

the Debtor to continue to use his accounts at Berkshire Bank, pending the opening of new accounts and an agreement with the United States Trustee regarding the permissible use of the Bank Accounts.

12. As the Debtor banks exclusively with Berkshire Bank, in the absence of such an order, the closure of the Debtor's Bank Accounts and Escrow Accounts would likely severely interrupt his operations and cash flow. This is particularly true because the vast majority of the Debtor's tenants deposit their rent to Berkshire Bank electronically. This disruption would cause substantial burden to the Debtor as well because of the volume of the Security Accounts being held.

13. When a debtor files for relief under Chapter 11, it assumes the status of a trustee and agrees to accept various restrictions on its operations. 11 U.S.C. § 1107. *In re Diocese of Buffalo*, 621 B.R. 91 (Bankr. W.D.N.Y. 2020). These restrictions include the requirements of 11 U.S.C. § 345 with regard to money of the bankruptcy estate. *Id.* 11 U.S.C. § 345(b) generally directs that estate funds be held in accounts that are either federally insured or bonded. *Id.*

14. Courts have used a totality of circumstance test and looked at several factors in determining whether cause exists to provide relief under Section 345(b). Such factors include: the sophistication of the debtor's business; the size of the debtor's business operations; the amount of investments involved; the bank ratings (Moody's and Standard and Poor) of the financial institutions where debtor-in-possession funds are held; the complexity of the case; the safeguards in place within the debtor's own business of insuring the safety of the funds; the debtor's ability to reorganize in the face of a failure of one or more of the financial institutions; 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. *In*