




CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

**The following constitutes the ruling of the court and has the force and effect therein described.**

**Signed October 4, 2016**

  
\_\_\_\_\_  
**United States Bankruptcy Judge**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

In Re: §  
§  
Grimmett Brothers, Inc., § Case No. 16-50183-rlj11  
§ Chapter 11 Proceeding  
*Debtor.* §

**AGREED ORDER AUTHORIZING INTERIM USE OF CASH COLLATERAL**

CAME ON FOR CONSIDERATION the Motion of Grimmett Brothers, Inc., Debtor in Possession herein, for an order authorizing the use cash collateral and providing adequate protection for such use (“Motion”) [doc. no. 29], and the court having considered the matter; it is therefore

ORDERED that the Debtor shall be and is hereby authorized to use cash collateral on an interim basis, consisting of the Debtor’s accounts receivable, to pay normal and ordinary expenses incurred in continuing its operations until the earlier of the effective date of the Debtor’s plan of reorganization or further order of this court; and it further

ORDERED that the Debtor is authorized to spend no more than \$300,000.00, derived from the above-described cash collateral, until October 10, 2016 (the day after the date deadline to object to this Motion), at which time the Debtor will be entitled to use cash collateral at set forth in its Motion, provided that there are no objections filed against the Motion. If an objection to the Motion is filed, the Court will determine, after

conducting a hearing on this matter, how much cash collateral the Debtor is entitled to use. It is further

ORDERED that to adequately protect the interests of West Texas State Bank of Snyder, Texas (“WTSB”) in its prepetition collateral for the Debtor’s use of cash collateral as requested, the Debtor will provide WTSB with a lien on post-petition assets of the same class as those in which there exists a properly perfected pre-petition security interest, which would secure the allowed secured claims of WTSB. The Debtor would also provide a pre-confirmation lien on Debtor’s 319.4 acres of land located at 2000 CR 1163 Hermleigh, TX 79526 having the legal description of north half of Section 28, H&TC Survey, Block 2, Scurry County, Texas. It is further

ORDERED that the Debtor will send copies of its monthly operating reports as well as copies of its monthly financial statements to the attorney for WTSB , or its designee, no later than the 25<sup>th</sup> of each month following the month of each reporting period; and it further

ORDERED that WTSB would be entitled to a superpriority lien pursuant to 11 U.S.C. § 507(b) to the extent that the amount of its lien against the Debtor’s cash collateral is diminished. It is further

ORDERED that the Debtor will deposit all of the Cash Collateral in a “Debtor In Possession” bank account. The cash collateral account shall be maintained for the purpose of complying with this Order. The Debtor shall comply with all rules and regulations of the Office of the United States Trustee in connection with the account referenced above.

### END OF ORDER ###

Submitted by:

/s/ Max R. Tarbox

Max R. Tarbox  
Tarbox Law, P.C.  
*Attorney for the Debtor*

Agreed to:

/s/ Dax D. Voss

Dax D. Voss

Field, Manning, Stone, Hawthorne & Aycock, P.C.

*Attorney for the West Texas State Bank*