

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	
	§	
	§	
FOREST PARK MEDICAL CENTER	§	CASE NO. 15-41684 - BTR
AT FRISCO, LLC,	§	(Complex Chapter 11)
	§	
DEBTOR.	§	

FINAL ORDER GRANTING DEBTOR'S EMERGENCY MOTION PURSUANT TO SECTIONS 105(a), 345(b), 363(c) AND 364(a) OF THE BANKRUPTCY CODE FOR AUTHORIZATION TO (I) CONTINUE TO LIMITED USE OF EXISTING CASH MANAGEMENT SYSTEM AND (II) MAINTAIN EXISTING BANK ACCOUNTS AND (III) WAIVING CERTAIN DEPOSIT GUIDELINES

Upon consideration of the Motion, dated September 22, 2015 (the "Motion"),¹ of Forest Park Medical Center at Frisco, LLC, as debtor and debtor-in-possession (the "Debtor"), for an order pursuant to Sections 105(a), 345(b), 363(c), and 364(a) of Title 11 of the United States Code (the "Bankruptcy Code") for (I) authorization to continue to use its existing cash management system (the "Cash Management System") for limited purposes; (II) to maintain existing bank accounts (the "TCB Accounts"); and (III) a waiver of certain deposit guidelines for a limited time, as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and venue of this case and the Motion in this district being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having determined that the

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

relief requested in the Motion is in the best interests of the Debtor, its estate, its creditors and other parties in interest; and due and proper notice of the Motion having been given, and it appearing that no other or further notice need be provided; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation; and sufficient cause appearing therefor, it is

ORDERED that the Debtor is authorized and empowered, on a **FINAL** basis, pursuant to Sections 105(a) and 363(c) of the Bankruptcy Code, to continue to manage its cash pursuant to the Cash Management System maintained by the Debtor before the commencement of this Chapter 11 Case, and to collect, concentrate, and disburse cash in accordance with that Cash Management System to the extent set forth in the Motion and as further agreed by the Debtor, TCB and Sabra, and to also open and/or maintain new debtor-in-possession accounts at Bank of Texas, or any other authorized depository institution, for debtor in possession financing funds and proceeds thereof; and it is further

ORDERED that the Debtor's funds held in the TCB Accounts shall be deemed to comply with Section 345 of the Bankruptcy Code,; and it is further

ORDERED that the Debtor is authorized, to the limited extent set forth in the Motion, and/or as agreed to by the Debtor, TCB and Sabra, to: (i) maintain its existing TCB Accounts in the names and with the account numbers existing immediately prior to the commencement of its Chapter 11 Case for the purpose of continued collection of accounts receivable that were generated prior to the Petition Date, and (ii) withdraw funds from such accounts by all usual means including, without limitation, checks, wire transfers, automated transfers and other debits

for the limited purpose of transferring funds collected from accounts receivable that were generated on or after the Petition Date into the Debtor's DIP Operating Account; and it is further

ORDERED that all Banks with whom the Debtor maintains bank accounts are authorized to maintain, service, and administer such bank accounts and any other accounts opened post-petition in accordance with applicable non-bankruptcy law and in accordance with the service agreements and related documentation between Debtor and its Banks (the "Service Agreements"), as the same may be amended from time to time, including by lifting any administrative or debit freeze placed on any bank accounts as a consequence of the filing of the petition commencing this case; and it is further

ORDERED that unless otherwise ordered by this Court, no Bank shall honor or pay any check issued or dated prior to the Petition date; provided, however, that any such Bank may rely on the representations of the Debtor with respect to whether any check or other transfer drawn or issued by the Debtor prior to the Petition Date should be honored pursuant to an Order of this Court, and such Bank shall not have any liability to any party for relying on such representations by the Debtor as provided for herein; and it is further

ORDERED that, in addition to keeping track of the collections on (a) accounts receivable that were generated prior to the Petition Date and (b) accounts receivable that were generated on or after the Petition Date for the purpose of maintaining the collateral rights of the Debtor's lenders, the Debtor is directed to maintain records of each and every transfer within the Cash Management System occurring post-petition to the same extent maintained by the Debtor prior to the Petition Date, such that all post-petition transfers and transactions shall be adequately and promptly documented in, and readily ascertainable from, the Debtor's books and records; and it is further

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ORDERED, that the Debtor may maintain the TCB Accounts as set forth herein and as set forth in the Motion by agreement with TCB and Sabra, until such time as those parties agree to the closure of the TCB Accounts; and it is further

ORDERED, that, periodically, the Debtor, TCB and Sabra will reconcile amounts deposited in the TCB Accounts and shall make such disbursements as are appropriate and agreed to by the Debtor, TCB and Sabra; and it is further

ORDERED that, pursuant to Section 364(a) of the Bankruptcy Code, the Debtor is authorized in connection with the ordinary operation of its Cash Management System to obtain unsecured credit and incur unsecured debt in the ordinary course of business without notice and a hearing; and it is further

ORDERED that the Debtor is authorized to (i) pay undisputed pre-petition amounts outstanding as of the date hereof, if any, owed to the Banks as service charges for the maintenance of the Cash Management System and (ii) reimburse the Banks for any claims arising, or chargebacks of deposits made, before or after the Petition Date in connection with customer checks or other deposits into the bank accounts that have been dishonored or returned for any reason, together with any fees and costs in connection therewith, to the same extent the Debtor is responsible therefor by operation of non-bankruptcy law or under the terms of the Service Agreements with the Banks; and it is further

ORDERED that, notwithstanding anything herein to the contrary, to the extent that the provisions contained in this Order conflict with or are inconsistent with the provisions of the Interim or Final (as applicable) *Order (I) Authorizing Debtor to Obtain Postpetition Financing on a Senior Secured Superpriority Basis Pursuant to §§ 105, 361, 362, 363, and 364; (II) Setting*

a *Final Hearing*; and (III) *Granting Related Relief* (the “Financing Order”), entered by this Court in this case, the provisions of such Financing Order shall control; it is further

ORDERED that within two (2) business days of the entry of this order, the Debtor shall serve a copy of this order on the Banks; and it is further

ORDERED that notice of the Motion as provided herein and therein shall be deemed good and sufficient notice of such Motion; and it is further

ORDERED that this Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the implementation of this Order.

Signed on 10/28/2015

 SR

HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

PREPARED BY:

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