

**Exhibit II-6. Local Rule on Motion to Use Cash Collateral or Obtain Credit
(United States Bankruptcy Court for the Eastern District of Michigan)**

Rule 4001-2 Motion for Use of Cash Collateral or to Obtain Financing

(a) Contents of the Motion. In addition to the requirements of F.R.Bankr.P. 4001(b)(1)(B) and F.R.Bankr.P. 4001(c)(1)(B), a motion for use of cash collateral under § 363(c)(2) or to obtain credit under § 364(c) or (d) shall explicitly state the moving party's position as to the value of each of the secured interests to be protected. Pertinent appraisals and projections shall be summarized in the motion.

(b) Cover Sheet. The motion shall be filed with a completed form "Cover Sheet for Motion to Use Cash Collateral or to Obtain Financing," available on the court's website.

(c) Motion to Approve Agreement. A motion for the entry of an order approving an agreement for the use of cash collateral or to obtain credit on an expedited basis may be granted without a hearing if the motion complies with F.R.Bankr.P. 4001(d)(1)(B) and if:

(1) The proposed order is approved by all creditors who may have an interest in the cash collateral to be used or the credit to be extended, by the chairperson or attorney for each official committee and by the United States trustee;

(2) The proposed order provides for the debtor to use cash collateral or to obtain credit in a maximum specified dollar amount necessary to avoid immediate and irreparable harm only until the earlier of the date of the final hearing or the date that the order would become a final order;

(3) The proposed order provides for a final hearing, the date and time for which shall be filled in by the court when the proposed order is entered;

(4) The proposed order provides that the debtor shall, within 24 hours of its entry, serve a copy of the motion with its attachments and the entered order on all parties who are required to be served under F.R.Bankr.P. 4001(d);

(5) The proposed order provides that:

(A) The deadline to file an objection to the proposed order is 15 days from the entry of the order, except that an official committee may file objections within 15 days after it is served with the entered order;

(B) If an objection is timely filed, the final hearing will be held; and

(C) If no objection is timely filed, the interim or preliminary order may become a final order; and

(6) The motion is accompanied by an affidavit or declaration of the debtor or a principal of the debtor stating the facts upon which the debtor relies in seeking the entry of the proposed order on an expedited basis and the amount of money needed to avoid immediate and irreparable harm.

(d) Interim Order on Expedited Basis. If a debtor files a motion for authority to use cash collateral or to obtain post-petition financing but the debtor's prepetition secured

creditors have not consented to the relief sought in the motion, the court may enter an interim order granting the relief requested on an expedited basis if:

- (1) The debtor has served a copy of the motion, a proposed order and a notice of the hearing on the motion on the non-consenting secured creditors in the manner set forth in Local Rule 9013-1;
- (2) The court has held a hearing on the motion at which the non-consenting secured creditors were given an opportunity to be heard;
- (3) The proposed order complies with each of the requirements of subparagraphs (c)(2)–(c)(6) of this rule; and
- (4) The court makes a specific finding of fact that the protection offered to the non-consenting secured creditors is adequate and such adequate protection is incorporated into the proposed order.

(e) Effect of Interim Order. If the court enters an interim order under paragraph (d) over the objection of a secured creditor or if a secured creditor does not appear at the hearing or object to the motion, such secured creditor retains the right to object to the interim order as provided in subparagraph (c)(5)(A) of this rule.

(f) Reducing or Enlarging for Objections. On timely motion, the court may enlarge or reduce the time within which an objection must be filed, except that the court may not reduce the time within which a non-consenting secured creditor must file an objection under subparagraph (c)(5)(A) of this rule. In its discretion, the court may schedule a hearing on the debtor’s motion at any time, with such notice as it deems appropriate, provided such notice and hearing are consistent with paragraph (d) of this rule.

Comment

This local rule is revised to conform to the amendments to F.R.Bankr.P. 4001(b), (c) and (d) effective December 1, 2007, but is otherwise unchanged in substance. It is internally renumbered.

APPENDIX 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
_____ DIVISION

IN RE: _____ CASE NO.: _____

CHAPTER 11

DEBTOR _____ : HON: _____

**COVER SHEET FOR MOTION TO USE CASH
COLLATERAL OR TO OBTAIN CREDIT**

The debtor has filed a motion to use cash collateral or to obtain postpetition financing, which is attached to this Cover Sheet. In accordance with LBR 4001-2(b) (E.D.M.), the debtor has identified below, by page and paragraph number, the location in the proposed order accompanying the motion of each of the following provisions:

Provision	Contained in Proposed Order	Location in Proposed Order
(1) Provisions that grant liens on the estate's claims and causes of action arising under Chapter 5 of the Code.	____ Yes ____ No	Page __, ¶ __
(2) Provisions that grant cross-collateralization protection to the prepetition secured creditor (i.e., clauses that secure prepetition debt with categories of collateral that were not covered by the secured party's lien prepetition) other than liens granted solely as adequate protection against diminution in value of a prepetition creditor's collateral.	____ Yes ____ No	Page __, ¶ __
(3) Provisions that establish a procedure or conditions for relief from the automatic stay.	____ Yes ____ No	Page __, ¶ __
(4) Provisions regarding the validity or perfection of a secured creditor's prepetition liens or that release claims against a secured creditor.	____ Yes ____ No	Page __, ¶ __

Provision	Contained in Proposed Order	Location in Proposed Order
(5) Provisions that prime any lien without that lien holder's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(6) Provisions that relate to a sale of substantially all of the debtor's assets.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(7) Provisions for the payment of professional fees of the debtor or any committees, including any carve-outs for such payments.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(8) Provisions for the payment of prepetition debt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(9) Provisions that waive the debtor's exclusive right to file or solicit acceptances of a plan during the time periods specified in 11 U.S.C. § 1121.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(10) Provisions that require the debtor's plan to be on terms acceptable to the secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(11) Provisions that require or prohibit specific terms in the debtor's plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(12) Provisions establishing that proposing a plan inconsistent with the order constitutes a default.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(13) Provisions that waive surcharge under 11 U.S.C. § 506(c).	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(14) Provisions that address the rights and obligations of guarantors or co-obligors.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(15) Provisions that prohibit the debtor from seeking approval to use cash collateral without the secured creditor's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __

Provision	Contained in Proposed Order	Location in Proposed Order
(16) Provisions that purport to bind a subsequent trustee.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __
(17) Provisions that obligate the debtor to pay any of a secured creditor's professional fees.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page __, ¶ __

Date: _____

[Debtor's counsel]