S.C. 157 and 1334.

This is a core proceeding pursuant to 28U.S.C. 157(b). Venue is proper before this Court pursuant to 28 U.S.C. 1408 and 1409.

4. By this Motion, Debtor request (a) pursuant to sections 105, 361, 362 363 and 507 of the Bankruptcy Code authority to use asserted Cash Collateral, (b) authority to grant adequate protection to Great American, and (c) scheduling of the final Hearing pursuant to Bankruptcy Rule 4001.

5. Debtor has an immediate need for cash to continue to operate the construction business. The Debtor's ability to maintain business relationships with contractors is essential to the Debtor's reorganization and the value of their business. Without the ability to use Cash Collateral the continued operation of the construction business will not be economically feasible and the value of the business will deteriorate as a result.

6. For the above reasons the debtor has determined in the exercise of their sound business judgment that the use of asserted Cash Collateral is required for the maintenance and preservation of the business, its contracts and properties , the operation of the business immediate payroll on Friday October 20 and each Friday thereafter and the payment of expenses attendant thereto. The Debtor hereby requests authority to use the asserted Cash Collateral for the management and operation of the Construction Business with the budget attached hereto as Exhibit B.

Wherefore premises considered, Pursuant to Bankruptcy Rule 4001, the Debtors requests that the Court authorize the use of Chase's asserted Cash Collateral, and for such other relief as the Court deems proper.

Respectfully submitted,
/s/ Paul A. Robinson Jr.

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CERTIFICATE OF SERVICE

I, Paul Robinson, do hereby certify that a true and genuine copy of the foregoing pleading has been served on all parties listed on the Matrix by electronic notice or U.S. Mail, this 18th Day of October , 2017.

/s/ Paul Robinson

Paul Robinson