

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:)	BK No.: 11-51502
1555 WABASH LLC, an Illinois limited)	
liability company,)	Chapter: 11
)	Honorable Jacqueline Cox
)	
)	
Debtor(s))	

FOURTH ORDER AUTHORIZING INTERIM USE OF
CASH COLLATERAL AND GRANTING RELATED RELIEF

THIS MATTER COMING TO BE HEARD upon the Motion of 1555 WABASH, LLC, an Illinois limited liability company, Debtor/Debtor-in-Possession herein, For Authority to Use Cash Collateral pursuant to Section 363 of the Bankruptcy Code (the "Motion"); proper notice as required by Rule 4001(b) of the Federal Rules of Bankruptcy Procedure having been provided; AMT CADC Venture, LLC ("Senior Lender") having made limited objections to the Debtor's continued use of cash collateral; this Court having conducted an evidentiary hearing and determined that the Debtor's use of cash collateral to cover the expenditures set forth on Exhibit A hereto is necessary to avoid immediate and irreparable harm to the Debtor's estate pending a final hearing on the Motion; and this Court being fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

A) The Debtor is authorized to use cash collateral during the period July 1, 2012, through August 31, 2012, to the extent set forth on Exhibit A hereto;

B) In return for the Debtor's interim use of cash collateral, the Senior Lender and Weyerhaeuser Realty Investors (collectively, the "Lenders") are granted the following adequate protection for their purported secured interests:

1. The Debtor will permit the Lenders to inspect, upon reasonable notice, within reasonable hours, the Debtor's books and records;

2. The Debtor shall maintain and pay premiums for insurance to cover all of its assets from fire, theft and water damage;

3. The Debtor will maintain sufficient cash reserves for the payment of post-petition real estate taxes when such real estate taxes become due and payable;

4. The Debtor shall, upon reasonable request, make available to the Lenders evidence of the Lenders' collateral or proceeds thereof;

5. The Debtor will properly maintain the Property in good repair and properly manage such Property; and

6. The Senior Lender shall be granted a priority claim pursuant to Section 507(b) of the Bankruptcy Code and valid, perfected, enforceable security interests in and to Debtor's post-petition assets, including all proceeds and products which are now or hereafter become property of this estate to the extent and priority of their alleged pre-petition liens, if valid, but only to the extent of any diminution in the value of such assets during the period from the commencement of the Debtor's Chapter 11 case through the next hearing on the use of cash collateral.

C) The Debtor is only authorized to make the expenditures set forth on Exhibit A hereto plus no more than 10% of the total proposed expenses, unless otherwise agreed by the Senior Lender or upon further Order of this Court;

D) Any expense on Exhibit A hereto that is budgeted for payment in one month but is not paid in such month shall be carried over for payment by the Debtor in subsequent months;

E) This Chapter 11 case shall proceed as a "single asset real estate" case within the meaning of Section 101(51)(B) of the Bankruptcy Code;

F) With respect to payments made by the Debtor to the Senior Lender under Section 362(d)(3) of the Bankruptcy Code, all rights, claims and defenses of the Debtor and the Senior Lender are reserved with respect to such payments to the extent consistent with this Court's order dated June 19, 2012; and

G) The Debtor shall provide the Senior Lender with a copy of the monthly cash flow statement and monthly financial statements of the Homeowners Association for the Property and a monthly variance report relating to the cash collateral budget on or before the 15th day of the month following the month covered by such cash flow statement, financial statements and cash collateral budget; and

H) A final hearing on the Motion is scheduled before this Court on August 28, 2012, at 10:00 a.m., in courtroom 680, 219 S. Dearborn Street, Chicago, Illinois before Judge Cox.

Enter:

Jacqueline P. Cox
J.P. Cox

Honorable Jacqueline Cox

United States Bankruptcy Judge

Dated:

6/28/12

Prepared by counsel of Movant:

David K. Welch, Esq.

(Atty. No. 06183621)

Arthur G. Simon, Esq.

(Atty. No. 03124481)

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(Atty. No. 06242750)

Crane, Heyman, Simon, Welch Clar

135 South LaSalle Street, #3705

Chicago, IL 60603

P-312 641-6777

Cash Collateral.ORD.No.03

Rev: 20101008_bko

Exhibit A

	A	B	C	D
1	1555 WABASH			
2				
3	2MONTH CASH FLOW PROJECTION			
4				
5		Jul-12	Aug-12	Total
6				
7	Income			
8	Rental income - Units	209,274	210,824	420,098
9	Uncollectable/Late/Credits	(10,000)	(10,000)	(20,000)
10	Rental income - Parking	8,700	8,850	17,550
11	Rental income - Retail	0	0	0
12	Admin fee/Pet fee	0	0	0
13	Late fee/NSF fee	100	100	200
14	Application fee	0	0	0
15	Interest income	0	0	0
16	Miscellaneous income			0
17	Total Income	208,074	209,774	417,848
18				
19				
20	Operating Expenses			
21	Management office expenses			
22	Cleaning	75	75	150
23	Communications	100	100	200
24	Postage and delivery	50	50	100
25	Repairs & maintenance	50	50	100
26	Supplies	90	90	180
27	Total Management Office Expenses	365	365	730
28	Leasing & marketing expenses			
29	Credit check fees	50	50	100
30	Internet marketing	150	150	300
31	Leasing commissions - Lease renewals	13,814	9,751	23,565
32	Leasing commissions - New leases	4,876	3,250	8,126
33	Media	900	900	1,800
34	Signage	300	300	600
35	Total Leasing & marketing expenses	20,090	14,401	34,491
36	Vacant Unit assessments			
37	Assessments - Units	47,798	47,798	95,596
38	Assessments - Parking	8,255	8,255	16,510
39	Assessments - Retail	2,110	2,110	4,220
40	Total Vacant Unit assessments	58,163	58,163	116,326
41	Repairs & maintenance - Rental Units			
42	Labor	2,900	3,900	6,800
43	Material	1,500	1,500	3,000
44	Warranty	500	500	1,000
45	Make Ready	2,400	2,400	4,800
46	Contingency	3,500	3,500	7,000
47	Total Repairs & maintenance - Rental Units	10,800	11,800	22,600
48	Other operating expenses			
49	Bank charges	50	50	100
50	Bankruptcy Qtrly Fees	5,000	0	5,000
51	Dues & subscriptions for LLC	0	0	0
52	Penalties & fines	0	0	0
53	Rental unit insurance	6,200	6,200	12,400
54	Property management fee	8,323	8,391	16,714
55	Salaries	0	0	0
56	Payroll taxes	0	0	0
57	Total Other Operating Expenses	19,573	14,641	34,214
58	Real estate tax reserve at 1.05			
59	Real estate taxes - Units	12,497	12,497	24,994
60	Real estate taxes - Parking	2,258	2,258	4,515
61	Real estate taxes - Retail	1,085	1,085	2,171
62	Miscellaneous	0	0	0
63	Total Real estate tax reserve	15,840	15,840	31,679
64	Utilities - Vacant Units			
65	Electricity	1,500	1,500	3,000
66	Other utilities	0	0	0
67	Total Utilities	1,500	1,500	3,000
68				
69	Total Operating Expenses	126,330	116,710	243,040
70				
71	Operating Income	81,744	93,064	174,808
72				
73	Interest expense			
74	Interest on \$25M at prime, 3.25%	59,583	59,583	119,167
75				
76	Net Income	22,160	33,481	55,641
77	Running Balance	350,000	372,160	405,641
78		* Estimated Cash Balance 6/30/12		
79				
80				
81	Average rent - Unit	1,550	1,550	1,550
82	Average rent - Parking	75	75	75
83				
84				
85	Units rented at beginning of the month	120	135	136
86	Lease expirations	(17)	(19)	(14)
87	Lease renewals	16	17	12
88	New leases	16	3	2
89	Units rented at end of the month	135	136	136
90				
91	Parking rented at beginning of the month	113	116	118
92	Lease expirations	(15)	(18)	(14)
93	Lease renewals	13	17	12
94	New leases	5	3	3
95	Parking rented at end of the month	116	118	119