

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
EISAMAN REAL ESTATE, INC. ) CASE NO. 07-11854  
 )  
 )  
Debtor )

**DECISION AND ORDER**

At Fort Wayne, Indiana, on October 26, 2007

Following a hearing held on the debtor's motion to use cash collateral, those creditors with remaining objections – S & L Enterprises, the Hicksville Bank, HBLC, and Citizens Bank – and the debtor were given the opportunity to file briefs directed to the issue of the administrative expense line in the debtor's proposed budget. The time to do so has passed, yet only one of the objecting creditors, Citizens Bank, filed a meaningful brief. S & L Enterprises and the Hicksville Bank filed a statement saying nothing more than that they join in the arguments made by Citizens Bank and adopt them as their own. The final objecting creditor, HBLS, did not file anything whatsoever.

Issues involving cash collateral are uniquely fact-sensitive, particular to each creditor's cash collateral interest. See, 3 Collier on Bankruptcy ¶ 363.04[4][c] (15th ed. revised). Arguments that may be applicable to one creditor, may not be so for another. As a result, the arguments made by one creditor as to the impact a debtor's proposed use of cash collateral may have on that creditor's interest, will not automatically, without further explanation, be equally applicable to the impact that use may have on another creditor's interest.

The submission made by S & L and the Hicksville Bank simply states that it adopts the arguments made by Citizens Bank as their own. That is not sufficient. Their interests in property

of the estate are not identical to those of Citizens Bank, and further explanation or elaboration is necessary before the arguments it advanced become applicable to their unique position. The statement filed on behalf of S& L and the Hicksville Bank makes no attempt to do this and, as a result, is the equivalent of filing nothing, thus waiving any argument. As for HBLS, it has filed nothing at all and, as a result, has also waived any arguments it may have had.

The objections to the debtor's use of cash collateral filed by HBLS, S & L Enterprises and the Hicksville Bank are OVERRULED.<sup>1</sup>

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court

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<sup>1</sup>The objection of Citizens Bank will be addressed in a separate decision.