



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: November 15, 2018.

**CRAIG A. GARGOTTA
UNITED STATES BANKRUPTCY JUDGE**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**IN RE: §
SUMMIT HME, INC. § CASE NO. 18-52675-CAG
DEBTOR § CHAPTER 11**

**INTERIM ORDER ON EMERGENCY MOTION
PURSUANT TO 11 U.S.C. § 363 FOR AUTHORITY TO
USE CASH COLLATERAL IN THE ORDINARY COURSE,
PROVIDE ADEQUATE PROTECTION AND FOR PRELIMINARY HEARING**

On this date, came on for consideration the Debtor’s Emergency Motion, pursuant to 11 U.S.C. § 363, for Authority to Use Cash Collateral in the Ordinary Course, Provide Adequate Protection and for Preliminary Hearing (the “Motion”). After considering the Motion, the evidence presented, and the statements and argument of counsel, the Court finds that, on an interim basis, the use of cash collateral is in the best interests of Debtor and its bankruptcy estate and should be approved. Based upon the Certificate of Service attached to the Motion, the Court finds that notice of the Motion was provided to Debtor’s alleged secured creditors. The

Court further finds that without interim relief pursuant to Rule 4001(b)(2) of the Federal Rules of Bankruptcy Procedure, Debtor and its estate will be immediately and irreparably harmed.

It is therefore, **ORDERED, ADJUDGED and DECREED** that the Debtor is hereby temporarily authorized to use cash collateral to pay ordinary and necessary operating expenses pending a final hearing for the purposes contained in the budget attached hereto as Exhibit "A".

It is further, **ORDERED, ADJUDGED and DECREED** that the Debtor may exceed any line item on the budget by 25% so long as it does not exceed the total allowance for cash collateral for the month by more than 10%.

It is further, **ORDERED, ADJUDGED and DECREED** that all parties with an interest in cash collateral are granted a replacement lien to the same extent, priority and validity as their pre-petition liens.

It is further, **ORDERED, ADJUDGED and DECREED** that this order shall be without prejudice to any secured creditor filing a separate motion for adequate protection.

It is further, **ORDERED, ADJUDGED and DECREED** that the Court will conduct a final hearing on the Motion on December 12, 2018, at 10:00 a.m. before the United States Bankruptcy Court, Courtroom No. 3, Fifth Floor, Old Post Office Building, 615 East Houston Street, San Antonio, Texas. Any objections to the relief requested shall be filed on or before 72 hours prior to the filing hearing and shall be served on the latest version of the Debtor's Master Limited Service List. Debtor shall be responsible for notice of this hearing.

###

Order Submitted By:

H. Anthony Hervol
LAW OFFICE OF H. ANTHONY HERVOL
4414 Centerview Drive, Suite 200
San Antonio, Texas 78228
(210) 522-9500
(210) 522-0205 (Fax)
email: hervol@sbcglobal.net

Exhibit "A"
 SUMMIT BUDGET
 NOV 2018 - JAN 2019

DESCRIPTION	NOV	DEC	JAN
Revenue	300,000	305,000	315,000
TOTAL REVENUE	300,000	305,000	315,000
COST OF GOODS			
Supplies	25,000	40,000	43,280
Equipment	30,000	60,000	62,000
Equipment Rental	9,000	9,150	9,450
Maintenance & Repairs	1,944	1,944	3,900
Freight Costs	1,025	1,025	1,025
TOTAL COG	66,969	112,119	119,655
GROSS PROFIT	233,031	192,881	195,345
OPERATING EXPENSES			
Advertising & Promotion	200	200	200
Answering Service (Gem Communications)	450	450	450
Auto Notes (6 company vehicles)	3,202	3,202	3,202
Auto Expense (Exxon, Shell, & Valvoline)	4,543	4,543	4,543
Auto Repairs	150	150	150
Auto Insurance (Nationwide)	2,884	2,884	2,884
Bank Charges (Bank charges & Merchant Fees)	4,159	4,159	4,159
Cleaning Services (Jan Pro)	525	525	525
Computer Support (CompuWork & 3NG Network)	2,750	2,750	2,750
Contract Labor (Incidental)	130	130	130
Dues & Subscriptions (QB, Costco, Sams, MedAct)	8,387	1,549	2,253
Employee Education (Aspirant Education, Inc.)	2,656	0	0
Entertainment & Meals (marketing expenses)	500	500	500
Insurance - Employment Practice (Hartford)	770	770	770
Insurance - General Liability (VGM)	1,067	1,067	1,067
Insurance - Health Care (United, AFLAC)	14,510	14,510	14,510
Insurance - Worker's Comp (Texas Mutual)	471	471	471
Insurance - Garage Keepers	0	0	0
Insurance - Life & Dental (Metlife)	2,114	2,114	2,114
Insurance - Life for Shawn (Mass Mutual)	237	237	237
Legal & Professional (CPA & Legalshield)	1,628	128	128
Licenses	0	0	0
Office Equipment Rental (Copier, Printer, Meter)	1,555	1,115	1,115
Office Supplies (Quill and Sam's)	1,392	1,392	1,392
Office Rent (Eastgroup)	13,251	13,251	13,251
Postage	2,600	2,600	2,600
Printing (Hessler, Letterjacket)	300	1,100	1,100
Salaries (Net)	110,610	78,506	78,506
Security Services (Johnson Controls)	400	0	0
Shredding Services (Data Shred)	100	100	100

SUMMIT BUDGET
NOV 2018 - JAN 2019

Property Taxes (Albert Uresti)	2,839	2,839	0
Payroll TAXES	34,289	24,337	24,337
Telephone (ATT&T, Time Warner, Billing, Alpheus)	1,000	1,000	1,000
Telephone - Cellular (Verizon)	1,000	1,000	1,000
US Bankruptcy Trustee Fee	1,625	1,625	1,625
Utilities (CPS, Republic, Riteway, Century Pest)	2,051	2,171	2,051
Warehouse Expenses (Cintas, Concentra)	400	400	400
TOTAL OPERATING EXPENSES	224,745	171,775	169,520
NET INCOME	8,286	21,106	25,825