



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

In re:

CBRM Realty Inc., *et al.*

Debtors.¹

Chapter 11

Case No. 25-15343 (MBK)
(Jointly Administered)

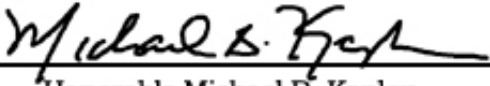
Re: Docket No. 30

Order Filed on June 18, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**FINAL 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**

The relief set forth on the following pages, numbered 2 through 14, is **ORDERED**.

DATED: June 18, 2025


Honorable Michael B. Kaplan
United States Bankruptcy Judge



251534325061800000000002

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Upon the motion (the “**Motion**”)² 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 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, and (iii) granting related relief; all as more fully set forth in the Motion; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and this Court having found that the Debtors’ notice of the Motion was appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court; and this Court having determined that the legal

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

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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 HEREBY ORDERED THAT:

1. The Motion is GRANTED on a final basis as set forth herein.
2. The Debtors are authorized, but not directed, on a final basis, to: (a) continue operating the Cash Management System, as described in the Motion; (b) honor their prepetition 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) concerning the Existing Cash Management Bank 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 practices, including with respect to transaction amounts; (e) close the bank accounts at the Existing Cash Management Bank to the extent not already closed and transfer any and all funds to the New Accounts at the New Cash Management Bank; (f) continue to use, with the same account numbers, any bank accounts at the Cash Management Banks in the names and with the account numbers existing as of entry of this Final Order and need not comply with the U.S. Trustee

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Guidelines requiring the opening of separate debtor in possession accounts other than as set forth in the Motion; (g) treat the bank accounts at the Cash Management Banks for all purposes as accounts of the Debtors as debtors in possession; (h) deposit funds in and withdraw funds from the bank accounts at the Cash Management Banks by all usual means, including checks, wire transfers, and other debits; and (i) pay the Bank Fees, including any prepetition amounts and any postpetition ordinary-course Bank Fees incurred in connection with the Debtors' bank accounts at the Cash Management Banks 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 with respect to the bank accounts at the Existing Cash Management Bank, 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.

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 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 bank accounts at the Existing Cash Management Bank after the Petition Date by the holders or makers

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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 the 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 of the U.S. Trustee and filing such agreement on the Court's docket without the need for further Court order.

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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 five (5) business days to the U.S. Trustee, the DIP Lender, and counsel to any statutory committees appointed in these chapter 11 cases prior to making any material changes to the Cash Management System.

7. The Debtors are authorized to open and close bank accounts, including the New Accounts; *provided, however*, that any such new bank account shall be established at an institution that is (a) a party to a Uniform Depository Agreement (“UDA”) with the U.S. Trustee for the District of New Jersey 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 one (1) business day to the U.S. Trustee and counsel to any statutory committees that may be appointed in these chapter 11 cases of the opening of a new bank account or closing of an existing bank account. In addition, the opening or closing of a bank account shall be timely indicated on the Debtors’ monthly operating reports. The U.S. Trustee and any statutory committee appointed in these chapter 11

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cases will have fourteen (14) calendar days from receipt of such notice to file any objection with regard to opening or closing of a bank 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 committees appointed in these chapter 11 cases. The relief granted in this Final Order is extended to any new bank account opened by the Debtors 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 including the New Accounts that are not party to a UDA with the U.S. Trustee for the District of New Jersey, within five (5) days of the date of entry of the Interim Order, the Debtors shall (a) contact each bank, (b) provide the banks with each of the Debtors’ employer identification numbers, and (c) identify each of the bank accounts held at such banks as being held by a debtor in possession in the Debtors’ bankruptcy case, and provide the case number.

9. For banks at which the Debtors hold bank 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 the Interim Order. The U.S. Trustee’s rights to seek further relief from this Court on notice in the event that

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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 Final Order, each Cash Management Bank shall not honor or pay any bank payment drawn on the bank accounts listed in the Motion including the New Accounts 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 Final Order shall be deemed to apply to any and all bank accounts maintained in the Debtors' name, including, but not

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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 Final 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 Final 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 Final 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 bank accounts including 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.

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16. The Debtors are authorized, but not directed, 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. Upon the request of the U.S. Trustee, which request has been made, and upon request by the counsel to any statutory committees appointed in these chapter 11 cases, the Debtors shall make such records related to the foregoing available to such parties.

17. 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; *provided, however*, that all such administrative expense claims shall be subject to the rights of all secured creditors and any existing security interests and encumbrances. The rights of all parties in interest to object to (i) allowance of any administrative expense claim arising from any postpetition Intercompany Transaction, (ii) the claims of any such secured

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creditors, and (iii) the validity of any such security interests and encumbrances are, in each case, reserved and preserved.

18. 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.

19. 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 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

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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. Notwithstanding the Debtors' use of a consolidated Cash Management System, the Debtors shall calculate their quarterly fees under 28 U.S.C. § 1930(a)(6) based on the disbursements of each Debtor regardless of which entity pays those disbursements.

21. 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.

22. The Debtors are authorized, but not directed, 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.

23. Notwithstanding anything to the contrary in the Motion or this Final Order, any payment made, obligation incurred, or relief or authorization granted hereunder shall not be inconsistent with, and shall be subject to and in compliance with, the requirements imposed on

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the Debtors under the terms of each interim and final order entered by the Court in respect of any motion of the Debtors to obtain postpetition financing or the use of cash collateral (the “**DIP Orders**”), including compliance with any budget or cash flow forecast in connection therewith and any other terms and conditions thereof. Nothing herein is intended to modify, alter, or waive, in any way, any terms, provisions, requirements, or restrictions of the DIP Orders.

24. 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.

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

26. The rights of all parties in interest are reserved with respect to the relief granted in this Final Order.

27. 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.

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

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

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30. 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.

31. 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.

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

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