

re Service Merchandise Co. 240 B.R. 894, 896 (Bankr. Tenn 1999). *See also, Buffalo Diocese*, 621 B.R. at 93 (referencing the totality of circumstances test).

15. Here, "cause" exists for several reasons. First and foremost, the risk to the depositors with Berkshire Bank is virtually non-existent. Berkshire Bank is a financial institution with a strong credit rating. Berkshire bank is a federally chartered bank subject to supervision by the Federal Deposit Insurance Corporation ("FDIC"). The FDIC has strict guidelines to ensure stability of its insured depository institutions, including Berkshire Bank. Berkshire Bank remains subject to FDIC's guidelines and regulations with respect to the deposit received by the Debtor.

16. The Debtor's account balances (excluding the security deposit account) are typically below the FDIC guaranteed insurance except at the beginning of each month. The primary operating account has approximately \$396,636.91, above the guaranteed amount. The Debtor, through his counsel, is committed to work with the US Trustee to arrange a satisfactory structure so that the account balances at Berkshire Bank do not exceed the FDIC insured amount.

17. The transfer of tenant deposits to a new operating account at an authorized depository will take a prolonged period of time in light of the size and complexity of the Debtor's interests and operations.

18. The Debtor submits that the relief requested herein will help to ensure the Debtor's orderly entry into and administration of his Chapter 11 case. It will also avoid many of the possible disruptions and distractions that not only could divert the Debtor's attention from more pressing matters during the initial days of this Chapter 11 case, but also hinder the operations of the Debtor upon commencement of his bankruptcy case.