



ENTERED
10/19/2015

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

In re: § Chapter 11
HII TECHNOLOGIES, INC., *et al.*¹ §
Debtors § 15-60070 (DRJ)
§ (Jointly Administered)

FINAL ORDER (I) AUTHORIZING CONTINUED USE OF EXISTING BUSINESS FORMS AND RECORDS; (II) AUTHORIZING MAINTENANCE OF EXISTING CORPORATE BANK ACCOUNTS AND CASH MANAGEMENT SYSTEM; AND (III) WAIVING THE REQUIREMENTS OF 11 U.S.C. § 345(b)

(Docket No. 13)

Upon consideration of the Emergency Motion for an Order (i) Authorizing Continued Use of Existing Business Forms and Records; (ii) Authorizing Maintenance of Existing Corporate Bank Accounts and Cash Management System; and (iii) Waiving the Requirements of 11 U.S.C. § 345(b) (the "Motion"),² filed by HII Technologies, Inc. ("HII") and its above-captioned affiliated debtors (collectively, the "Debtors"), the Court finds that: (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. § 1334(b); (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b); (iii) the relief requested in the Motion is in the best interests of the Debtors and their estates, creditors, and other parties in interest; (iv) proper and adequate notice of the Motion and hearing on the Motion has been given and that no other or further notice is necessary under the circumstances; (v) the relief granted in this Final Order is necessary to avoid immediate and irreparable harm to the estates; and (vi) good and sufficient cause exists for the granting of the relief requested in the Motion after having given due

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: (i) Apache Energy Services, LLC (4404); (ii) Aqua Handling of Texas, LLC (4480); (iii) HII Technologies, Inc. (3686); (iv) Sage Power Solutions, Inc. fka KMHVC, Inc. (1210); and (v) Hamilton Investment Group, Inc. (0150).

² Capitalized terms not otherwise defined herein shall have the meaning assigned to them in the Motion.

deliberation upon the Motion and all of the proceedings had before the Court in connection with the Motion. Therefore, it is hereby

ORDERED that the Motion and all relief requested therein is GRANTED; and, it is further

ORDERED that the Debtors are authorized to continue to use their existing business forms and to maintain its existing business records; and, it is further

ORDERED that the Debtors are authorized to continue using the Cash Management System to consolidate the management of its cash in the normal course of business, as, when, and in the amounts necessary to maintain business operations; and the Debtors shall maintain records of all such transfers of cash in a manner so that all transactions made pursuant to the authorization granted in this Final Order can be readily ascertained; and, it is further

ORDERED that the Debtors are authorized to continue to use the operating accounts located at Heartland Bank (Account No. Ending 3973) and Chase (Account No. Ending 2981); and, it is further

ORDERED that the Debtors are authorized to continue to use their subsidiary cash accounts located at Heartland Bank (Account Nos. Ending 4286, 4211, 4229, 4278, and 4260). The funds kept in any subsidiary cash accounts shall be transferred to the operating accounts on a routine basis so that funds on hand do not exceed FDIC insurance limits; and, it is further

ORDERED that the Debtors must attach bank statements for the operating accounts to the monthly operating reports;

ORDERED that the Debtors shall, within 5 business days of the entry of this Final Order, provide proof of closure of closed accounts and accounts with negative balances that can not be closed.

ORDERED that the Debtors are authorized to maintain Accounts and to deposit and receive funds in the Heartland and Chase Accounts. The Debtors may further proceed with its Cash Management System as more fully described in the Motion; and, it is further

ORDERED that any financial institution at which the Debtors have an account shall, if requested, restyle the account as a Debtor-In-Possession account at no cost to the Debtors; and, it is further

ORDERED that Debtors are hereby authorized to execute any additional documents as may be required to carry out the intent and purpose of this Order; and, it is further

ORDERED that the Debtors are authorized to maintain such other depository and disbursement accounts as may be required or permitted by the Cash Management System or in connection with other orders of this Court; and, it is further

ORDERED that the Debtors may modify the Cash Management System, as may be required by Orders of this Court, the Debtors' lenders, including any post-petition lender, or as the Debtors decide in their business judgment, in the ordinary course of business, without the need for further order of this Court; and, it is further

ORDERED that no financial institution at which the Debtors may have an account or do business may set off any alleged pre-petition claims against any post-petition deposits made by the Debtors in any Accounts maintained by the Debtors on a post-petition basis, except as authorized by the Bankruptcy Code and this Court; and, it is further

ORDERED that the Debtors are authorized to continue paying monthly fees with respect to the Accounts in the ordinary course of business, including any portion of such fees attributable to pre-petition services; and, it is further

ORDERED that the requirements provided in 11 U.S.C. § 345(b) are hereby WAIVED as to the Chase Account and the other Accounts; and, it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Final Order, and it is further

SIGNED: October 19, 2015.


UNITED STATES BANKRUPTCY JUDGE