

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re:

**VANSCOY CHIROPRACTIC
CORPORATION HOLISTIC
HEALTH CENTER,**

**Case No. 17-30271
Chapter 11**

Debtor.

MOTION FOR ORDER AUTHORIZING USE OF CASH COLLATERAL

The debtor, VanScoy Chiropractic Corporation Holistic Health Center, by counsel, Joseph W. Caldwell, hereby moves the Court pursuant to Bankruptcy Code, Section 363, for an order authorizing use of cash collateral, and in support thereof asserts as follows:

1. On June 12, 2017, the Debtor filed a Chapter 11 bankruptcy petition in this Court and since that time has remained in possession of its property and the operation of its business.
2. The Internal Revenue Service of the United States of America; West Virginia State Tax Department; and First Bank of Charleston hold secured claims against the Debtor and the Debtor's accounts receivable which have a value of approximately \$86,000. The Debtor is still investigating the exact lien priority of the taxing authorities and the Bank.
3. The Debtor wishes to adequately protect those creditors who hold a lien on cash collateral.
4. The Debtor proposes that the secured creditors be given a post-petition replacement lien on the Debtor's cash collateral, including accounts receivable as adequate protection for use of pre-petition accounts receivable.
5. Prior to the filing of this case, First Bank of Charleston levied upon certain account debtors pursuant to a Writ of Execution and Suggestion which was issued by the Circuit Clerk of Putnam County, West Virginia. Proceeds in the approximate sum of \$16,000 are currently held by First Bank of Charleston.

6. The Debtor will present a budget prior to a final hearing on this matter showing its anticipated month payroll and operating expenses.

7. Interruption of the flow of accounts receivable were creating a significant hardship upon the Debtor's operations and could lead to an immediate shutdown without the ability to pay employees, taxes or other obligations to the detriment of all creditors in this case.

8. No unsecured credit nor alternative secured financing arrangements are available to the Debtor in an amount sufficient to meet the Debtor's monthly operating needs.

WHEREFORE, the Debtor requests that the Court schedule a hearing pursuant to Bankruptcy Rule 4001, and 11 U.S.C. § 363 granting the Debtor the authority to use cash collateral as is necessary to prevent irreparable harm to the bankruptcy estate; that a final hearing subsequently be conducted to allowed the Debtor to continue to use cash collateral pursuant to a budget as to be provided to the Court and to creditors; that the Court grant a secured creditors a post-petition lien on the Debtor's accounts receivable in the same priority as existed pre-petition; and for such other and further relief as the Court deems appropriate.

VANSCOY CHIROPRACTIC CORPORATION
HOLISTIC HEALTH CENTER

By Counsel

/s/ Joseph W. Caldwell
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the attached **MOTION FOR ORDER AUTHORIZING USE OF CASH COLLATERAL** was served electronically upon the following: ustpreregion04.ct.ecf@usdoj.gov - Office of the U.S. Trustee, and upon the following as set forth below by depositing a true copy(s) thereof in the United States mail, postage prepaid, on this 19th day of July, 2017.

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/s/ Joseph W. Caldwell
Joseph W. Caldwell