

## **Rule 4001-2**

### **Use of Cash Collateral and Obtaining Credit**

**(a) Contents of Motion.** A motion for use of cash collateral or for authority to obtain credit, or a stipulation relating to the same, must set forth the following:

- (1) the total dollar amount of the request;
- (2) the specific uses to which the funds will be put;
- (3) the debtor's proposed budget for the use of the funds;
- (4) the amount of debt owed to any creditor claiming an interest in the collateral;
- (5) the value of the collateral that secures the creditor's asserted interest;
- (6) any proposal for providing adequate protection; and,
- (7) carve-outs for United States Trustee and professional fees.

**(b) Service.** A motion for use of cash collateral or for authority to obtain credit, or a stipulation relating to the same, must be served upon the following parties:

- (1) all creditors asserting an interest in the cash collateral, and, if known, their attorneys;
- (2) any taxing authority having a claim against the debtor;
- (3) the debtor's twenty (20) largest unsecured creditors;
- (4) any official committee appointed and serving in the case under 11 U.S.C. § 1102;
- (5) the United States Trustee; and
- (6) any party that has requested service of all pleadings and notices in the case.

**(c) Emergency Motion Requirements.** If a debtor files an emergency ex-parte application for an order allowing the interim use of cash collateral, it must present by affidavit the following information:

- (1) the names and addresses of all creditors holding a secured interest in the cash collateral, and – if known – their attorneys;
- (2) the efforts made to contact those secured creditors and any appointed committee or – if no committee has been appointed – the twenty (20) largest unsecured creditors, regarding the application for the use of cash collateral;

- (3) the nature of the emergency that requires an ex-parte order;
- (4) the total dollar amount requested to be authorized; and
- (5) a description of the adequate protection that will be provided to the secured creditors.