

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1**

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In re:

CBRM Realty Inc. *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 25-15343 (MBK)  
(Joint Administration Requested)

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: CBRM Realty Inc. (2420), Crown Capital Holdings LLC (1411), Kelly Hamilton Apts LLC (1115), Kelly Hamilton Apts MM LLC (0765), RH Chenault Creek LLC (8987), RH Copper Creek LLC (0874), RH Lakewind East LLC (6963), RH Windrun LLC (0122), RH New Orleans Holdings LLC (7528), and RH New Orleans Holdings MM LLC (1951). The location of the Debtors' service address in these chapter 11 cases is: In re CBRM Realty Inc., et al., c/o White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020.



**DEBTORS' MOTION FOR ENTRY OF  
INTERIM AND FINAL ORDERS (I) AUTHORIZING THE  
DEBTORS TO (A) CONTINUE OPERATING THEIR CASH  
MANAGEMENT SYSTEM, (B) HONOR CERTAIN OBLIGATIONS  
RELATED THERETO, (C) MAINTAIN EXISTING BUSINESS FORMS, AND  
(D) CONTINUE TO PERFORM INTERCOMPANY TRANSACTIONS, (II) GRANTING  
SUPERPRIORITY ADMINISTRATIVE EXPENSE STATUS TO POSTPETITION  
INTERCOMPANY BALANCES, AND (III) GRANTING RELATED RELIEF**

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The above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) respectfully state the following in support of this motion:

**Relief Requested**

1. The Debtors seek entry of an interim order, substantially in the form attached hereto as **Exhibit A** (the “**Interim Order**”), and a final order, substantially in the form attached hereto as **Exhibit B** (the “**Final Order**”), (i) authorizing the Debtors to (a) continue operating their cash management system; (b) honor certain obligations related thereto; (c) maintain their existing bank accounts and business forms and implement changes to their cash management system and bank accounts in the ordinary course, including opening new bank accounts and closing existing bank accounts, as may be necessary; and (d) continue to perform Intercompany Transactions (as defined herein) consistent with historical practice; (ii) granting superpriority administrative expense status to postpetition Intercompany Balances (as defined herein); (iii) scheduling a final hearing (the “**Final Hearing**”) to consider entry of the Final Order granting the relief requested in the motion on a final basis; and (iv) granting related relief.

**Jurisdiction and Venue**

2. The United States Bankruptcy Court for the District of New Jersey (the “**Court**”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11*, entered July 23, 1984, and amended on September 18,

2012 (Simandle, C.J.). This matter is a core proceeding under 28 U.S.C. § 157(b). The Debtors confirms their consent to the entry of a final order by the Court.

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The bases for the relief requested herein are sections 105(a), 345, 363, and 503 of title 11 of the United States Code (the “**Bankruptcy Code**”), rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and rules 9013-1 and 9013-5 of the Local Bankruptcy Rules for the District of New Jersey (the “**Local Rules**”).

### **Background**

5. On May 19, 2025 (the “**Petition Date**”), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code commencing the above-captioned chapter 11 cases. Each Debtor is operating their businesses and managing their properties as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in these chapter 11 cases and no official committees have been appointed or designated.

#### **I. Overview of the Debtors’ Cash Management System**

6. In the ordinary course of business, the Debtors historically maintained a cash management system (the “**Cash Management System**”) comprised of the following bank accounts maintained at CFG Bank (the “**Existing Cash Management Bank**”). To the best of the Debtors’ knowledge as of the Petition Date, the balances in these accounts are as follows:

| Debtor                     | Bank Name | Acct. No. | Balance      |
|----------------------------|-----------|-----------|--------------|
| Crown Capital Holdings LLC | CFG Bank  | x1519     | \$1,284.80   |
| Kelly Hamilton Apts LLC    | CFG Bank  | x1758     | \$104,352.50 |
| RH Chenault Creek LLC      | CFG Bank  | x1543     | \$35,915.13  |
| RH Copper Creek LLC        | CFG Bank  | x1576     | \$40,836.97  |
| RH Lakewind East LLC       | CFG Bank  | x1584     | \$10,436.93  |
| RH Windrun LLC             | CFG Bank  | x1550     | \$62,230.56  |

Certain of the accounts held at the Existing Cash Management Bank are subject to deposit control agreements.

7. Following the Petition Date, the Debtors determined that it would be prudent to establish one or more new bank accounts (the “**New Accounts**”) with a financial institution designated by the U.S. Trustee as an authorized depository institution. Accordingly, the Debtors are currently in the process of opening the New Accounts at Western Alliance Bank (the “**New Cash Management Bank**” and, together with the Existing Cash Management Bank, the “**Cash Management Banks**”). The Debtors intend to use the New Accounts to hold deposits and fund expenses incurred during the pendency of these chapter 11 cases. The Debtors will provide notice of the establishment of any such New Account within three (3) business days of the opening of such New Accounts to the U.S. Trustee, the Debtors’ postpetition lender, and counsel to any statutory committees, as set forth in the Interim Order and Final Order.

8. It is imperative for the Debtors to maintain their current Cash Management System and establish the New Accounts in order to manage their payroll, fund repairs and upgrades to the Debtors’ affordable housing properties, and monitor expenses that occur in the ordinary course

of business. Accordingly, the Debtors request authority to continue operating their Cash Management System in the ordinary course on a postpetition basis, consistent with historical practices and as directed by the Debtors' independent fiduciary—Elizabeth A. LaPuma (the “**Independent Fiduciary**”).

## **II. Bank Fees**

9. In the ordinary course of business, the Debtors incur periodic service charges and other fees in connection with maintaining the Cash Management System (collectively, the “**Bank Fees**”). To maintain the integrity of their Cash Management System, the Debtors request authority to pay any existing Bank Fees and continue to pay Bank Fees in the ordinary course on a postpetition basis, consistent with historical practices and as directed by the Independent Fiduciary.

## **III. Intercompany Transfers**

10. In the ordinary course of business, the Debtors are routinely engaged in intercompany financial transactions (the “**Intercompany Transactions**”) with other Debtors and non-Debtor affiliates, resulting in intercompany receivables and payables. In the ordinary course of business, the Debtors make Intercompany Transactions to either (a) reimburse certain Debtors or non-Debtor affiliates for various expenditures associated with their business or (b) fund certain Debtors' or non-Debtor affiliates' accounts in anticipation of such expenditures as needed. The operating accounts set forth above hold substantially all of the Debtors' cash which is directly or indirectly wired or transferred throughout the Cash Management System.

11. The Debtors track all fund transfers through their accounting system and can ascertain, trace, and account for all Intercompany Transactions. If the Intercompany Transactions were to be discontinued, the Cash Management System and the Debtors' operations would be disrupted unnecessarily to the detriment of the Debtors, their creditors, and other stakeholders.

**IV. Compliance with Section 345 of the Bankruptcy Code and the U.S. Trustee Guidelines**

12. Section 345(a) of the Bankruptcy Code governs a debtor's cash deposits during a chapter 11 case and authorizes deposit or investment of estate funds, such as cash, as "will yield the maximum reasonable net return on such money, taking into account the safety of such deposit or investment." 11 U.S.C. § 345(a). To comply with section 345 of the Bankruptcy Code, the *Operating Guidelines and Reporting Requirements for Debtors in Possession and Trustees* (the "**U.S. Trustee Guidelines**") for the Office of the United States Trustee for the District of New Jersey (the "**U.S. Trustee**") generally require chapter 11 debtors to, among other things, deposit all estate funds into an account with an authorized depository that agrees to comply with certain requirements set by the U.S. Trustee. Section 345(b) of the Bankruptcy Code requires a debtor's bank to post a bond unless a debtor's funds are "insured or guaranteed by the United States or by a department, agency, or instrumentality of the United States or backed by the full faith and credit of the United States." 11 U.S.C. § 345(b).

13. The Existing Cash Management Bank is a well-capitalized and sophisticated financial institution insured by the FDIC and the Court should waive the requirements under section 345 of the Bankruptcy Code with respect to the Existing Cash Management Bank for a limited period of time as set forth herein. Specifically, the Existing Cash Management Bank is well positioned and sufficiently capitalized to continue performing depository and cash management functions for the Debtors. At the same time, the Debtors are in the process of opening the New Accounts at the New Cash Management Bank, which is an authorized depository institution in this region. Accordingly, the Debtors seek a waiver of section 345(b)'s requirements or, alternatively, a temporary suspension of the requirements of section 345(b) for an interim period of thirty (30) days to allow the Debtors to establish the New Accounts, without prejudice to the Debtors' ability to seek further extensions to the extent applicable.

14. As part of the Cash Management System, the Debtors also use a variety of preprinted business forms (including letterhead, correspondence forms, invoices, and other business forms) in the ordinary course of business (collectively, and as they may be modified from time to time, the “**Business Forms**”). The Debtors also maintain books and records to document financial results and a wide array of operating information (collectively, the “**Books and Records**”). The Debtors request authorization to continue using all of the Business Forms and Books and Records in a manner consistent with prepetition practice, without reference to the Debtors’ status as a chapter 11 debtor in possession.

### **Basis for Relief**

#### **I. The Court Should Waive Strict Compliance with Section 345(b) for Cause**

15. Pursuant to section 345(b) of the Bankruptcy Code, any deposit or other investment made by a debtor, except those that are not “insured or guaranteed by the United States or by a department, agency, or instrumentality of the United States or backed by the full faith and credit of the United States,” must be secured by a bond that (i) is in favor of the United States, is secured by the undertaking of a corporate surety approved by the U.S. Trustee, and contains certain conditions, or (ii) by the deposit of securities of the kind specified in 31 U.S.C. § 9303. *See* 11 U.S.C. § 345(b). Section 9303 of title 31 of the United States Code provides that when a person is required by law to give a surety bond, that person, in lieu of a surety bond, may instead provide an eligible obligation, designated by the Secretary of the Treasury, as an acceptable substitute for a surety bond. *See* 31 U.S.C. § 9303. Moreover, section 105 of the Bankruptcy Code provides, in relevant part, that “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

16. Courts may waive compliance with section 345(b) of the Bankruptcy Code and the U.S. Trustee Guidelines “for cause.” 11 U.S.C. § 345(b). “Cause,” for purposes of section 345(b),

is not defined in the Bankruptcy Code. Courts apply a “totality of the circumstances” test when determining whether cause exists to waive compliance with section 345(b). *In re Serv. Merch. Co., Inc.*, 240 B.R. 894, 896 (Bankr. M.D. Tenn. 1999). For example, in determining whether to grant a waiver from the requirements of section 345(b) of the Bankruptcy Code, courts may consider (among other things) “the benefit to the debtor; the harm, if any to the estate; and the reasonableness of the debtor’s request for relief from § 345(b) requirements in light of the overall circumstances of the case.” *Id.* at 896.

17. The Debtors submit that cause exists in this case to waive the requirements of section 345(b). The Existing Cash Management Bank is well positioned and sufficiently capitalized to continue performing depository and cash management functions for the Debtors. At the same time, the Debtors are in the process of opening the New Accounts at the New Cash Management Bank, which is an authorized depository institution in this region. Waiving section 345(b)’s requirements with respect to the Existing Cash Management Bank will allow the Debtors to effect an orderly transition of the Cash Management System from the Existing Cash Management Bank to the New Cash Management Bank during these chapter 11 cases. Accordingly, the Debtors submit that cause exists to waive section 345(b)’s requirements.

## **II. The Court Should Approve the Debtors’ Use of the Cash Management System and Payment of Bank Fees As Essential to Maximizing the Value of the Debtors’ Estates**

18. Continuation of the Cash Management System and payment of Bank Fees are permitted pursuant to section 363(c)(1) of the Bankruptcy Code, which authorizes a debtor in possession to “use property of the estate in the ordinary course of business without notice or a hearing.” 11 U.S.C. § 363(c)(1). Bankruptcy courts routinely treat requests for authority to continue using existing cash management systems as a relatively “simple matter.” *In re Baldwin-United Corp.*, 79 B.R. 321, 327 (Bankr. S.D. Ohio 1987). In addition, in granting such relief,



courts recognize that an integrated cash management system “allows efficient utilization of cash resources and recognizes the impracticalities of maintaining separate cash accounts for the many different purposes that require cash.” *In re Columbia Gas Sys., Inc.*, 136 B.R. 930, 934 (Bankr. D. Del. 1992), *aff’d in relevant part*, 997 F.2d 1039, 1061 (3rd Cir. 1993).

19. Requiring the Debtors to further adopt a different, segmented cash management system during these chapter 11 cases would be expensive and time consuming, and the cost would ultimately be borne by the Debtors’ creditors and other stakeholders. By contrast, maintaining the Cash Management System will, among other things, minimize delays in paying postpetition expenses and eliminate administrative inefficiencies.

20. Courts in this and other districts have regularly allowed debtors to maintain their existing cash management systems and such relief generally is non-controversial. *See, e.g., In re Invitae Corp.*, No. 24-11362 (MBK) (Bankr. D.N.J. Feb. 16, 2024) [Docket No. 48] (authorizing the debtors’ continued use of their prepetition cash management system on an interim basis); *In re WeWork Inc.*, No. 23-19865 (JKS) (Bankr. D.N.J. Feb. 6, 2024) [Docket No. 1302] (authorizing the debtors’ continued use of their prepetition cash management system on a final basis); *In re Careismatic Brands, LLC*, No. 24-10561 (VFP) (Bankr. D.N.J. Jan. 24, 2024) [Docket No. 59] (authorizing the debtors’ continued use of their prepetition cash management system on an interim basis); *In re Rite Aid Corp.*, No. 23-18993 (MBK) (Bankr. D.N.J. Dec. 22, 2023) [Docket No. 1160] (authorizing the debtors’ continued use of their prepetition cash management system on a final basis); *In re Cyxtera Techs., Inc.*, No. 23-14853 (JKS) (Bankr. D.N.J. Dec. 11, 2023) [Docket No. 69] (authorizing the debtors’ continued use of their prepetition cash management system on an interim basis).

21. Accordingly, the Debtors respectfully request that the Court authorize the continued use of the Cash Management System, including the continuance of the Intercompany Transactions, and the payment of Bank Fees from the Cash Management System, consistent with past practice and as directed by the Independent Fiduciary.

**III. The Court Should Authorize the Debtors to Open the New Accounts at the New Cash Management Bank**

22. The Debtors further request that the Court authorize the Debtors to open new bank accounts, including the New Accounts, with the New Cash Management Bank without seeking further relief from the Court. The Debtors anticipate establishing the New Accounts at the New Cash Management Bank, which is a party to a Uniform Depository Agreement for the District of New Jersey. Following the establishment of the New Accounts, the Debtors will provide notice to the U.S. Trustee, the DIP Lender, and counsel to any statutory committees of the opening of a new account or closing of an existing account.

23. The requested relief will allow the Debtors to comply with the requirements set forth in section 345(b) of the Bankruptcy Code going forward and is routinely granted in chapter 11 cases in this jurisdiction. *See In re the Diocese of Camden, New Jersey*, No. 20-21257 (JNP) (Bankr. D. N.J. Oct. 1, 2020) [Docket No. 34] (authorizing debtors to open new accounts as the debtors may deem appropriate); *In re Whittaker, Clark & Daniels, Inc.*, No. 23-13575 (MBK) (Bankr. D. N.J. Apr. 26, 2023) [Docket No. 68] (same); *In re Princeton Alternative Funding LLC*, Case No. 18-14600 (Bankr. D.N.J. Mar. 9, 2018) [Docket No. 20] (same); *In re Presperse Corporation*, Case No. 24-18921 (MBK) (Bankr. D.N.J. Sep. 9, 2024) [Docket No. 36] (same); *In re Roseville Senior Living Properties LLC*, No. 13-31198 (MBK) (Bankr. D. N.J. Sep. 27, 2013) [Docket No. 30] (same).

24. Accordingly, the Debtors respectfully request that the Court authorize the Debtors to open the New Accounts as the Debtors may deem necessary.

**IV. Authorizing the Debtors to Continue Using Debit, Wire, Credit Card, and ACH Payments Is Warranted**

25. The Debtors request that the Court grant further relief from the U.S. Trustee Guidelines to the extent necessary herein. In the ordinary course of business, the Debtors conduct transactions through methods, including, but not limited to, wires, ACH transactions, direct deposits, and other similar methods. If the Debtors' ability to conduct transactions by these methods is impaired, the Debtors may be unable to perform under certain contracts, and payments to vendors could be delayed.

**V. The Court Should Authorize the Debtors to Continue Using the Existing Business Forms and Books and Records**

26. The Debtors request that they be authorized to continue to use the Business Forms substantially in the form existing immediately before the Petition Date, without reference to their status as debtors in possession. Parties in interest will not be prejudiced by this relief as parties doing business with the Debtors undoubtedly will be aware of their status as debtors in possession and, thus, changing the Business Forms is unnecessary and would be unduly burdensome.

27. Notwithstanding the foregoing, once the Debtors have exhausted their existing supply of correspondence, business forms stock and checks, the Debtors will obtain new business forms stock and checks reflecting their status as "Debtors in Possession" and include the corresponding lead bankruptcy case number on all checks. Further, within fourteen (14) days of entry of the Interim Order, the Debtors shall update any electronically produced checks to reflect their status as "Debtors in Possession" and to include the corresponding lead bankruptcy case number.

28. The Debtors should also be permitted to maintain their existing Books and Records rather than open a new set as required under the U.S. Trustee Guidelines. The Debtors use a sophisticated recordkeeping system for financial reporting purposes. Continued use of the Debtors' current Books and Records, therefore, will maximize efficiency and reduce administrative strain on the Debtors in these chapter 11 cases.

**VI. The Court Should Authorize the Debtors to Continue Conducting Intercompany Transactions in the Ordinary Course of Business and Grant Superpriority Administrative Expense Status to Postpetition Intercompany Balances Among the Debtors**

29. The Debtors' funds move through the Cash Management System as described above. At any given time, there may be intercompany balances (the "**Intercompany Balances**") owed by one Debtor to another Debtor, or a Debtor to a non-Debtor affiliate (or vice versa). Intercompany Transactions are made between and among the Debtors and their non-Debtor affiliates in the ordinary course as part of the Cash Management System. The Debtors track all fund transfers in their accounting system and can ascertain, trace, and account for all Intercompany Transactions. The Debtors, moreover, will continue to maintain records of such Intercompany Transactions. If the Intercompany Transactions were to be discontinued, the Cash Management System and related administrative controls could be disrupted to the Debtors' and the estates' detriment. In addition, a number of critical services, including centralized management services and cash management services, currently provided to Debtor entities on an intercompany basis would be interrupted. Accordingly, the Debtors respectfully submit that the continued performance of the Intercompany Transactions is in the best interest of the Debtors' estates and their creditors and, therefore, the Debtors should be permitted to continue such performance.

30. The Debtors further request that pursuant to sections 503(b)(1) and 364(b) of the Bankruptcy Code, all postpetition payments on account of postpetition Intercompany Transactions

between or among the Debtors or non-Debtor affiliates that give rise to an Intercompany Balance be accorded administrative expense status, which would result in an administrative expense claim in favor of the applicable Debtor payer. This relief will ensure that each entity receiving payments from a Debtor will continue to bear ultimate repayment responsibility for such ordinary course transactions, thereby reducing the risk that these transactions would jeopardize the recoveries available to each Debtor's respective creditors. For the avoidance of doubt, the relief requested herein with respect to the postpetition Intercompany Transactions and the Intercompany Balances resulting therefrom shall not constitute an admission of the Debtors or any other party as to the validity, priority, or status of any prepetition intercompany balance or the Intercompany Transaction(s) from which such intercompany balance may have arisen.

31. Similar relief has been granted in other multi-debtor chapter 11 cases in this district and others. *See, e.g., In re Invitae Corp.*, No. 24-11362 (MBK) (Bankr. D.N.J. Feb. 16, 2024) (authorizing postpetition intercompany transactions between debtors and granting administrative expense status to intercompany claims related thereto on an interim basis); *In re WeWork Inc.*, No. 23-19865 (JKS) (Bankr. D.N.J. Feb. 6, 2024) (authorizing postpetition intercompany transactions between debtors and granting administrative expense status to intercompany claims related thereto on a final basis); *In re Careismatic Brands, LLC*, No. 24-10561 (VFP) (Bankr. D.N.J. Jan. 24, 2024) (authorizing postpetition intercompany transactions between debtors and granting administrative expense status to intercompany claims related thereto on an interim basis); *In re Rite Aid Corp.*, No. 23-18993 (MBK) (Bankr. D.N.J. Dec. 22, 2023) (authorizing postpetition intercompany transactions between debtors and granting administrative expense status to intercompany claims related thereto on a final basis); *In re Cyxtera Techs., Inc.*, No. 23-14853 (JKS) (Bankr. D.N.J. Dec. 11, 2023) (authorizing postpetition intercompany transactions between

debtors and granting administrative expense status to intercompany claims related thereto on an interim basis).

**Processing of Checks and Electronic Fund Transfers Should be Authorized**

32. The Debtors will have sufficient funds to pay the amounts described in this motion in the ordinary course of business by virtue of anticipated access to postpetition debtor-in-possession financing. In addition, under the Debtors' Cash Management System, the Debtors can readily identify checks or wire transfer requests as relating to any authorized payment in respect of the relief requested herein. Accordingly, the Debtors believe that checks or wire transfer requests, other than those relating to authorized payments, will not be honored inadvertently. Therefore, the Debtors respectfully request that the Court authorize all applicable financial institutions, when requested by the Debtors, to receive, process, honor, and pay any and all checks or wire transfer requests in respect of the relief requested in this motion.

**Waiver of Bankruptcy Rule 6004(a) and 6004(h)**

33. To implement the foregoing successfully, the Debtors seek a waiver of the notice requirements under Bankruptcy Rule 6004(a) and the fourteen (14) day stay of an order authorizing the use, sale, or lease of property under Bankruptcy Rule 6004(h).

**Waiver of Memorandum of Law**

34. The Debtors respectfully request that the Court waive the requirement to file a separate memorandum of law pursuant to Local Rule 9013-1(a)(3) because the legal basis upon which the Debtors rely is set forth herein and this motion does not raise any novel issues of law.

**No Prior Request**

35. No prior request for the relief sought in this motion has been made to this or any other court.

**Reservation of Rights**

36. Nothing contained in this motion or any order granting the relief requested in this motion, and no action taken pursuant to the relief requested or granted (including any payment made in accordance with any such order), is intended as or shall be construed or deemed to be: (a) an admission as to the amount of, basis for, or validity of any claim against the Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Debtors' or any other party in interest's right to dispute any claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication, admission or finding that any particular claim is an administrative expense claim, other priority claim or otherwise of a type specified or defined in this motion or any order granting the relief requested by this motion except as otherwise set forth in the motion; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) an admission as to the validity, priority, enforceability or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; or (g) a waiver or limitation of any claims, causes of action or other rights of the Debtors or any other party in interest against any person or entity under the Bankruptcy Code or any other applicable law.

**Notice**

37. The Debtors will provide notice of this motion to the following parties and/or their respective counsel, as applicable: (a) the office of the United States Trustee for the District of New Jersey; (b) the DIP Lender; (c) Lynd Living; (d) the Ad Hoc Group of Holders of Crown Capital Notes; (e) the United States Attorney's Office for the District of New Jersey; (f) the Internal Revenue Service; (g) the attorneys general in the states where the Debtors conducts their business operations; (h) the U.S. Department of Housing and Urban Development; (i) the Cash Management Banks; and (j) any party that has requested notice pursuant to Bankruptcy Rule

2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.



WHEREFORE, the Debtors respectfully request that the Court enter the Interim and Final Orders granting the relief requested in this motion and such other and further relief as the Court deems appropriate under the circumstances.

Dated: May 23, 2025

Respectfully submitted,

/s/ Andrew Zatz

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*Proposed Co-Counsel to Debtors and  
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**Exhibit A**

**Proposed Interim Order**

|   |
|---|
| UNITED STATES BANKRUPTCY COURT<br>DISTRICT OF NEW JERSEY<br><b>Caption in Compliance with D.N.J. LBR 9004-1</b> |
| In re:<br><br>CBRM Realty Inc. <i>et al.</i> ,<br><br>Debtors. <sup>1</sup>                                     |

Chapter 11

Case No. 25–15343 (MBK)  
(Joint Administration Requested)

**INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO  
(A) CONTINUE OPERATING THEIR CASH MANAGEMENT  
SYSTEM, (B) HONOR CERTAIN OBLIGATIONS RELATED THERETO,  
(C) MAINTAIN EXISTING BUSINESS FORMS, AND (D) CONTINUE  
TO PERFORM INTERCOMPANY TRANSACTIONS, (II) GRANTING  
SUPERPRIORITY ADMINISTRATIVE EXPENSE STATUS TO POSTPETITION  
INTERCOMPANY BALANCES, AND (III) GRANTING RELATED RELIEF**

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The relief set forth on the following pages, numbered 2 through 13, is **ORDERED**.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: CBRM Realty Inc. (2420), Crown Capital Holdings LLC (1411), Kelly Hamilton Apts LLC (1115), Kelly Hamilton Apts MM LLC (0765), RH Chenault Creek LLC (8987), RH Copper Creek LLC (0874), RH Lakewind East LLC (6963), RH Windrun LLC (0122), RH New Orleans Holdings LLC (7528), and RH New Orleans Holdings MM LLC (1951). The location of the Debtors' service address in these chapter 11 cases is: In re CBRM Realty Inc., et al., c/o White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020.

(Page 2)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) CONTINUE OPERATING THEIR CASH MANAGEMENT SYSTEM, (B) HONOR CERTAIN OBLIGATIONS RELATED THERETO, (C) MAINTAIN EXISTING BUSINESS FORMS, AND (D) CONTINUE TO PERFORM INTERCOMPANY TRANSACTIONS, (II) GRANTING SUPERPRIORITY ADMINISTRATIVE EXPENSE STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND (III) GRANTING RELATED RELIEF

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Upon the motion (the “**Motion**”)<sup>2</sup> of the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), pursuant to sections 105(a), 345, and 363 of title 11 of the United States Code (the “**Bankruptcy Code**”), rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and rules 9013-1 and 9013-5 of the Local Bankruptcy Rules for the District of New Jersey (the “**Local Rules**”), seeking entry of an interim order (this “**Interim Order**”) and a Final Order (as defined below), (i) authorizing the Debtors to (a) continue operating their cash management system; (b) honor certain obligations related thereto; (c) maintain their existing bank accounts and business forms and implement changes to their cash management system and bank accounts in the ordinary course, including, but not limited to, opening new bank accounts and closing existing bank accounts, as may be necessary; and (d) continue to perform Intercompany Transactions, (ii) granting superpriority administrative expense status to postpetition Intercompany Balances, (iii) scheduling a final hearing (the “**Final Hearing**”) to consider entry of an order granting the relief requested in the Motion on a final basis (the “**Final Order**”), and (iv) granting related relief; all as more fully set forth in the Motion; and an interim hearing with respect to the Motion having been held on [●], 2025 (the “**Interim Hearing**”); and notice of the Interim Hearing having been given in accordance with Bankruptcy Rules 4001(b) and 9014 and Local Rules 4001-3 and 9013-5 and it appearing that no other or

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<sup>2</sup> Each capitalized term that is not defined herein shall have the meaning ascribed to such terms in the Motion.

(Page 3)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO  
(A) CONTINUE OPERATING THEIR CASH MANAGEMENT  
SYSTEM, (B) HONOR CERTAIN OBLIGATIONS RELATED  
THERE TO, (C) MAINTAIN EXISTING BUSINESS FORMS, AND  
(D) CONTINUE TO PERFORM INTERCOMPANY TRANSACTIONS,  
(II) GRANTING SUPERPRIORITY ADMINISTRATIVE EXPENSE  
STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND  
(III) GRANTING RELATED RELIEF

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further notice need be provided; and the Court having considered the evidence submitted or adduced, and the statements of counsel made at the Interim Hearing; and the Court having considered the interim relief requested in the Motion; and the relief requested being reasonable and appropriate; and the Court having determined that the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtors and their estates; and that the legal and factual bases set forth in the Motion and at the Interim Hearing establish just cause for the relief granted herein; and all objections, if any, to the relief requested in the Motion having been withdrawn, resolved, or overruled by the Court; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED on an interim basis as set forth herein.
2. The Final Hearing shall be held on [●], 2025 at [●]:[●] a.m./p.m. (prevailing Eastern Time), and any objections to the final relief sought in the Motion shall be filed with the Court no later than [●], 2025.
3. The Debtors are authorized to: (a) continue operating the Cash Management System, as described in the Motion; (b) honor their pre- and postpetition obligations related to the Cash Management System; (c) use, in their present form, all preprinted correspondence and business forms (including, but not limited to, checks, letterhead, purchase orders, and invoices) without reference to the Debtors' status as debtors in possession, though the Debtors, as of the date

(Page 4)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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of this Interim Order, shall modify or cause to be modified such business forms with a notation bearing a designation of “Debtor-in-Possession” with the above-captioned case number;

(d) continue to perform Intercompany Transactions in the ordinary course of business and on the same terms and consistent with past practices, including with respect to transaction amounts;

(e) continue to use, with the same account number, any New Accounts in the name and with the account number existing as of entry of this Interim Order and need not comply with the U.S.

Trustee Guidelines requiring the opening of separate debtor in possession accounts; (f) treat the

New Accounts for all purposes as accounts of the Debtors as debtors in possession; (g) deposit

funds in and withdraw funds from the New Accounts by all usual means, including checks, wire

transfers, and other debits; and (h) pay the Bank Fees, including any prepetition amounts and any

postpetition ordinary-course Bank Fees incurred in connection with the Debtors’ bank accounts

and to otherwise perform their obligations under the documents governing such accounts; *provided*

that, in each case, such action is taken in the ordinary course of business and consistent with

historical practices. Notwithstanding the foregoing, once the Debtors have exhausted their existing

supply of correspondence, business forms stock and checks, the Debtors will obtain new business

forms stock and checks reflecting their status as “Debtors in Possession” and include the above-

captioned case number on all checks. Further, within fourteen (14) days of entry of this Interim

Order, the Debtors shall update any electronically produced checks to reflect their status as

“Debtors in Possession” and to include the above-captioned case number. Any and all postpetition

(Page 5)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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checks as of the date of this Interim Order shall bear either a “DIP” or “Debtor in Possession” designation and case number. The Debtors shall further immediately advise the banks to restyle the New Accounts as a “Debtor-in-Possession Account.”

4. The Existing Cash Management Bank is authorized to continue to maintain, service, and administer the Debtors’ existing bank accounts as accounts of the Debtors as debtors in possession, without interruption and in the ordinary course of business consistent with historical practices, and to receive, process, honor, and pay, to the extent of available funds, any and all checks, drafts, wires, credit card payments, and ACH transfers issued and drawn on such accounts after the Petition Date by the holders or makers thereof, as the case may be, and all such banks and financial institutions are authorized to rely on the Debtors’ designation of any particular check or electronic payment request as approved by this Interim Order; *provided, however*, that any payments drawn, issued, or made prior to the Petition Date shall not be honored absent direction of the Debtors and a separate order of the Court authorizing such prepetition payment.

5. Any existing deposit agreements between or among the Debtors, the Existing Cash Management Bank, and other parties shall continue to govern the postpetition cash management relationship between the Debtors and the Existing Cash Management Bank, and all of the provisions of such agreements, including, without limitation, any termination and fee provisions, shall remain in full force and effect unless otherwise ordered by the Court.

(Page 6)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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6. To the extent any bank account including the New Accounts are not in compliance with section 345(b) of the Bankruptcy Code or any of the U.S. Trustee's requirements or guidelines, the Debtors shall have until a date that is thirty (30) days from the date of this Interim Order, without prejudice to seeking additional extensions, to either come into compliance with section 345(b) of the Bankruptcy Code and any of the U.S. Trustee's requirements or guidelines or to make such other arrangements as are agreed to by the U.S. Trustee or approved by the Court. The Debtors may obtain a further extension of the thirty (30) day period referenced above by written agreement (email being sufficient) of the U.S. Trustee without the need for further Court order.

7. The Debtors and the Existing Cash Management Bank may, without further order of this Court, agree to and implement changes to the Cash Management System and procedures related thereto in the ordinary course of business and consistent with historical practices, including, without limitation, the opening of any new accounts, the closing of existing accounts, and entrance into ancillary agreements, including new deposit account control agreements related to the foregoing, as the Debtors and the Existing Cash Management Bank may deem necessary and appropriate, subject to paragraph 8 below. The Debtors shall provide notice within three (3) business days to the U.S. Trustee, the DIP Lender, and counsel to any statutory committees prior to making any material changes to the Cash Management System.



(Page 7)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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8. The Debtors are authorized to open and close accounts, including the New Accounts; *provided, however*, that any such new account shall be established at an institution that is (a) a party to a Uniform Depository Agreement for the District of New Jersey (“UDA”) with the U.S. Trustee or is willing to immediately execute a UDA and (b) agrees to be bound by the terms of this Interim Order. The Debtors shall provide notice within three (3) business days to the U.S. Trustee and counsel to any statutory committees of the opening of a new account or closing of an existing account. In addition, the opening or closing of an account shall be timely indicated on the Debtors’ monthly operating reports. The U.S. Trustee and any statutory committee appointed in these chapter 11 cases will have fourteen (14) days from receipt of such notice to file any objection with regard to opening or closing of an account, or such later date as may be extended by the Court or agreed to between the Debtors, the U.S. Trustee, and/or any statutory committee appointed in these chapter 11 cases. The relief granted in this Interim Order is extended to any new account opened in the ordinary course of business and consistent with historical practices after the date hereof, which account shall be deemed a “New Account,” and to the bank at which such account is opened, which bank shall be deemed a “Cash Management Bank.” Any New Account must bear the designation “Debtor in Possession” and be designated as a “Debtor in Possession” account with the case number.

9. For banks at which the Debtors hold accounts that are not party to a UDA with the U.S. Trustee, the Debtors shall use their good-faith efforts to cause the banks to execute a UDA in

(Page 8)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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a form prescribed by the U.S. Trustee within thirty (30) days of the date of this Interim Order. The U.S. Trustee's rights to seek further relief from this Court on notice in the event that the aforementioned banks are unwilling to execute a UDA in a form prescribed by the U.S. Trustee are fully preserved.

10. To the extent that it is provided with notice of this Interim Order, each Cash Management Bank shall not honor or pay any bank payment drawn on the bank accounts listed in the Motion or otherwise issued before the Petition Date for which the Debtors specifically issue a timely stop payment order in accordance with the documents governing such accounts.

11. The Cash Management Banks are authorized, without further order of this Court, to deduct any applicable fees from the Debtors' bank accounts in the ordinary course of business consistent with historical practices.

12. The Cash Management Banks are authorized, without further order of this Court, to charge back to the appropriate accounts of the Debtors any amounts resulting from returned checks or other returned items, including returned items that result from ACH transactions, wire transfers, or other electronic transfers of any kind, regardless of whether such returned items were deposited or transferred prepetition or postpetition and regardless of whether the returned items relate to prepetition or postpetition items or transfers.

13. The relief, rights, and responsibilities provided for in this Interim Order shall be deemed to apply to any and all bank accounts maintained in the Debtors' name, including, but not

(Page 9)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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limited to, any new bank accounts opened by the Debtors, and any banks at which new accounts are opened shall be subject to the rights and obligations set forth in this Interim Order.

14. Subject to the terms set forth herein, any bank, including the Existing Cash Management Bank, may rely upon the representations of the Debtors, without any duty to inquire otherwise, with respect to whether any check, draft, wire, or other transfer drawn or issued by the Debtors prior to the Petition Date should be honored pursuant to any order of this Court, of which items the Debtors shall promptly notify the Existing Cash Management Bank, and no bank that honors a prepetition check or other item drawn on any account that is the subject of this Interim Order (a) at the direction of the Debtors, (b) in a good-faith belief that this Court has authorized such prepetition check or item to be honored, or (c) as a result of a mistake made despite implementation of reasonable customary handling procedures, shall be deemed to be nor shall be liable to the Debtors, the estates, or any other party on account of such prepetition check or other item being honored postpetition, or otherwise deemed to be in violation of this Interim Order.

15. Any banks, including the Existing Cash Management Bank, are further authorized to honor the Debtors' directions with respect to the opening and closing of the New Accounts and accept and hold, or invest, the Debtors' funds in accordance with the Debtors' instructions; provided that such bank shall not have any liability to any party for relying on such representations, subject to paragraph 8 above.

(Page 10)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND  
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16. The Debtors are authorized to continue engaging in Intercompany Transactions in connection with the Cash Management System in the ordinary course of business and on the same terms and consistent with historical practices, including with respect to transaction amounts. The Debtors shall maintain accurate and detailed records of all Intercompany Transactions and the payment of Intercompany Balances so that all transactions may be readily traced, ascertained, and recorded properly on applicable intercompany accounts (if any) and distinguished between prepetition and postpetition transactions for the purposes of determining administrative expense status.

17. During the period between entry of this Interim Order and entry of the Final Order (the “**Interim Period**”), all postpetition payments from a Debtor to another Debtor or non-Debtor under any postpetition Intercompany Transactions authorized hereunder that result in an Intercompany Balance are hereby accorded administrative expense status under section 503(b) of the Bankruptcy Code.

18. Nothing contained in the Motion or this Interim Order shall be construed to (a) create or perfect, in favor of any person or entity, any interest in cash of a Debtor that did not exist as of the Petition Date or (b) alter or impair the validity, priority, enforceability, or perfection of any security interest or lien or setoff right, in favor of any person or entity, that existed as of the Petition Date.

(Page 11)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) CONTINUE OPERATING THEIR CASH MANAGEMENT SYSTEM, (B) HONOR CERTAIN OBLIGATIONS RELATED THERETO, (C) MAINTAIN EXISTING BUSINESS FORMS, AND (D) CONTINUE TO PERFORM INTERCOMPANY TRANSACTIONS, (II) GRANTING SUPERPRIORITY ADMINISTRATIVE EXPENSE STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND (III) GRANTING RELATED RELIEF

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19. Nothing contained in the Motion or this Interim Order, and no action taken pursuant to the relief requested or granted (including any payment made in accordance with this Interim Order), is intended as or shall be construed or deemed to be: (a) an admission as to the amount of, basis for, or validity of any claim against the Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Debtors' or any other party in interest's right to dispute any claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication, admission or finding that any particular claim is an administrative expense claim, other priority claim or otherwise of a type specified or defined in the Motion or this Interim Order except as otherwise provided for in this Interim Order; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) an admission as to the validity, priority, enforceability or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; or (g) a waiver or limitation of any claims, causes of action or other rights of the Debtors or any other party in interest against any person or entity under the Bankruptcy Code or any other applicable law.

20. The Debtors shall maintain records of all transfers within the Cash Management System, so that all transfers and transactions shall be adequately and promptly documented in, and ascertainable from, the Debtors' Books and Records to the same extent as maintained prior to the commencement of these chapter 11 cases. The Debtors are also directed to maintain their Books

(Page 12)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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and Records so as to provide a clear line of demarcation between prepetition and postpetition transactions.

21. The Debtors are authorized to issue postpetition checks, or to effect postpetition fund transfer requests, in replacement of any checks or fund transfer requests that are dishonored as a consequence of these chapter 11 cases with respect to prepetition amounts owed in connection with the relief granted herein.

22. Nothing in this Interim Order shall prejudice the Debtors' right to seek recovery of any payments from any payee of a check as permitted under sections 544, 547, 548, 549, 550, or any other applicable provision of the Bankruptcy Code or applicable non-bankruptcy law.

23. Nothing in this Interim Order authorizes the Debtors to accelerate any payments not otherwise payable under applicable law.

24. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

25. The Debtors shall serve a copy of this Interim Order on all required parties pursuant to Local Rule 9013-5(f).

26. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Interim Order are immediately effective and enforceable upon its entry.

(Page 13)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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27. The Debtors and the Independent Fiduciary are authorized to take all actions necessary to effectuate and/or enforce the relief granted in this Interim Order in accordance with the Motion.

28. The requirement set forth in Local Rule 9013-1(a)(3) that any Motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

29. Any relief granted to the Debtors pursuant to this Interim Order shall mean the Debtors, acting at the direction of the Independent Fiduciary.

30. Any party may move for modification of this Interim Order in accordance with Local Rule 9013-5(e).

31. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Interim Order.

**Exhibit B**

**Proposed Final Order**



|   |
|---|
| UNITED STATES BANKRUPTCY COURT<br>DISTRICT OF NEW JERSEY<br><b>Caption in Compliance with D.N.J. LBR 9004-1</b> |
| In re:<br><br>CBRM Realty Inc. <i>et al.</i> ,<br><br>Debtors. <sup>1</sup>                                     |

Chapter 11

Case No. 25–15343 (MBK)  
(Joint Administration Requested)

**FINAL ORDER (I) AUTHORIZING THE DEBTORS TO  
(A) CONTINUE OPERATING THEIR CASH MANAGEMENT  
SYSTEM, (B) HONOR CERTAIN OBLIGATIONS RELATED  
THERE TO, (C) MAINTAIN EXISTING BUSINESS FORMS, (D) CONTINUE  
TO PERFORM INTERCOMPANY TRANSACTIONS, (II) GRANTING  
SUPERPRIORITY ADMINISTRATIVE EXPENSE STATUS TO POSTPETITIONS  
INTERCOMPANY BALANCES, AND (III) GRANTING RELATED RELIEF**

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The relief set forth on the following pages, numbered 2 through 12, is **ORDERED**.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: CBRM Realty Inc. (2420), Crown Capital Holdings LLC (1411), Kelly Hamilton Apts LLC (1115), Kelly Hamilton Apts MM LLC (0765), RH Chenault Creek LLC (8987), RH Copper Creek LLC (0874), RH Lakewind East LLC (6963), RH Windrun LLC (0122), RH New Orleans Holdings LLC (7528), and RH New Orleans Holdings MM LLC (1951). The location of the Debtors' service address in these chapter 11 cases is: In re CBRM Realty Inc., et al., c/o White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020.

(Page 2): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND  
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Upon the motion (the “**Motion**”)<sup>1</sup> of the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), pursuant to sections 105(a), 345, and 363 of title 11 of the United States Code (the “**Bankruptcy Code**”), rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and rules 9013-1 and 9013-5 of the Local Bankruptcy Rules for the District of New Jersey (the “**Local Rules**”), seeking entry of a final order (this “**Final Order**”), (i) authorizing the Debtors to (a) continue operating their cash management system; (b) honor certain obligations related thereto; (c) maintain their existing bank account and business forms and implement changes to their cash management system and bank accounts in the ordinary course, including, but not limited to, opening new bank accounts and closing existing bank accounts, as may be necessary; and (d) continue to perform the Intercompany Transactions consistent with historical practice, (ii) granting superpriority administrative expense status to postpetition Intercompany Balances, and (iii) granting related relief; all as more fully set forth in the Motion; and a final hearing with respect to the Motion having been held on [●], 2025 (the “**Final Hearing**”); and notice of the Final Hearing having been given in accordance with Bankruptcy Rules 4001(b) and 9014 and Local Rules 4001 3 and 9013-5 and it appearing that no other or further notice need be provided; and the Court having considered the evidence submitted or adduced, and the statements of counsel made at the Final Hearing; and the Court having considered the relief requested in the Motion; and the relief requested being reasonable and

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<sup>1</sup> Each capitalized term that is not defined herein shall have the meaning ascribed to such terms in the Motion.

(Page 3): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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appropriate; and the Court having determined that the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtors and their estates; and that the legal and factual bases set forth in the Motion and at the Final Hearing establish just cause for the relief granted herein; and all objections, if any, to the relief requested in the Motion having been withdrawn, resolved, or overruled by the Court; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED on final basis as set forth herein.
2. The Debtors are authorized, on final basis, to: (a) continue operating the Cash Management System, as described in the Motion; (b) honor their pre- and postpetition obligations related to the Cash Management System; (c) use, in their present form, all preprinted correspondence and business forms (including, but not limited to, checks, letterhead, purchase orders, and invoices) without reference to the Debtors' status as debtors in possession, though the Debtors, as of the date of this Final Order, shall modify or cause to be modified such business forms with a notation bearing a designation of "Debtor-in-Possession" with the above-captioned case number; (d) continue to perform Intercompany Transactions in the ordinary course of business and on the same terms and consistent with past practice, including with respect to transaction amounts; (e) continue to use, with the same account number, any New Accounts in the name and with the account number existing as of entry of this Final Order and need not comply with the U.S.

(Page 4): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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Trustee Guidelines requiring the opening of separate debtor in possession accounts; (f) treat the New Accounts for all purposes as accounts of the Debtors as debtors in possession; (g) deposit funds in and withdraw funds from the New Accounts by all usual means, including checks, wire transfers, and other debits; and (h) pay the Bank Fees, including any prepetition amounts and any postpetition ordinary-course Bank Fees incurred in connection with the Debtors' bank accounts and to otherwise perform their obligations under the documents governing such accounts; *provided* that, in each case, such action is taken in the ordinary course of business and consistent with historical practices. Notwithstanding the foregoing, once the Debtors have exhausted their existing supply of correspondence, business forms stock and checks, the Debtors will obtain new business forms stock and checks reflecting their status as "Debtors in Possession" and include the above-captioned case number on all checks. Further, within fourteen (14) days of entry of this Final Order, the Debtors shall update any electronically produced checks to reflect their status as "Debtors in Possession" and to include the above-captioned case number. Any and all postpetition checks as of the date of this Final Order shall bear either a "DIP" or "Debtor in Possession" designation and case number. The Debtors shall further immediately advise the banks to restyle the New Accounts as a "Debtor-in-Possession Account."

3. The Existing Cash Management Bank is authorized to continue to maintain, service, and administer the Debtors' existing bank accounts as accounts of the Debtors as debtors in possession, without interruption and in the ordinary course of business consistent with historical

(Page 5): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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(II) GRANTING SUPERPRIORITY ADMINISTRATIVE EXPENSE  
STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND  
(III) GRANTING RELATED RELIEF

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practices, and to receive, process, honor, and pay, to the extent of available funds, any and all checks, drafts, wires, credit card payments, and ACH transfers issued and drawn on such accounts after the Petition Date by the holders or makers thereof, as the case may be, and all such banks and financial institutions are authorized to rely on the Debtors' designation of any particular check or electronic payment request as approved by this Final Order; *provided, however*, that any payments drawn, issued, or made prior to the Petition Date shall not be honored absent direction of the Debtors and a separate order of the Court authorizing such prepetition payment.

4. Any existing deposit agreements between or among the Debtors, the Existing Cash Management Bank, and other parties shall continue to govern the postpetition cash management relationship between the Debtors and the Existing Cash Management Bank, and all of the provisions of such agreements, including, without limitation, any termination and fee provisions, shall remain in full force and effect unless otherwise ordered by the Court.

5. To the extent any bank account including the New Accounts are not in compliance with section 345(b) of the Bankruptcy Code or any of the U.S. Trustee's requirements or guidelines, the Debtors shall have until a date that is thirty (30) days from the date of this Final Order, without prejudice to seeking additional extensions, to either come into compliance with section 345(b) of the Bankruptcy Code and any of the U.S. Trustee's requirements or guidelines or to make such other arrangements as are agreed to by the U.S. Trustee or approved by the Court. The Debtors may obtain a further extension of the thirty (30) day period referenced above by

(Page 6): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: FINAL ORDER (I) AUTHORIZING THE DEBTORS TO  
(A) CONTINUE OPERATING THEIR CASH MANAGEMENT  
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(III) GRANTING RELATED RELIEF

---

written agreement (email being sufficient) of the U.S. Trustee without the need for further Court order.

6. The Debtors and the Existing Cash Management Bank may, without further order of this Court, agree to and implement changes to the Cash Management System and procedures related thereto in the ordinary course of business and consistent with historical practices, including, without limitation, the opening of any new accounts, the closing of existing accounts, and entrance into ancillary agreements, including new deposit account control agreements related to the foregoing, as the Debtors and the Existing Cash Management Bank may deem necessary and appropriate, subject to paragraph 8 below. The Debtors shall provide notice within three (3) business days to the U.S. Trustee, the DIP Lender, and counsel to any statutory committees prior to making any material changes to the Cash Management System.

7. The Debtors are authorized to open and close accounts, including the New Accounts; provided, however, that any such new account shall be established at an institution that is (a) a party to a Uniform Depository Agreement for the District of New Jersey (“UDA”) with the U.S. Trustee or is willing to immediately execute a UDA and (b) agrees to be bound by the terms of this Final Order. The Debtors shall provide notice within three (3) business days to the U.S. Trustee and counsel to any statutory committees of the opening of a new account or closing of an existing account. In addition, the opening or closing of an account shall be timely indicated on the Debtors’ monthly operating reports. The U.S. Trustee and any statutory committee appointed in

(Page 7): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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(II) GRANTING SUPERPRIORITY ADMINISTRATIVE EXPENSE  
STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND  
(III) GRANTING RELATED RELIEF

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these chapter 11 cases will have fourteen (14) days from receipt of such notice to file any objection with regard to opening or closing of an account, or such later date as may be extended by the Court or agreed to between the Debtors, the U.S. Trustee, and/or any statutory committee appointed in these chapter 11 cases. The relief granted in this Final Order is extended to any new account opened in the ordinary course of business and consistent with historical practices after the date hereof, which account shall be deemed a “New Account,” and to the bank at which such account is opened, which bank shall be deemed a “Cash Management Bank.” Any New Account must bear the designation “Debtor in Possession” and be designated as a “Debtor in Possession” account with the case number.

8. For banks at which the Debtors hold accounts that are not party to a UDA with the U.S. Trustee, the Debtors shall use their good-faith efforts to cause the banks to execute a UDA in a form prescribed by the U.S. Trustee within thirty (30) days of the date of this Final Order. The U.S. Trustee’s rights to seek further relief from this Court on notice in the event that the aforementioned banks are unwilling to execute a UDA in a form prescribed by the U.S. Trustee are fully preserved.

9. To the extent that it is provided with notice of this Final Order, each Cash Management Bank shall not honor or pay any bank payment drawn on the bank accounts listed in the Motion or otherwise issued before the Petition Date for which the Debtors specifically issue a timely stop payment order in accordance with the documents governing such New Accounts.

(Page 8): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: FINAL ORDER (I) AUTHORIZING THE DEBTORS TO  
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(III) GRANTING RELATED RELIEF

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10. The Cash Management Banks are authorized, without further order of this Court, to deduct any applicable fees from the Debtors' bank accounts in the ordinary course of business consistent with historical practices.

11. The Cash Management Banks are authorized, without further order of this Court, to charge back to the appropriate accounts of the Debtors any amounts resulting from returned checks or other returned items, including returned items that result from ACH transactions, wire transfers, or other electronic transfers of any kind, regardless of whether such returned items were deposited or transferred prepetition or postpetition and regardless of whether the returned items relate to prepetition or postpetition items or transfers.

12. The relief, rights, and responsibilities provided for in this Final Order shall be deemed to apply to any and all bank accounts maintained in the Debtors' name, including, but not limited to, any new bank accounts opened by the Debtors, and any banks at which new accounts are opened shall be subject to the rights and obligations set forth in this Final Order.

13. Subject to the terms set forth herein, any bank, including the Existing Cash Management Bank, may rely upon the representations of the Debtors, without any duty to inquire otherwise, with respect to whether any check, draft, wire, or other transfer drawn or issued by the Debtors prior to the Petition Date should be honored pursuant to any order of this Court, of which items the Debtors shall promptly notify the Existing Cash Management Bank, and no bank that honors a prepetition check or other item drawn on any account that is the subject of this Final



(Page 9): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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(A) CONTINUE OPERATING THEIR CASH MANAGEMENT  
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STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND  
(III) GRANTING RELATED RELIEF

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Order (a) at the direction of the Debtors, (b) in a good-faith belief that this Court has authorized such prepetition check or item to be honored, or (c) as a result of a mistake made despite implementation of reasonable customary handling procedures, shall be deemed to be nor shall be liable to the Debtors, the estate, or any other party on account of such prepetition check or other item being honored postpetition, or otherwise deemed to be in violation of this Final Order.

14. Any banks, including the Existing Cash Management Bank, are further authorized to honor the Debtors' directions with respect to the opening and closing of the New Accounts and accept and hold, or invest, the Debtors' funds in accordance with the Debtors' instructions; provided that such bank shall not have any liability to any party for relying on such representations, subject to paragraph 6 above.

15. Nothing contained in the Motion or this Final Order shall be construed to (a) create or perfect, in favor of any person or entity, any interest in cash of a Debtor that did not exist as of the Petition Date or (b) alter or impair the validity, priority, enforceability, or perfection of any security interest or lien or setoff right, in favor of any person or entity, that existed as of the Petition Date.

16. Nothing contained in the Motion or this Final Order, and no action taken pursuant to the relief requested or granted (including any payment made in accordance with this Final Order), is intended as or shall be construed or deemed to be: (a) an admission as to the amount of, basis for, or validity of any claim against the Debtors under the Bankruptcy Code or other

(Page 10): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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applicable nonbankruptcy law; (b) a waiver of the Debtors' or any other party in interest's right to dispute any claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication, admission or finding that any particular claim is an administrative expense claim, other priority claim or otherwise of a type specified or defined in the Motion or this Final Order except as otherwise provided for in this Final Order; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (f) an admission as to the validity, priority, enforceability or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; or (g) a waiver or limitation of any claims, causes of action or other rights of the Debtors or any other party in interest against any person or entity under the Bankruptcy Code or any other applicable law.

17. The Debtors shall maintain records of all transfers within the Cash Management System, so that all transfers and transactions shall be adequately and promptly documented in, and ascertainable from, the Debtors' Books and Records to the same extent as maintained prior to the commencement of these chapter 11 cases. The Debtors are also directed to maintain their Books and Records so as to provide a clear line of demarcation between prepetition and postpetition transactions.

18. The Debtors are authorized to issue postpetition checks, or to effect postpetition fund transfer requests, in replacement of any checks or fund transfer requests that are dishonored

(Page 11): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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(A) CONTINUE OPERATING THEIR CASH MANAGEMENT  
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STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND  
(III) GRANTING RELATED RELIEF

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as a consequence of these chapter 11 cases with respect to prepetition amounts owed in connection with the relief granted herein.

19. The Debtors are authorized to continue engaging in Intercompany Transactions in connection with the Cash Management System in the ordinary course of business and on the same terms and consistent with historical practices, including with respect to transaction amounts. The Debtors shall maintain accurate and detailed records of all Intercompany Transactions and the payment of Intercompany Balances so that all transactions may be readily traced, ascertained, and recorded properly on applicable intercompany accounts (if any) and distinguished between prepetition and postpetition transactions for the purposes of determining administrative expense status.

20. All postpetition payments from a Debtor to another Debtor or non-Debtor under any Intercompany Transactions authorized hereunder that result in an Intercompany Balance are hereby accorded administrative expense status under section 503(b) of the Bankruptcy Code.

21. Nothing in this Final Order shall prejudice the Debtors' right to seek recovery of any payments from any payee of a check as permitted under sections 544, 547, 548, 549, 550, or any other applicable provision of the Bankruptcy Code or applicable non-bankruptcy law.

22. Nothing in this Final Order authorizes the Debtors to accelerate any payments not otherwise payable under applicable law.

(Page 12): CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: FINAL ORDER (I) AUTHORIZING THE DEBTORS TO  
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(II) GRANTING SUPERPRIORITY ADMINISTRATIVE EXPENSE  
STATUS TO POSTPETITION INTERCOMPANY BALANCES, AND  
(III) GRANTING RELATED RELIEF

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23. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

24. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Final Order are immediately effective and enforceable upon its entry.

25. The Debtors and the Independent Fiduciary are authorized to take all actions necessary to effectuate and/or enforce the relief granted in this Final Order in accordance with the Motion.

26. The requirement set forth in Local Rule 9013-1(a)(3) that any Motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

27. Any relief granted to the Debtors pursuant to this Final Order shall mean the Debtors, acting at the direction of the Independent Fiduciary.

28. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.