

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
www.flsb.uscourts.gov

In re:

Case No. 21-15555-BKC-EPK

PALM BEACH RESORT AND BEACH CLUB Chapter 11
CONDOMINIUM ASSOCIATION, INC.,

Debtor-in-Possession.

**DEBTOR'S EXPEDITED¹ MOTION TO
(A) ESTABLISH CERTAIN NOTICE AND SERVICE PROCEDURES;
(B) ESTABLISH BAR DATES FOR FILING PROOFS OF CLAIM AND PROOFS
OF OWNER OF UNIT-WEEK INTEREST; (C) APPROVE THE FORM AND MANNER FOR
FILING PROOFS OF CLAIM AND PROOFS OF OWNER OF UNIT WEEK INTEREST;
AND (D) APPROVE NOTICE THEREOF**

Expedited Hearing Requested

The Debtor respectfully requests an expedited hearing in this matter to prevent direct, immediate, and substantial expense and cost to the Debtor's estate that would occur if Debtor was not permitted to employ the notice and service procedures set forth in this Motion and approve the form and manner for filing proofs of claim and proofs of Owner of Unit Week interest.

The Debtor, by and through undersigned counsel, hereby submits this *Emergency Motion to (A) Establish Notice and Service Procedures; (B) Establish Bar Dates for Filing Proofs of Claim and Proofs of Owner of Unit Week Interest; (C) Approve the Form and Manner for Filing Proofs of Claim and Proofs of Owner of Unit-Week interest, and (D) Approve the Notice Thereof* (the "Motion"). In support of this Motion, the Debtor states the following:

¹ To extent the Court deems this relief within the scope of Local Rule 9075-1, the Debtor respectfully requests that the Court waive the provisions of Local Rule 9075-1, as the relief herein is urgent in nature and does not lend itself to advance resolution.

JURISDICTION

1. The Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334.
2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.
3. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).
4. The statutory predicates for the relief sought herein are sections 105(a), 501, 502, and 1111(a) of the Bankruptcy Code, and rules 2002 and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

5. On June 4, 2021 (the “Petition Date”), the Debtor filed its voluntary petition for relief under Subchapter V, Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The Debtor continues to operate its business and manage its property as a debtor in possession pursuant to Sections 1181 and 1184 of the Bankruptcy Code.

6. The Debtor is a Florida not-for-profit corporation, with its principal place of business located in Palm Beach County, Florida. The Debtor is organized under the laws of the state of Florida and pursuant to the Florida Condominium Act, Chapter 718, Florida Statutes, and the Florida Timeshare Act, Chapter 721, Florida Statutes, and was formed for the purpose of managing, operating and maintaining the real property known as the Palm Beach Resort and Beach Club Condominium (the “Condominium”).

7. The Condominium is located at 3031 S. Ocean Blvd., Palm Beach, Florida and consists of one (1) two-story building containing twenty-nine (29) units (collectively, the “Units”) and common areas, a swimming pool and patio area, paved driveways, walkways and parking areas, dock facility which are common elements appurtenant thereto.

8. From 1981 through 2020 (the “Timeshare Period”), the Condominium operated as a timeshare condominium whereby individuals purchased an ownership interest with the

right to use certain week intervals in the Condominium (“Owner(s) of Unit Week”), and in exchange for ownership interest and for the right to use the Condominium, each owner was subject to regular assessments to maintain and operate the Condominium (collectively referred to herein as “Interval Ownership”).

9. During the Timeshare Period, each Unit was committed to Interval Ownership. Pursuant to Section 4 of the Declaration of the Condominium (the “Declaration”), each Unit contained fifty-two (52) Unit Weeks, resulting one thousand five hundred and eight (1,508) Unit Weeks in the Condominium and for purposes of sharing in the Debtor’s common expenses and common surplus, as well as the voting rights of Owners of Unit Weeks. Each Owner of Unit Weeks was allocated a one-fifty-first (1/51) vote and share in the Debtor’s common expenses and common surplus.

10. Article 20 of the Declaration grants to the Debtor the right and duty to adopt and collect assessments from each Owner of Unit Weeks to pay for the common expenses of the Condominium.

11. On January 1, 2021, the Interval Ownership interests held by the Owners of Unit Weeks for each Unit **became** tenants in common in accordance with the Declaration.

12. As of the Petition Date, there are approximately 834 Owners of Unit Weeks.² Although the Owners of Unit Weeks are not creditors or equity interest holders of the Debtor, the Debtor will be seeking relief via separate adversary proceeding to sell the Condominium, with the proceeds to be allocated *pro-rata* to the Owners of Unit Weeks’ interests in the Condominium after payment of costs and any amounts due to the Debtor as part of a plan.

13. There are numerous parties who may have or claim an ownership interest in one or more Units by virtue of a defective conveyance of deed, wild deed, or other

² The total number of Owner of Unit Weeks includes joint owners in the same specified Unit Week interval.

conveyance error/mistake/scrivener's error, and that are not reflected in the current ownership roll of the Condominium (the "Defect Parties").

14. Thus, the Owners of Unit Weeks will at a minimum still need to be served with the notice of commencement and proof of claim or interest, any motion or adversary proceeding associated with the sale of the Condominium, and the plan, and the Defect Parties will also need to be served with certain documents from the Bankruptcy Case and adversary proceedings for which they are a defendant.

RELIEF REQUESTED

NOTICE AND SERVICE PROCEDURES

15. The Debtor must notice a total of over 1000 Owners of Unit Weeks **and** Defect Parties of certain filings during the pendency of the Bankruptcy Case. The Debtor also anticipates that many of the interested parties will file requests for service in the Bankruptcy Case. The Debtor also expects to pursue various forms of relief during the Bankruptcy Case.

16. By establishing the notice and service procedures proposed herein, all parties-in-interest will be assured of receiving appropriate notice of matters affecting the Bankruptcy Case, their particularized interests and will be provided with sufficient opportunity to prepare for and respond to such matters. The Debtor proposes that the Court authorize the Debtor and other parties-in-interest to provide service by e-mail to those parties who provide written consent to service by e-mail.

17. The Debtor, through its management company have a full list of all the Owners of Unit Weeks e-mail addresses which it can begin using immediately to e-mail all entitled to notice.

18. E-mail is the fastest, most convenient and most economical way to serve notice on those who may be entitled notice pursuant to all applicable Bankruptcy Rules, Local Bankruptcy Rules and the Bankruptcy Code. The use of e-mail results in higher likelihood

that a party receive notice, substantial cost savings with respect to the copying and postage, and allows for instantaneous transmission of documents.

19. The potential costs associated with copying and serving all documents that the Debtor files with the Court pursuant to the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, and the procedures set forth herein will impose an undue administrative and economic burden on the Debtor and its estate. Therefore, the procedures set forth herein are designed to efficiently manage the likely administrative and financial costs that would otherwise be placed on the Debtor's estate and other parties in interest in connection with any filings in this Bankruptcy Case.

20. Further, the Debtor already uses its own websites which have been historically used to update and inform Owners of Unit Weeks of certain company updates. The Debtor's main website is located at <https://www.palmbeachresortflorida.com/> ("Main Website"). A secondary website to update Owners of Unit Weeks of legal updates will be set up at <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/> (the "Website").

21. The Debtor proposes that it be authorized to post certain information related to the Bankruptcy Case and certain documents filed with the Court from the Bankruptcy Case on the Website where interested parties can view them at no cost. Further, the Debtor will link its Main Website to the Website.

22. The Website will list significant dates concerning the Bankruptcy Case. The Website will also include the Master Service List, which includes those entities who have filed or subsequently file a request for service of papers pursuant to Federal Rule of Bankruptcy Procedure 2002.

23. Accordingly, as set forth more fully immediately below, the Debtor requests that certain notice and service procedures (the "Notice and Service Procedures") be established so that all parties-in-interest will be assured of receiving appropriate notice of matters

affecting their interests and have ample opportunity to prepare for and respond to such matters. The Debtor further requests authorization to use the Website on which all substantive pleadings filed, notices issued, and orders entered in the Bankruptcy Case would be posted for public viewing by all parties-in-interest.

Proposed "Notice and Service Procedures"

24. Service By Electronic Means:

- a. The Debtor shall send to all parties in interest entitled to notice (the "Parties") an e-mail (if the Debtor has an email address for such Party) with Notice of Meeting of Creditors and affording the Parties an opportunity to consent to receiving service by electronic mail (the "Service E-Mail").
- b. Any party in interest, including without limitation, any Owner of Unit Week or Defect Party, that wishes to consent to receiving service by electronic mail shall contact counsel for the Debtor to request notice by electronic e-mail by either (1) responding to the Service E-mail indicating their consent to such service and enumerating any alternative electronic mailing address to which they wish to receive service; (2) sending an e-mail to pbrbankruptcy@gmail.com request notice by electronic mail; or (3) or filling a form consent to E-mail Service on the Website, indicating their consent to such service and enumerating any alternative electronic mailing address to which they wish to receive service.
- c. For any party that does not respond to the Service E-mail within five (5) calendar days of its service, the Debtor shall send out a mailing (the "Mailing") which shall include the Notice of Meeting of Creditors, and a copy of this Order and providing an additional opportunity for the Parties to consent to receiving service by electronic mail by sending an email to the following email address: pbrbankruptcy@gmail.com or filling consent to E-mail Service on the Website, indicating their consent to such service and enumerating any alternative electronic mailing address to which they wish to receive service.
- d. Any consent to service by electronic mail shall contain the name and e-mail address of the interested party consenting to electronic service and shall constitute consent to service by electronic mail of any and all pleadings and other documents filed in the Bankruptcy Case and any and all pleadings and other documents filed in any adversary proceeding filed in the Bankruptcy Case, including service of process, for all purposes. On and after the date of such consent, the consenting party shall be served with all appropriate documents and pleadings by electronic mail, provided, however, that such party may be served by

any other appropriate method in addition to electronic mail. Debtor's bankruptcy counsel and special counsel shall maintain a list of all parties who have consented to service by electronic mail and shall maintain a continuously updated copy of such list for purposes of service in the Bankruptcy Case.

- e. Any interested party who fails to request notice by electronic e-mail shall continue to receive any required and applicable pleadings, notices, or orders by regular first-class U.S. Mail or by other reliable method of international mail delivery.

25. Electronic Attachment of Files. All documents served by electronic mail shall include access to an attached file or files containing the entire document in PDF format or a link to access such PDF documents.

26. Effective Date of Service. Service by electronic mail on any party who has consented to electronic service shall be effective on the date the document is transmitted by electronic mail to the electronic mailing address of the party being served.

27. Use of Website. The Debtor is authorized and directed to use the following website for notice purposes: <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/> (the "Website"). The purpose of the Website is to provide notice of significant events, developments, deadlines and documents filed in the Bankruptcy Case to all interested parties. The Debtor shall list on the Website in a conspicuous manner all significant deadlines and other important dates in the Bankruptcy Case. The Debtor may also provide periodic updates on the progress of the Bankruptcy Case by posting the same on the Website.

28. Publication of Documents on Website. The Debtor shall post on the Website, for public viewing at no cost, important pleadings filed, notices issued, and orders entered in the Bankruptcy Case. Debtor may further include frequently asked question section on the Website to help provide additional information regarding the case. Without limiting the foregoing, if requested in writing by any party in interest, the Debtor shall post on the Website

any document filed in the docket in the Bankruptcy Case not previously posted on the Website.

29. Service of Notice and Service Procedures. The Notice and Service Procedures will be (a) served on all parties listed on the Debtor's master service list established pursuant to Local Rule 2002-1(H) (the "Master Service List") and (b) included on the following website at <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/>.

**THE NEED FOR A BAR DATE AND
PROOF OF CLAIM AND OWNER OF UNIT WEEK INTEREST FORM**

30. By this Motion, the Debtor also requests entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Bar Date Order"), establishing the following deadline by which certain holders of claims³ or interests will be required to file written proof of their claim(s) and/or interests (collectively, the "Bar Dates" and, each individually, a "Bar Date"):

A. General Bar Date: August 25, 2021 at 4:30 p.m. prevailing Eastern Time (the "General Bar Date") as the deadline for all persons and entities, other than governmental units, holding a claim against the Debtor **or** holding an Owner of Unit Week interest in the Condominium arising (or deemed to arise) before the Petition Date;

B. Governmental Bar Date: August 25, 2021 at 4:30 p.m. prevailing Eastern Time (the "Governmental Bar Date") as the deadline for governmental units holding a claim against the Debtor arising (or deemed to arise) before the Petition Date;

31. Pursuant to this Motion, the Debtor also seeks: (a) approval of the form and manner for filing claims and Owner of Unit Week Interests against in the Debtor; (b) approval of the form and manner of providing notice of the Bar Dates; (c) authorization to establish supplemental Bar Dates when necessary, as set forth herein; and (d) authorization for the

³ Except as otherwise defined herein, all terms used in this Motion that are specifically defined in the Bankruptcy Code shall have the meanings ascribed to such terms in the Bankruptcy Code. In particular, as used herein: (a) the term "claim" has the meaning given to it in Bankruptcy Code section 101(5); (b) the term "entity" has the meaning given to it in Bankruptcy Code section 101(15); (c) the term "governmental unit" has the meaning given to it in Bankruptcy Code section 101(27); and (d) the term "person" has the meaning given to it in Bankruptcy Code section 101(41).

Debtor, in its sole discretion, to extend the Bar Date for certain holders of claims by stipulation or otherwise where the Debtor determines that such extension is in the best interests of the estate.

32. Prepetition, the Debtor marketed the Condominium for sale and entered into an agreement to sell it upon this Court's authorization. The Debtor's goal in pursuing a sale transaction is to make a distribution from the proceeds received through a plan to satisfy all outstanding valid claims of the Debtor's creditors and to distribute the remaining proceeds of the sale of the Condominium to the Owners of Unit Weeks. The establishment of Bar Dates is an integral and necessary step for the Debtor to achieve this goal, as the Bar Dates help determine the universe of creditors that may hold a valid claim against the Debtor's estate and identify any party that is not in the Debtor's records that believes it owns an interest in the Condominium. Gathering this information as expeditiously as possible will enable the Debtor to distribute the proceeds of any transaction as soon as possible for the benefit of creditors with the remainder to be distributed to the Owners of Unit Weeks.

A. Proposed Bar Dates

i. General Bar Date

33. Except in the case of certain exceptions explicitly set forth herein, the Debtor requests that the Court establish **August 25, 2021 at 4:30 p.m. prevailing Eastern Time** as the General Bar Date - the date by which all entities (other than governmental units) holding claims or interests in the Condominium that arose (or are deemed to have arisen) before the Petition Date must file proofs of claim or proofs of interest, including, all secured claims, priority claims (other than those owed to governmental units), and all unsecured non-priority claims.

ii. Governmental Bar Date

34. The Debtor requests that the Court establish **August 25, 2021 at 4:30 p.m.** **prevailing Eastern Time** as the Governmental Bar Date - the date by which all governmental units holding claims (whether secured, unsecured priority or unsecured non-priority) that arose (or are deemed to have arisen) before the Petition Date must file proofs of claim, including claims for unpaid taxes, whether such claims arose from prepetition tax periods or prepetition transactions to which the Debtor was a party.

iii. Amended Schedules Bar Date

35. In the event the Debtor files a previously unfiled schedule or amend or supplement its schedules of assets and liabilities filed pursuant to Bankruptcy Rule 1007 (collectively, the "Schedules"), the Debtor proposes that the Court establish the later of: (a) the Claims Bar Date or the Governmental Bar Date, as applicable depending on the claimant, or (b) 4:30 p.m., prevailing Eastern Time, on the date that is 21 days from the date on which the Debtor provides notice of the previously unfiled Schedule or amendment or supplement to the Schedules, as the deadline on or before which claimants holding claims affected by such filing, amendment, or supplement must file Proofs of Claim with respect to such claim so that such Proofs of Claim are actually received by the Court on or before such date (the "Amended Schedules Bar Date").

B. Procedures for Filing Proofs of Claim or Proofs of Owner of Unit Week Interest

i. Parties Required to File Proofs of Claim or Proofs of Owner of Unit Week Interest

36. The proposed Bar Date Order provides that each person or entity (including, without limitation, each individual, partnership, joint venture, limited liability company, corporation, estate, trust, or governmental unit) asserting a claim against the Debtor or an Owner of Unit Week interest in the Condominium is required to file a proof of claim form (as described below, the "Claim Form") or a proof of Owner of Unit Week interest form (as

described below, the "Owner of Unit Week Interest Form"), as applicable, in the Bankruptcy Case unless it listed as a party below that is not required to file a Claim Form or Owner of Unit Week Interest Form. Thus, any entity whose claim against the Debtor is not listed in the Debtor's Schedules and Statements or is listed as "contingent," "unliquidated," or "disputed" and if such entity desires to participate in the Bankruptcy Case or share in any distribution in the Bankruptcy Case, or any entity that believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules must timely file a Claim Form.

37. Additionally, the proposed Bar Date Order provides that any person or entity who is a tenant in common Owner of Unit Week interest(s) in the Condominium that is/are not listed in the roster which is attached to the Notice of List of Owners of Unit Weeks attached to the Proof of Owner of Unit Week Interest Bar Date Notice (defined below), which is annexed as **Exhibit A** to the Bar Date Order and attached hereto and incorporated herein by reference, or is/are listed and **disagrees** with the ownership percentage interest(s) included in **Exhibit A** annexed to the Bar Date Order, must file an Owner of Unit Week Interest Form by the General Bar Date.

38. Also, the proposed Bar Date Order provides that if you are a person or entity that has a tenant in common Owner of Unit Week interest in the Condominium, and you have a claim against the Debtor that is not listed in the Debtor's Schedules or if scheduled, you disagree with the amount or the classification of such claim, you must timely file a Claim Form (not the Owner of Unit Week Claim Form if you wish to assert a claim against the Debtor.

ii. Parties Not Required to File Proofs of Claim or Proofs of Owner of Unit Week Interest

39. The Debtor proposes that the following persons or entities holding or wishing to assert the following types of claims against the Debtor or Owner of Unit Week interests in the Condominium **need not file** a Claim Form or Owner of Unit Week Interest Form:

- (a) any person or entity that already has filed a signed proof of claim against the Debtor with the Clerk of the Court in a form substantially similar to Official Form;
- (b) any person or entity whose tenant in common Owner of Unit Week interest(s) in the Condominium is/are listed on the *Notice of List of Owners of Unit Weeks* included in the Proof of Owner of Unit Week Interest Bar Date Notice (defined below) annexed as **Exhibit A** to the Bar Date Order, and incorporated by reference herein, and such person or entity **does not disagree** with the ownership percentage interest(s) listed on such Exhibit;
- (c) any person or entity whose claim or interest is listed on the Debtor's Schedules and Statements, but only if: (i) such claim or interest is not scheduled as "contingent", "unliquidated" or "disputed"; (ii) the holder of the claim or interest agrees with the amount, nature and priority of the claim or interest as set forth on the Debtor's Schedules and Statements; and (iii) the holder of the claim or interest does not dispute that the claim or interest is an obligation of the Debtor as set forth in the Schedules and Statements;
- (d) a holder of a claim or interest that has been paid in full by the Debtor or any other party;
- (e) any entity whose claim previously has been allowed by order of the Court;
- (f) a holder of a claim for which a specific deadline to file a claim previously has been fixed by the Court; or
- (g) a current employee of the Debtor, if an order of this Court authorized the Debtor to honor such claim in the ordinary course of business as a wage, commission, or benefit; provided, however that a current or former employee must submit a Claim Form by the General Bar Date for all other claims, including claims for deferred compensation, wrongful termination, discrimination, harassment, hostile work environment, retaliation, claims covered by the Debtor's workers' compensation insurance, or any other litigation or pre-litigation claim;

(h) administrative expense claims for post-petition fees and expenses incurred by any professional allowable under sections 330, 331, and 503(b) of the Bankruptcy Code; or

(i) claims asserting administrative priority and arising in the ordinary course of business (**but not**, for the avoidance of doubt, claims asserting priority pursuant to section 503(b)(9) of the Bankruptcy Code).

iii. The Claim Form and the Owner of Unit Week Interest Form

40. The Debtor has prepared, and requests that the Court approve, the Claim Form based on Official Form 410, a form of which is annexed as **Exhibit B** to the Bar Date Order and incorporated by reference herein.

41. The Debtor also has prepared, and requests that the Court approve, the Owner of Unit Week Interest Form, a form of which is annexed as **Exhibit C** to the Bar Date Order and incorporated herein by reference.

42. Holders of claims or interests may choose to submit proofs of claim or proofs of interest in a form substantially similar to the Claim Form or Owner of Unit Week Interest Form. The Debtor believes its effort to promote consistency with respect to proofs of claim and proofs of interest will: (a) help mitigate the confusion and expense the claims process otherwise often engenders among holders of claims and interests; (b) provide holders of claims and interests with additional time within which to rectify information; and (c) make the Debtor's task of reconciling scheduled and filed claims and interests less burdensome, costly and time-consuming, which will benefit all parties in interest.

iv. Requirements for Preparing and Filing Proofs of Claim

43. With respect to completing and filing proofs of claim (including any proof of claim submitted on a Claim Form), the Debtor proposes the following requirements:

(a) each claim must (i) be written in English; (ii) include a claim amount denominated in United States dollars (and to the extent such claim or interest is converted to United States dollars, the conversion rate used in such conversion); (iii) conform substantially with the Claim Form provided by the Debtor; and (iv) be signed by the holder of the

claim or interest or by an authorized agent or legal representative of the holder of the claim or interest;

(b) each proof of claim other than an electronically submitted proof of claim or proof of interest must contain an original signature of the claimant or the claimant's authorized agent or legal representative;

(c) each proof of claim or proof of interest must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d); and

(d) each proof of claim, proof of interest, including any supporting documentation, must be submitted: (i) electronically on the Court's website <https://www.flsb.uscourts.gov/file-proof-claim-electronically>, on or before the applicable Bar Date, by completing the applicable claim form that can be accessed at the Website; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Court on or before the applicable Bar Date at the following address:

United States Bankruptcy Court
Flagler Waterview Building
1515 North Flagler Drive, Suite 801
West Palm Beach, FL 33401

Except as expressly permitted above in the context of electronic submissions on the Court's website, proofs of claim otherwise sent by facsimile or telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

v. Requirements for Preparing and Filing Proofs of Owner of Unit Week Interest

44. With respect to completing and filing proofs of Owner of Unit Week interest, the Debtor proposes the following requirements:

(a) each proof of Owner of Unit Week interest must (i) be written in English; (ii) include a claim or interest amount denominated in specific unit week and percentages; (iii) conform substantially with the Owner of Unit Week Interest Form provided by the Debtor; and (iv) be signed by the holder of the Owner of Unit Week or by an authorized agent or legal representative of the holder of the interest;

(b) each proof of Owner of Unit Week other than an electronically submitted proof of claim or proof of interest must contain an original signature of the claimant or the claimant's authorized agent or legal representative;

(c) each proof of Owner of Unit Week interest must include supporting documentation to evidence the ownership interest in accordance with the same requirements as provided by Bankruptcy Rules 3001(c) and 3001(d); and

(d) each proof of Owner of Unit Week interest, including any supporting documentation, must be submitted: (i) on the Website by completing the applicable claim form – the Proof of Owner of Unit Week Interest Form that can be accessed at the Website at <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/>, on or before the applicable Bar Date; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Court on or before the applicable Bar Date at the following address:

United States Bankruptcy Court
Flagler Waterview Building
1515 North Flagler Drive, Suite 801
West Palm Beach, FL 33401

Except as expressly permitted above in the context of electronic submissions on the Website, proofs of Owner of Unit Week Interest Form otherwise sent by facsimile or telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

vi. Consequences of Failure to File a Claim Form or Owner of Unit Week Interest Form

45. In accordance with Bankruptcy Rule 3003(c)(2), the Debtor proposes that any person or entity who is required, but fails, to file a proof of claim or proof of Owner of Unit Week Interest Form in accordance with the terms of the Bar Date Order on or before the applicable Bar Date shall, except as otherwise authorized by order of the Court, be forever barred, estopped and enjoined from: (a) asserting such claim against the Debtor or interest against the Condominium (or filing a proof of claim or proof of Owner of Unit Week Interest Form with respect thereto) and, moreover, the Debtor shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim or interest, (b) voting on any chapter 11 plan proposed by the Debtor, or (c) participating in any distribution on account of such claim or Owner of Unit Week interest in the Condominium or receiving further notices regarding such claim or interest in the Condominium.

E. Procedures for Providing Notice of the Bar Dates

i. Actual Notice

46. The Debtor proposes to serve all known persons or entities holding potential prepetition claims or interests in the Condominium with written notice of the General Bar Date, substantially in the form annexed as **Exhibit D** to the Bar Date Order attached hereto and incorporated by reference herein (the "Bar Date Notice"). Among other things, the Bar Date Notice will: (a) identify the General Bar Date; (b) provide holders of claims and Owner of Unit Week interests in the Condominium with the information necessary to allow them to make an informed decision as to whether to file a proof of claim or proof of Owner of Unit Week interest; and (c) describe the procedures for filing a timely proof of claim and proof of Owner of Unit Week interest and the consequences of failing to do so.

47. In addition, the Owners of Unit Weeks will receive a notice with the list of parties the Debtor believes to own all of the tenant in common Owner of Unit Week interests in the Condominium along with their respective ownership percentage interests (based on both gross 52 week as well as 51 week calculation which excludes the Association maintenance weeks) and notice of the General Bar Date for proofs of Owner of Unit Week interest (the "Proof of Owner of Unit Week Interest Bar Date Notice"). A copy of the form of Proof of Owner of Unit Week Interest Bar Date Notice annexed as **Exhibit A** to Bar Date Order.

48. No later than seven (7) calendar days after entry of the Bar Date Order, the Debtor will serve the Bar Date Notice and a Claim Form (together the "Claim Bar Date Package") by first class United States mail, postage prepaid, or by electronic mail if the parties have consented to electronic service on:

- (a) the United States Trustee for the Southern District of Florida;
- (b) the Internal Revenue Service;

- (c) all persons or entities that have requested notice of the proceedings in the Bankruptcy Case;
- (d) all persons or entities that have filed proofs of claim against the Debtor, if any;
- (e) each of the parties on the master service list;
- (f) all persons or entities that, upon reasonable inquiry, are believed to have conducted business with the Debtor;
- (g) all creditors and other known holders of claims or interests against the Debtor as of the date of the Bar Date Order;
- (h) all Owners of Unit Weeks and Defect Parties;
- (i) all non-debtor parties to executory contracts and unexpired leases;
- (j) all known parties to litigation with the Debtor, if any, including any workers compensation, general liability or other insurance claimants, whether or not any litigation has been commenced;
- (k) the United States Attorney for the Southern District of Florida;
- (l) the Office of the Attorney General for the State of Florida, and all known local governmental authorities; and
- (m) all current employees, directors and officers and former employees, directors and officers (to the extent that contact information for a former employee, director or officer is available in the Debtor's records).

49. No later than seven (7) calendar days after entry of the Bar Date Order, the Debtor will serve the Proof of Owner of Unit Week Interest Bar Date Notice and Owner of Unit Week Interest Form (the "Proof of Owner of Unit Week Interest Bar Date Package") by first class United States mail, postage prepaid, on all Owners of Unit Weeks and Defect Parties, or by electronic mail if the party has consented to electronic service.

ii. Supplemental Mailings

50. After the initial mailing of the Claim Bar Date Packages and Proof of Owner of Unit Week Interest Bar Date Packages, the Debtor proposes that it may, in its discretion, make supplemental mailings of notices, including in the event that: (a) notices are returned by the post office with forwarding addresses; (b) certain parties acting on behalf of parties in interest decline to pass along notices to these parties and instead return their names and addresses to the Debtor for direct mailing; and (c) additional potential holders of claims or interests that become known. In this regard, the Debtor proposes that it make supplemental

mailings of the Claims Bar Date Packages and Proof of Owner of Unit Week Interest Bar Date Packages in these and similar circumstances at any time up to twenty-one (21) days in advance of the applicable Bar Date, with any such mailings being deemed timely and the General Bar Date being applicable to the recipient holders of claims or interests.

iii. Publication Notice

51. In the interest of ensuring all potential holders of claims against the Debtor and interests in the Condominium receive adequate notice of the Bar Dates, in addition to providing the Mail Notices to all known holders of claims and interests in the Condominium, the Debtor proposes to provide notice of the Bar Dates by publication. In accordance with Bankruptcy Rule 2002(1) and in satisfaction of the requirements of Bankruptcy Rule 2002(a)(7), the Debtor proposes to publish the Bar Date Notice, modified for publication, substantially in the form annexed as **Exhibit E** to the Bar Date Order attached hereto (the "Publication Notice"), on one occasion in the South Florida Business Journal and either the Wall Street Journal or USA Today and before the date that is at least twenty-eight (28) days before the General Bar Date. The Publication Notice will include the Website address at which holders of claims against the Debtor or interests in the Condominium may obtain copies of the Claim Form and the Owner of Unit Week Interest Form, and information concerning the procedures and appropriate deadlines for filing a proof of claim or proof of Owner of Unit Week interest.

BASIS FOR RELIEF REQUESTED

A. Authority Exists to Establish Notice and Service Procedures

52. The Bankruptcy Rules and Bankruptcy Code provide authority to establish notice and service procedures. Specifically, Bankruptcy Rule 2002(a) provides that, unless otherwise ordered by the Court, notice of certain matters must be given to, among others, all of the Debtor's creditors, and other parties-in-interest. The Bankruptcy Rules further provide

that “[t]he Court may from time to time enter orders designating the matters in respect to which the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.” See Fed. R. Bankr. P. 2002(m); see also Fed. R. Bankr. P. 9007 (“When notice is to be given under these rules, the Court shall designate, if not otherwise specified herein . . . the time within which, the entities to whom, and the form and manner in which notice shall be given.”).

53. Finally, § 105 of the Bankruptcy Code provides in relevant part that “[t]he Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105. The Debtor submits that implementing the Notice and Service Procedures is appropriate in this Bankruptcy Case and well within the Court’s discretion pursuant to § 105 and Rules 2002 and 9007. Section 102(1) of the Bankruptcy Code states that where the Bankruptcy Code provides for an action to occur “after notice and a hearing,” such action may occur “after such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances” 11 U.S.C. § 102(1)(A). Bankruptcy Rule 1001 requires the Bankruptcy Rules to be “construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every case and proceeding.” Fed. R. Bankr. P. 1001.

54. The Debtor interacts with more than one thousand parties. As a result, the demands on the Debtor and the Debtor’s personnel and professionals are great. The Bankruptcy Case will be fast-paced and will involve a large number of parties in interest. The costs and burdens associated with copying and mailing or otherwise serving documents filed with the Court upon the parties in interest will impose an extraordinary and expensive administrative and economic burden on the Debtor’s estate, the Court, and the parties-in-

interest. It is possible that documents may not be received in time to provide proper notice, due to the fact that some of the Owners of Unit Weeks do not reside in the United States.

55. Therefore, mass mailings will be extraordinarily costly to the Debtor's estate and will require the Debtor to divert valuable resources to comply with all administrative requirements.

56. The Debtor believes that adopting Notice and Service Procedures will substantially reduce administrative burdens and result in substantial cost savings to the estate because of the reduction of time and money the Debtor will have to expend on the hearings and documents that otherwise will be filed in this Bankruptcy Case.

57. All parties-in-interest that may be directly affected by the relief sought by a particular filing with the Court, response or objection, or adversary proceeding, will receive notice directly from the entity submitting such documents to the Court. Thus, no party-in-interest will be adversely affected. Limited notice procedures are routinely established by this Court in large cases to reduce the expense of the administration of the estate. *See, e.g., In re CLSF III IV, Inc., et al.*, Case No. 12-30081-EPK (Bankr. S.D. Fla. July 29, 2013); *In re HNI HoldCo, Inc., (f/k/a Medical Staffing Network Holdings, Inc.), et al.*; Case No. 10-29101 (EPK) (Bankr. S.D. Fla. July 18, 2010); and *In re Levitt and Sons, LLC, et al.*, Case No. 07-19845 (RBR) (Bankr. S.D. Fla. November 14, 2007).

58. For the reasons set forth herein, the Debtor believes that the Notice and Service Procedures are appropriate and should be approved and implemented in this Bankruptcy Case. The establishment of the Notice and Service Procedures will promote the efficient and orderly administration of this Bankruptcy Case. Authorizing the Debtor and other parties in interest to serve documents by e-mail when parties have consented to e-mail service will ease the administrative and economic burdens on the Court and the Debtor's estate and will provide notice to these parties much faster. For these reasons, the Debtor

believes that the relief requested herein is in the best interests of the Debtor and the Debtor's estate and should be approved as it will promote efficient and orderly administration of the Bankruptcy Case.

B. Authority Exists to Approve the Bar Dates and the Proposed Procedures for Filing Proofs of Claim and Proofs of Owner of Unit Week Interest in this Bankruptcy Case and the Requested Procedures are Reasonable and Appropriate

59. Bankruptcy Rule 3003(c)(3) governs the filing of proofs of claim in a chapter 11 case and provides, in relevant part, that “[t]he court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed.” Fed. R. Bankr. P. 3003(c)(3). Although Bankruptcy Rule 2002(a)(7) generally provides that all parties in interest must receive, at a minimum, 21 days’ notice of the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c), neither the Bankruptcy Code, the Bankruptcy Rules, nor the Local Rules specify a time by which proofs of claim must be filed in chapter 11 cases (other than section 502(b)(9) of the Bankruptcy Code relating to governmental units).

60. It is well recognized that a claims bar date plays an essential role in the twin goals of bankruptcy—preserving a debtor’s going-concern value and maximizing property available to satisfy creditors. See *Bank of Am. Nat’l Trust & Sav. Ass’n v. 203 N. LaSalle St. P’ship*, 526 U.S. 434, 453 (1999). The bar date will allow the Debtor and parties in interest to expeditiously determine and evaluate the liabilities of the estate and to determine whether there are issues with the ownership interests of the Condominium. The absence of such a deadline, in contrast, would prolong creditor and Owners of Unit Week(s) uncertainty, increase the costs and expenses incurred by the Debtor in connection with the claims reconciliation process, and delay or even derail the claims process, thus undercutting one of the principal purposes of bankruptcy law— “secur[ing] within a limited period the prompt and effectual administration and settlement of the debtor’s estate.” *Chemetron Corp. v. Jones*, 72 F.3d 341, 346 (3d Cir. 1995).

61. The procedures described herein provide creditors and Owners of Unit Week(s) with ample notice and opportunity and a clear process for filing a Claim Form and/or Owner of Unit Week Interest Form and achieve administrative and judicial efficiency. Indeed, the proposed procedures are calibrated to provide comprehensive notice and clear instructions to parties and allow this Bankruptcy Case to move forward quickly with a minimum of administrative expense and delay.

62. Among other things, the proposed procedures provide clear instructions that will help avoid confusion or uncertainty among creditors that might lead parties to file unnecessary protective Proofs of Claim or Proofs of Owner of Unit Week Interest or multiple Proofs of Claim or Proofs of Owner of Unit Week Interest that would cause expense and delay in the claims process for all parties. The proposed procedures are designed to comply with the Bankruptcy Code and provide the Debtor with flexibility in case of the need for supplemental bar dates or situations in which a creditor's claim status may change during the Bankruptcy Case.

63. Bankruptcy Rule 2002(a)(7) requires that the Debtor provide claimants at least 21 days' notice by mail of a bar date established pursuant to Bankruptcy Rule 3003(c). See Fed. R. Bankr. P. 2002(a)(7). Additionally, Bankruptcy Rule 2002(l) provides that the Court may order notice by publication if it finds that notice by mail is impractical or it is desirable to supplement other notice. See Fed. R. Bankr. P. 2002(l). Bankruptcy Rule 9008 also provides that the Court shall determine the form and manner of publication notice, the newspapers used, and the frequency of publication. See Fed. R. Bankr. P. 9008.

64. In conjunction with setting deadlines for filing Proofs of Claim and Proofs of Owner of Unit Week interest, the Debtor must give appropriate notice to interested parties. The Debtor proposes to mail the Bar Date Notice to their known creditors and potential

creditors, Owners of Unit Weeks, and Defect Parties, and rely on publication to give notice to their unknown creditors.

65. To determine the adequacy of notice to a creditor, the case law distinguishes between “known” and “unknown” creditors. Generally speaking, the former is a creditor (or potential creditor) whose identity is either known or is reasonably ascertainable by the debtor, while the latter is one whose identity, although potentially discoverable upon investigation, does not come to the knowledge of the debtor in the ordinary course of business. See *Tulsa Prof'l Collection Serv., Inc. v. Pope*, 485 U.S. 478, 490 (1988) (holding that notice is required to parties whose name and address are “reasonably ascertainable”); *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 317 (1950) (publication is acceptable where it is not “reasonably possible or practicable to give more adequate warning,” whereas when names and addresses are available, notice must be mailed).

66. Where a creditor is known to a debtor, due process requires that the debtor must take reasonable steps, such as direct mailing, to provide actual notice of the deadline for filing a proof of claim. A creditor's identity is “reasonably ascertainable” if that creditor can be identified through “reasonably diligent efforts.” *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 798 n.4 (1983). But this does not require the debtor to engage in “impracticable and extended searches . . . in the name of due process.” See *Mullane*, 339 U.S. at 317-18. Rather, the required search is limited to a debtor's “books and records.” See, e.g., *Chemetron*, 72 F.3d at 347. Notification by publication will generally suffice for unknown creditors. See, e.g., *In re XO Commc'ns*, 301 B.R. 782, 792-93 (Bankr. S.D.N.Y. 2003) (finding that if a creditor is unknown constructive notice is generally sufficient); *DePippo v. Kmart Corp.*, 335 B.R. 290, 296 (S.D.N.Y. 2005) (“It is well-settled that when a creditor is ‘unknown’ to the debtor, publication notice of the claims bar date is adequate constructive notice sufficient to satisfy due process requirements . . .”). Furthermore, debtors are not required to publish

notice in an excessive number of publications. See *In re Best Prods. Co., Inc.*, 140 B.R. 353, 358 (Bankr. S.D.N.Y. 1992) (noting that it is impracticable to expect a debtor to publish notice in every newspaper that an unknown creditor possibly may read).

67. The Debtor submits that the relief requested herein provides for clear notice of the various Bar Dates in satisfaction of the requirements of the Bankruptcy Rules and consistent with the underlying policies of the Bankruptcy Code. Specifically, the Debtor intends to (a) cause the Bar Date Packages to be mailed no less than seven (7) calendar days after entry of the Bar Date Order and (b) cause the Publication Notice to be published by a date that is at least 21 days prior to the Bar Dates. Thus, by establishing the Bar Dates in accordance with the provisions hereof, all known claimants and potential claimants and parties with an interest in the Condominium will have more than 21 days actual notice and unknown or unreachable claimants will have at least 21 days of constructive notice of the Bar Dates, thereby satisfying Bankruptcy Rule 2002(a)(7).

68. In addition, in the event the Debtor files a Schedule or amends or supplements the Schedules subsequent to the date on which the Debtor serves the Bar Date Notice, the Debtor shall give notice of any filing, amendment, or supplement to the holders of affected claims or interests whereby such holders will have no less than 21 days from the notice date to file Proofs of Claim with respect to their claims.

69. Accordingly, the Debtor respectfully submits that the proposed Bar Dates, and the form and manner of providing notice of Bar Dates and Claim Forms and Owner of Unit Week Interest Forms are appropriate in light of the circumstances, and should be approved.

WHEREFORE, for the reasons set forth herein, the Debtor respectfully requests that the Court enter an order, substantially in the form of **Exhibit A**, which is attached hereto, (a) establishing certain notice and service procedures in the Bankruptcy Case as described herein; (b) establishing the Bar Dates; (c) approving the form and manner for filing proofs of claim and proofs of Owner of Unit Week interest; (d) approving the notice thereof, and (e) granting such other and further relief as is just and proper.

Dated: June 7, 2021.

**LEIDERMAN SHELOMITH ALEXANDER +
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Proposed Counsel Debtor

2699 Stirling Road, Suite C401

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By:_____

IDO J. ALEXANDER

Florida Bar No. 51892

Email: ija@lsaslaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on June 7, 2021 to all parties on the list to receive e-mail notice/service for this case, via the Notice of Electronic Filing (which is incorporated herein by reference).

By:_____ /s/

Ido J. Alexander

**EXHIBIT A
(Proposed Bar Date Order)**

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
www.flsb.uscourts.gov

In re: Case No. 21-15555-BKC-EPK

PALM BEACH RESORT AND BEACH CLUB Chapter 11
CONDOMINIUM ASSOCIATION, INC.,

Debtor-in-Possession.

**[PROPOSED] ORDER (I) ESTABLISHING
CERTAIN NOTICE AND SERVICE PROCEDURES; (II) SETTING BAR
DATES FOR FILING PROOFS OF CLAIM AND PROOFS OF OWNER OF UNIT WEEK
INTEREST;(III) APPROVING THE FORM OF AND MANNER FOR FILING PROOFS OF
CLAIM AND PROOFS OF OWNER UNIT WEEK INTEREST, AND
(IV) APPROVING NOTICE THEREOF**

THIS MATTER CAME before the Court on _____ at _____ in West
Palm Beach, Florida upon the *Debtor's Emergency Motion to (A) Establish Certain Notice
and Service Procedures; (B) Establish Bar Dates for Filing Proofs of Claim and Proofs of
Interest; (C) Approve the Form and Manner for Filing Proofs of Claim and Proofs of Owner of
Unit Week interest; and (D) Approve Notice Thereof Upon* (the "Motion") [ECF # ____] filed by
the captioned debtor and debtor-in-possession (the "Debtor"). The Court, having reviewed

the Motion, having found that notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and having heard argument of counsel and any objections at the hearing on the Motion finds good cause to grant the Motion for the reasons stated on the record at the Hearing.

Accordingly, the Court hereby **ORDERS** as follows:

1. The Motion is **GRANTED** as set forth herein.

I. Notice and Service Procedures

2. The Debtor is authorized to provide notice of pleadings filed, notices issued, and orders entered by electronic mail to those parties who provide written consent to service by electronic mail.

3. The Debtor shall serve this Order upon all creditors and interested parties by U.S. Mail or by other reliable method of international mail delivery for parties whose address is outside the United States, or by electronic means as set forth below.

4. Service By Electronic Means:

- a. The Debtor shall send to all parties in interest entitled to notice (the "Parties") an e-mail (if the Debtor has an email address for such Party) with Notice of Meeting of Creditors and affording the Parties an opportunity to consent to receiving service by electronic mail (the "Service E-Mail").
- b. Any party in interest, including without limitation, any Owner of Unit Week or Defect Party, that wishes to consent to receiving service by electronic mail shall contact counsel for the Debtor to request notice by electronic e-mail by either (1) responding to the Service E-mail indicating their consent to such service and enumerating any alternative electronic mailing address to which they wish to receive service; (2) sending an e-mail to pbrbankruptcy@gmail.com request notice by electronic mail; or (3) or filling a form consent to E-mail Service on the Website, indicating their consent to such service and enumerating any alternative electronic mailing address to which they wish to receive service.
- c. For any party that does not respond to the Service E-mail within five (5) calendar days of its service, the Debtor shall send out a mailing (the "Mailing") which shall include the Notice of Meeting of Creditors, and a

copy of this Order and providing an additional opportunity for the Parties to consent to receiving service by electronic mail by sending an email to the following email address: pbrbankruptcy@gmail.com or filling consent to E-mail Service on the Website, indicating their consent to such service and enumerating any alternative electronic mailing address to which they wish to receive service.

- d. Any consent to service by electronic mail shall contain the name and e-mail address of the interested party consenting to electronic service and shall constitute consent to service by electronic mail of any and all pleadings and other documents filed in the Bankruptcy Case and any and all pleadings and other documents filed in any adversary proceeding filed in the Bankruptcy Case, including service of process, for all purposes. On and after the date of such consent, the consenting party shall be served with all appropriate documents and pleadings by electronic mail, provided, however, that such party may be served by any other appropriate method in addition to electronic mail. Debtor's bankruptcy counsel and special counsel shall maintain a list of all parties who have consented to service by electronic mail and shall maintain a continuously updated copy of such list for purposes of service in the Bankruptcy Case.
- e. Any interested party who fails to request notice by electronic e-mail shall continue to receive any required and applicable pleadings, notices, or orders by regular first-class U.S. Mail or by other reliable method of international mail delivery.

5. Electronic Attachment of Files. All documents served by electronic mail shall include access to an attached file or files containing the entire document in PDF format or a link to access such PDF documents.

6. Effective Date of Service. Service by electronic mail on any party who has consented to electronic service shall be effective on the date the document is transmitted by electronic mail to the electronic mailing address of the party being served.

7. Use of Website. The Debtor is authorized and directed to use the following website for notice purposes: <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/> (the "Website"). The purpose of the Website is to provide notice of significant events, developments, deadlines and documents filed in the Bankruptcy Case to all interested parties. The Debtor shall list on the Website in a conspicuous manner all significant deadlines and

other important dates in the Bankruptcy Case. The Debtor may also provide periodic updates on the progress of the Bankruptcy Case by posting the same on the Website.

8. Publication of Documents on Website. The Debtor shall post on the Website, for public viewing at no cost, important pleadings filed, notices issued, and orders entered in the Bankruptcy Case. Without limiting the foregoing, if requested in writing by any party in interest, the Debtor shall post on the Website any document filed in the docket in the Bankruptcy Case not previously posted on the Website.

II. The Bar Dates for Filing Proofs of Claim and Proofs of Interest

9. Except in the cases of governmental units and certain other exceptions explicitly set forth herein, all Proofs of Claim and Proofs of Owner of Unit Week interest must be filed so that they are actually received on or before **August 25, 2021, at 4:30 p.m., prevailing Eastern Time** (the “General Bar Date”), at the addresses and in the form set forth herein. The General Bar Date applies to all types of claims against the Debtor that arose or are deemed to have arisen before the Petition Date, including, all secured claims, priority claims (other than those owed to governmental units), and all unsecured non-priority claims, except for claims specifically exempt from complying with the General Bar Date as set forth in this Order.

10. For governmental units holding claims (whether secured, unsecured priority or unsecured non-priority) that arose (or are deemed to have arisen) before the Petition Date must file proofs of claim so that they are actually received by the Court on or before **August 25, 2021, at 4:30 p.m., prevailing Eastern Time** (the “Governmental Bar Date”), including claims for unpaid taxes, whether such claims arose from prepetition tax periods or prepetition transactions to which the Debtor was a party.

11. In the event the Debtor files a previously unfiled schedule or amend or supplement its schedules of assets and liabilities filed pursuant to Bankruptcy Rule 1007

(collectively, the “Schedules”), the Debtor proposes that the Court establish the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable depending on the claimant, or (b) 4:30 p.m., prevailing Eastern Time, on the date that is 21 days from the date on which the Debtor provides notice of the previously unfiled Schedule or amendment or supplement to the Schedules, as the deadline on or before which claimants holding claims affected by such filing, amendment, or supplement must file Proofs of Claim with respect to such claim so that such Proofs of Claim are actually received by the Court on or before such date (the “Amended Schedules Bar Date”).

III. Parties Required to Submit a Proof of Claim

12. The following persons or entities holding claims against the Debtor that arose (or that are deemed to have arisen) prior to the Petition Date *must* file a Proof of Claim or Proof of Interest on or before the applicable Bar Date:

- (a) any party that is not listed in part IV below that wishes to assert a claim against the Debtor or Owner of Unit Week interest against the Condominium that arose prior to the Petition Date;
- (b) any entity whose claim against the Debtor is not listed in the Debtor’s Schedules and Statements or is listed as “contingent,” “unliquidated,” or “disputed” and if such entity desires to participate in the Bankruptcy Case or share in any distribution in the Bankruptcy Case;
- (c) any entity that believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules;
- (d) any person or entity whose has a tenant in common Owner of Unit Week interest(s) in the Condominium that is/are not listed on the *Notice of List of Owners of Unit Weeks* or is/are listed and disagrees with the Unit number(s) and/or ownership percentage interest(s) listed on the *Notice of List of Owners of Unit Weeks*; and
- (e) any person or entity that has a tenant in common interest in the Condominium, and you have a claim against the Debtor that is not listed in the Debtor’s Schedules or if scheduled, you disagree with the amount or the classification

of such claim, you must timely file a Claim Form if you wish to assert a claim against the Debtor.

IV. Parties Who Do Not Need to File Proofs of Claim or Proof of Owner of Unit Week Interest

13. The following entities holding claims or interests that would otherwise be subject to the General Bar Date or Governmental Bar Date **need not file** Proofs of Claims or Proofs of Owner of Unit Week interest:

(a) any person or entity that already has filed a signed proof of claim against the Debtor with the Clerk of the Court in a form substantially similar to Official Form;

(b) any person or entity whose tenant in common Owner of Unit Week interest(s) in the Condominium is/are listed on the *Notice of List of Owners of Unit Weeks* included in the Proof of Interest Bar Date Notice (defined below), and attached hereto as **Exhibit A**, and such person or entity **does not disagree** with the ownership percentage interest(s) listed on such Notice;

(c) any person or entity whose claim or interest is listed on the Debtor's Schedules and Statements, but only if: (i) such claim or interest is not scheduled as "contingent", "unliquidated" or "disputed"; (ii) the holder of the claim or interest agrees with the amount, nature and priority of the claim or interest as set forth on the Debtor's Schedules and Statements; and (iii) the holder of the claim or interest does not dispute that the claim or interest is an obligation of the Debtor as set forth in the Schedules and Statements;

(d) a holder of a claim or interest that has been paid in full by the Debtor or any other party;

(e) any entity whose claim previously has been allowed by order of the Court;

(f) a holder of a claim for which a specific deadline to file a claim previously has been fixed by the Court;

(g) a current employee of the Debtor, if an order of this Court authorized the Debtor to honor such claim in the ordinary course of business as a wage, commission, or benefit; provided, however that a current or former employee must submit a Claim Form by the General Bar Date for all other claims, including claims for deferred compensation, wrongful termination, discrimination, harassment, hostile work environment, retaliation, claims covered by the Debtor's workers' compensation insurance, or any other litigation or pre-litigation claim.

(h) administrative expense claims for post-petition fees and expenses incurred by any professional allowable under sections 330, 331, and 503(b) of the Bankruptcy Code; or

(i) claims asserting administrative priority and arising in the ordinary course of business (**but not**, for the avoidance of doubt, claims asserting priority pursuant to section 503(b)(9) of the Bankruptcy Code).

V. Approval of the Claim Form and Owner of Unit Week Interest Form

14. Each person or entity that asserts a claim against the Debtor that arose before the Petition Date is required to file written Proof of Claim substantially in the form attached hereto as **Exhibit B** (the "Claim Form"), which is based on Official Form 410, and each person or entity that asserts Ownership of Unit Week interest in the Condominium that arose before the Petition Date is required to file a Proof of Interest substantially in the form attached hereto as **Exhibit C** (the "Owner of Unit Week Interest Form").

15. Holders of claims or interests may choose to submit proofs of claim or proofs of Owner of Unit Week interest in a form substantially similar to the Claim Form or Owner of Unit Week Interest Form as long as it is substantially similar to Official Form 410.

VI. Substantive Requirements of Proofs of Claim

16. The following requirements shall apply with respect to filing and preparing each Proof of Claim:

(a) each claim must (i) be written in English; (ii) include a claim amount denominated in United States dollars (and to the extent such claim or interest is converted to United States dollars, the conversion rate used in such conversion); (iii) conform substantially with the Claim Form provided by the Debtor; and (iv) be signed by the holder of the claim or interest or by an authorized agent or legal representative of the holder of the claim or interest;

(b) each proof of claim other than an electronically submitted proof of claim must contain an original signature of the claimant or the claimant's authorized agent or legal representative;

(c) each proof of claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d); and

(d) each proof of claim, proof of interest, including any supporting documentation, must be submitted: (i) electronically on the Court's website <https://www.flsb.uscourts.gov/file-proof-claim-electronically>, on or before the applicable Bar Date, by completing the applicable claim form that can be accessed at the Website; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Court on or before the applicable Bar Date at the following address:

United States Bankruptcy Court
Flagler Waterview Building
1515 North Flagler Drive, Suite 801
West Palm Beach, FL 33401

Except as expressly permitted above in the context of electronic submissions on the Court's website, proofs of claim, proofs of interest otherwise sent by facsimile or telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

VII. Substantive Requirements of Proofs of Owner of Unit Week Interest

17. The following requirements shall apply with respect to filing and preparing the Proof of Owner of Unit Week interest:

(a) each proof of Owner of Unit Week interest must (i) be written in English; (ii) include a claim or interest amount denominated in specific unit week and percentages; (iii) conform substantially with the Owner of Unit Week Interest Form provided by the Debtor; and (iv) be signed by the holder of the Owner of Unit Week interest or by an authorized agent or legal representative of the holder of the interest;

(b) each proof of Owner of Unit Week interest other than an electronically submitted proof of Owner of Unit Week interest must contain an original signature of the claimant or the claimant's authorized agent or legal representative;

(c) each proof of Owner of Unit Week interest must include supporting documentation to evidence the ownership interest in accordance with the same requirements as provided by Bankruptcy Rules 3001(c) and 3001(d); and

(d) each proof of Owner of Unit Week interest, including any supporting documentation, must be submitted: (i) on the Website by completing the applicable claim form – the Proof of Owner of Unit Week Interest Form that can be accessed at the Website at <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/>, on or before the applicable Bar Date; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Court on or before the applicable Bar Date at the following address:

United States Bankruptcy Court
Flagler Waterview Building
1515 North Flagler Drive, Suite 801
West Palm Beach, FL 33401

(e) Except as expressly permitted above in the context of electronic submissions on the Website, proofs of Owner of Unit Week Interest Form otherwise sent by facsimile or telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

VIII. Consequences of Failure to File a Proof of Claim Form or Proof of Interest Form

18. In accordance with Bankruptcy Rule 3003(c)(2), any person or entity who is required, but fails, to file a proof of claim or proof of Owner of Unit Week Interest Form in accordance with the terms of the Bar Date Order on or before the applicable Bar Date shall, except as otherwise authorized by order of the Court, be forever barred, estopped and enjoined from: (a) asserting such claim against the Debtor or interest against the Condominium (or filing a proof of claim or proof of Owner of Unit Week Interest Form with respect thereto) and, moreover, the Debtor shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim or interest, (b) voting on any chapter 11 plan proposed by the Debtor, or (c) participating in any distribution on account of such claim or Owner of Unit Week interest in the Condominium or receiving further notices regarding such claim or interest in the Condominium.

IX. Procedures for Providing Notice of Bar Date

A. Actual Notice

19. The Debtor shall serve all known persons or entities holding potential prepetition claims or interests in the Condominium with written notice of the General Bar Date, substantially in the form annexed as **Exhibit D** (the "Bar Date Notice").

20. The Bar Date Notice shall: (a) identify the General Bar Date; (b) provide holders of claims and Owner of Unit Week interests in the Condominium with the information

necessary to allow them to make an informed decision as to whether to file a proof of claim or proof of interest; and (c) describe the procedures for filing a timely proof of claim and proof of Owner of Unit Week interest and the consequences of failing to do so.

21. In addition, the Owners of Unit Weeks shall receive a notice with the list of parties the Debtor believes to own all of the ownership interests in the Condominium along with their respective ownership interests and notice of the General Bar Date for proofs of interest (the "Proof of Interest Bar Date Notice") as attached in Exhibit A, detailed above.

22. No later than seven (7) calendar days after entry of the Bar Date Order, the Debtor will serve the Bar Date Notice and a Claim Form (together the "Claim Bar Date Package") by first class United States mail, postage prepaid, or by electronic mail if the parties have consented to electronic service on:

- (a) the United States Trustee for the Southern District of Florida;
- (b) the Internal Revenue Service;
- (c) all persons or entities that have requested notice of the proceedings in the Bankruptcy Case;
- (d) all persons or entities that have filed proofs of claim against the Debtor, if any;
- (e) each of the parties on the master service list;
- (f) all persons or entities that, upon reasonable inquiry, are believed to have conducted business with the Debtor;
- (g) all creditors and other known holders of claims or interests against the Debtor as of the date of the Bar Date Order;
- (h) all Owners of Unit Weeks and Defect Parties;
- (i) all non-debtor parties to executory contracts and unexpired leases;
- (j) all known parties to litigation with the Debtor, if any, including any workers compensation, general liability or other insurance claimants, whether or not any litigation has been commenced;
- (k) the United States Attorney for the Southern District of Florida;
- (l) the Office of the Attorney General for the State of Florida, and all known local governmental authorities; and
- (m) all current employees, directors and officers and former employees, directors and officers (to the extent that contact information for a former employee, director or officer is available in the Debtor's records).

23. No later than seven (7) calendar days after entry of the Bar Date Order, the Debtor will serve the Proof of Owner of Unit Week Interest Bar Date Notice and Owner of Unit Week Interest Form (the "Proof of Owner of Unit Week Interest Bar Date Package") by first class United States mail, postage prepaid, on all Owners of Unit Weeks and Defect Parties, or by electronic mail if the party has consented to electronic service.

B. Supplemental Mailings

24. After the initial mailing of the Claim Bar Date Packages and Proof of Owner of Unit Week Interest Bar Date Packages, the Debtor proposes that it may, in its discretion, make supplemental mailings of notices, including in the event that: (a) notices are returned by the post office with forwarding addresses; (b) certain parties acting on behalf of parties in interest decline to pass along notices to these parties and instead return their names and addresses to the Debtor for direct mailing; and (c) additional potential holders of claims or interests that become known. In this regard, the Debtor proposes that it make supplemental mailings of the Claims Bar Date Packages and Proof of Owner of Unit Week Interest Bar Date Packages in these and similar circumstances at any time up to twenty-one (21) days in advance of the applicable Bar Date, with any such mailings being deemed timely and the General Bar Date being applicable to the recipient holders of claims or interests.

C. Publication of Bar Date Notice

25. The Debtor shall cause notice of the Bar Dates to be given by publication to creditors and interest holders to whom notice by mail is impracticable, including creditors or interest holders who are unknown or not reasonably ascertainable by the Debtor and creditors or interest holders in the Condominium whose identities are known but whose addresses are unknown by the Debtor. The Debtor proposes to publish the Bar Date Notice, modified for publication, substantially in the form attached hereto as **Exhibit E** (the "Publication Notice"), on one occasion in the South Florida Business Journal and on one occasion in either the Wall

Street Journal or USA Today and before the date that is at least twenty-eight (28) days before the General Bar Date.

X. Miscellaneous

26. The Debtor is authorized to take all actions necessary or appropriate to effectuate the relief granted pursuant to this Order in accordance with the Motion.

27. The terms and conditions of this Order shall be immediately effective and enforceable.

28. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

#

Submitted by:

Ido Alexander, Esq.
Leiderman Shelomith Alexander +Somodevilla, PLLC
2699 Stirling Road, Suite C401
Ft. Lauderdale, FL 33312
Telephone (954) 920-5355
Facsimile (954) 920-5371
ija@lsaslaw.com

[Attorney ALEXANDER is directed to serve copies of this order on all interested parties and to file a certificate of service.]

Exhibit A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
www.flsb.uscourts.gov

In re: Case No. 21-15555-BKC-EPK

PALM BEACH RESORT AND BEACH CLUB Chapter 11
CONDOMINIUM ASSOCIATION, INC.,

Debtor-in-Possession.

**NOTICE OF FILING
(I) LIST OF OWNERS OF UNIT WEEKS AND (II) BAR DATE
APPLICABLE TO CONDOMINIUM OWNERSHIP OF
UNIT WEEK INTEREST CLAIMS**

PLEASE TAKE NOTICE OF THE FOLLOWING:

1. On _____ the United States Bankruptcy Court for the Southern District of Florida (the "Bankruptcy Court") entered the Order (i) Establishing Certain Notice And Service Procedures; (ii) Setting Bar Dates For Filing Proofs Of Claim And Proofs Of Owner Of Unit Week Interest; (iii) Approving The Form Of And Manner For Filing Proofs Of Claim And Proofs Of Unit Week Interest, And (iv) Approving Notice Thereof [ECF #____], which among other things, set **August 25, 2021** (the "General Bar Date") as the deadline for each person or entity to file a proof of claim or proof of Owner of Unit Week interest in the captioned bankruptcy proceedings (the "Bankruptcy Case"); *provided, however*, that the deadline for filing a proof of claim or proof of Owner of Unit Week interest for a government unit shall be August 25, 2021.

2. Palm Beach Resort and Beach Club Condominium Association, Inc. (the "Debtor") List of Owners of Unit Weeks for the condominium located at 3031 S. Ocean Boulevard, Palm Beach, Florida (the "Condominium") [ECF #____], a copy of which is attached hereto as **Exhibit A**.

3. The General Bar Date and the procedures set forth below for filing proofs of Owner of Unit Week Interest Form apply to all interests based on and/or arising from the Condominium (each, an "Interest"), which Interest arose on or prior to June 4, 2021, the date the captioned debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Florida (the "Petition Date").

4. Only those parties contained on the List of Owners of Unit Weeks in the Condominium, attached as Exhibit A, will constitute holders of allowed Interests in the

percentages reflected on such list. If you have an Interest in the Condominium that arose on or prior to the Petition Date, and (i) you are **not listed** on the List of Owners of Unit Weeks in the Condominium; or (ii) you **disagree** with the Unit numbers/weeks and/or percentages of ownership reflected on the List of Owner of Unit Weeks in the Condominium as to your Interest(s), you must file a proof of Owner of Unit Week Interest Form ("Proof of Owner of Unit Week Interest") detailing the amount of your Interest by the General Bar Date. **You do not have to file a Proof of Owner of Unit Week Interest if you do not dispute the information listed on Exhibit A as it relates to your ownership interest(s).**

5. Please use the form attached hereto as **Exhibit B** to file your Proof of Owner of Unit Week Interest. All Proof of Owner of Unit Week Interest Forms must be signed by the holder of such Interest or by an authorized agent of the holder of such Interest. each proof of Owner of Unit Week interest, including any supporting documentation, must be submitted: (i) on the Website by completing the applicable claim form – the Proof of Owner of Unit Week Interest Form that can be accessed at at <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/> , **on or before August 25, 2021**; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Court on or before on or before August 25, 2021 at the following address:

United States Bankruptcy Court
Flagler Waterview Building
1515 North Flagler Drive
Suite 801
West Palm Beach, FL 33401

Proofs of interest sent by facsimile or telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

6. If you require further information regarding the Debtor or the Bankruptcy Case, information and pleadings are available online at the following address: <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/>

Dated: June 7, 2021

**LEIDERMAN SHELOMITH ALEXANDER +
SOMODEVILLA, PLLC**

*Attorneys for Palm Beach Resort and Beach Club
Condominium Association, Inc.*

2699 Stirling Road, Suite C401

Ft. Lauderdale, Florida 33312

Telephone: (954) 920-5355

Facsimile: (954) 920-5371

By: _____/s/ _____

IDO J. ALEXANDER

Florida Bar No. 51892

Email: ija@lsaslaw.com

Exhibit B
(Proof of Claim Form)

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____

Case number _____

Official Form 410
Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**Part 1:** Identify the Claim**1. Who is the current creditor?**

Name of the current creditor (the person or entity to be paid for this claim) _____

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?☐ No☐ Yes. From whom? _____**3. Where should notices and payments to the creditor be sent?**Federal Rule of
Bankruptcy Procedure
(FRBP) 2002(g)**Where should notices to the creditor be sent?**

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Where should payments to the creditor be sent? (if different)

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):
_____**4. Does this claim amend one already filed?**☐ No☐ Yes. Claim number on court claims registry (if known) _____Filed on _____
MM / DD / YYYY**5. Do you know if anyone else has filed a proof of claim for this claim?**☐ No☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ ____ ____ ____
7. How much is the claim?	\$ _____. Does this amount include interest or other charges? <input type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. _____
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☐ Yes. *Check one:*

Amount entitled to priority

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name

First name

Middle name

Last name

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Number

Street

City

State

ZIP Code

Contact phone

Email

Exhibit C

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
www.flsb.uscourts.gov

In re:

Case No. 21-15555-BKC-EPK

PALM BEACH RESORT AND BEACH CLUB Chapter 11
CONDOMINIUM ASSOCIATION, INC.,

Debtor-in-Possession.

_____ /

PROOF OF OWNER OF UNIT WEEK INTEREST IN CONDOMINIUM

The undersigned hereby certifies that the party listed below is the holder of a tenant in common interest in one or more unit week interests in the units located at 3031 S. Ocean Boulevard, Palm Beach, Florida as of June 4, 2021 in the Unit(s) and ownership percentages indicated below:

Name of Holder: _____

Address of Holder: _____

Unit and Week Number(s): _____

Percentage Owned for
each Unit: _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed: _____

Name: _____

Title: _____

Date: _____

Each proof of Owner of Unit Week Interest Form, including any supporting documentation, must be submitted: (i) electronically on the following website <https://www.flsb.uscourts.gov/file-proof-claim-electronically>, on or before August 25, 2021 or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Court on or before August 25, 2021 at the following address: United States Bankruptcy Court, Flagler Waterview Building, 1515 North Flagler Drive, Suite 801, West Palm Beach, FL 33401. Proofs of interest sent by facsimile or telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

Exhibit D

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
www.flsb.uscourts.gov

In re: Case No. 21-15555-BKC-EPK

PALM BEACH RESORT AND BEACH CLUB Chapter 11
CONDOMINIUM ASSOCIATION, INC.,

Debtor-in-Possession.

**NOTICE OF DEADLINES FOR THE FILING
OF PROOFS OF CLAIM AND PROOFS OF OWNER OF UNIT WEEK INTEREST**

**TO ALL PERSONS AND ENTITIES WHO MAY HAVE CLAIMS AGAINST THE
CAPTIONED DEBTOR OR PROPERTY SOLD BY THE DEBTOR PLEASE TAKE
NOTICE THAT:**

1. On June 4 2021, (“Petition Date”), commenced the captioned chapter 11 case (the “Bankruptcy Case”) by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Florida.

2. On _____, the Court entered an order [ECF # ____] the (“Bar Date Order”) establishing certain dates by which parties (a) holding prepetition claims¹ against the Debtor must file proofs of claim (“Proofs of Claim”) and (b) holding an ownership interest in the real property located at 3031 S. Ocean Boulevard, Palm Beach, Florida (the “Condominium”) must file a proof of Owner of Unit Week Interest (“Proof of Owner of Unit Week Interest Form”). For your convenience, enclosed with this notice (this “Notice”) is a

¹ As used in this Notice, the term “claim” means, as to or against the Debtor and in accordance with section 101(5) of the Bankruptcy Code: (a) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

Proof of Claim form. If you hold an ownership interest in the Condominium you will also be receiving a Proof of Owner of Unit Week Interest Bar Date Notice and a Proof of Owner of Unit Week Interest Form.

I. The Bar Dates

The Bar Date Order establishes the following bar dates for filing Proofs of Claim or Proof of Interest in this Bankruptcy Case (the “Bar Dates”):

(a) **The General Bar Date.** Pursuant to the Bar Date Order, except as described below, all entities holding claims against any Debtor that arose or are deemed to have arisen prior to the commencement of these cases on the Petition Date, ***are required to file Proofs of Claim or Proof of Owner of Unit Week Interest so that such Proofs of Claim or Proofs of Owner of Unit Week Interest are actually received by the Court (or if Proof of Claim of Unit Week Interest to specified Website or Court by Mail) by August 25, 2021*** (the “General Bar Date”). The General Bar Date applies to all types of claims against the Debtor or parties holding an interest in the Condominium arising before the Petition Date, including, without limitation, secured claims, unsecured priority claims, unsecured non-priority claims, and claims arising under section 503(b)(9) of the Bankruptcy Code.

(b) **The Governmental Bar Date.** Pursuant to the Bar Date Order, all governmental units holding claims against the Debtor that arose or are deemed to have arisen prior to the commencement of these cases on the Petition Date are required to file proofs of claim so that such Proofs of Claim are actually received by August 25, 2021 (the “Governmental Bar Date”). The Governmental Bar Date applies to all governmental units holding claims against the Debtor (whether secured, unsecured priority, or unsecured non-priority) that arose prior to the Petition Date, including, without limitation, governmental units with claims against the Debtor for unpaid taxes, whether such claims arise from prepetition tax years or periods or prepetition transactions to which the Debtor was a party.

(c) **The Amended Schedules Bar Date.** Pursuant to the Bar Date Order, in the event the Debtor files a previously unfiled schedule or amend or supplement its schedules of assets and liabilities filed pursuant to Bankruptcy Rule 1007 (collectively, the “Schedules”), the Debtor proposes that the Court establish the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable depending on the claimant, or (b) 4:30 p.m., prevailing Eastern Time, on the date that is 21 days from the date on which the Debtor provides notice of the previously unfiled Schedule or amendment or supplement to the Schedules, as the deadline on or before which claimants holding claims affected by such filing, amendment, or supplement must file Proofs of Claim with respect to such claim so that such Proofs of Claim are actually received by the Court on or before such date (the “Amended Schedules Bar Date”).

II. Who Must File a Proof of Claim or Proof of Owner of Unit Week Interest

Except as otherwise set forth herein, the following persons or entities holding claims against the Debtor that arose (or that are deemed to have arisen) prior to the Petition Date *must* file

a Proof of Claim or Proof of Owner of Unit Week Interest on or before the applicable Bar Date:

- (f) any party that is not listed in part IV below that wishes to assert a claim against the Debtor or Owner of Unit Week interest against the Condominium that arose prior to the Petition Date;
- (g) any entity whose claim against the Debtor is not listed in the Debtor's Schedules and Statements or is listed as "contingent," "unliquidated," or "disputed" and if such entity desires to participate in the Bankruptcy Case or share in any distribution in the Bankruptcy Case;
- (h) any entity that believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules;
- (i) any person or entity whose has a tenant in common Owner of Unit Week interest(s) in the Condominium that is/are not listed on the *Notice of List of Owners of Unit Weeks* or is/are listed and disagrees with the Unit number(s) and/or ownership percentage interest(s) listed on the *Notice of List of Owners of Unit Weeks*; and
- (j) any person or entity that has a tenant in common interest in the Condominium, and you have a claim against the Debtor that is not listed in the Debtor's Schedules or if scheduled, you disagree with the amount or the classification of such claim, you must timely file a Claim Form if you wish to assert a claim against the Debtor.

III. Parties Who Do Not Need to File Proofs of Claim or Proof of Owner of Unit Week Interest

Certain parties are not required to file Proofs of Claim or Proof of Owner of Unit Week Interest. The Court may, however, enter one or more separate orders at a later time requiring creditors to file Proofs of Claim or Proofs of Interest for some kinds of the following claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. The following entities holding claims or interests that would otherwise be subject to the General Bar Date or Governmental Bar Date need not file Proofs of Claims or Proofs of Interest:

- (j) any person or entity that already has filed a signed proof of claim against the Debtor with the Clerk of the Court in a form substantially similar to Official Form;
- (k) any person or entity whose tenant in common Owner of Unit Week interest(s) in the Condominium is/are listed on the *Notice of List of Owners of Unit Weeks* included in the Proof of Interest Bar Date Notice (defined below), and attached hereto as **Exhibit A**, and such person or entity does not disagree with the ownership percentage interest(s) listed on such Notice;

(l) any person or entity whose claim or interest is listed on the Debtor's Schedules and Statements, but only if: (i) such claim or interest is not scheduled as "contingent", "unliquidated" or "disputed"; (ii) the holder of the claim or interest agrees with the amount, nature and priority of the claim or interest as set forth on the Debtor's Schedules and Statements; and (iii) the holder of the claim or interest does not dispute that the claim or interest is an obligation of the Debtor as set forth in the Schedules and Statements;

(m) a holder of a claim or interest that has been paid in full by the Debtor or any other party;

(n) any entity whose claim previously has been allowed by order of the Court;

(o) a holder of a claim for which a specific deadline to file a claim previously has been fixed by the Court;

(p) a current employee of the Debtor, if an order of this Court authorized the Debtor to honor such claim in the ordinary course of business as a wage, commission, or benefit; provided, however that a current or former employee must submit a Claim Form by the General Bar Date for all other claims, including claims for deferred compensation, wrongful termination, discrimination, harassment, hostile work environment, retaliation, claims covered by the Debtor's workers' compensation insurance, or any other litigation or pre-litigation claim.

(q) administrative expense claims for post-petition fees and expenses incurred by any professional allowable under sections 330, 331, and 503(b) of the Bankruptcy Code; or

(r) claims asserting administrative priority and arising in the ordinary course of business (**but not**, for the avoidance of doubt, claims asserting priority pursuant to section 503(b)(9) of the Bankruptcy Code).

IV. Instructions for Filing Proof of Claim Form

The following requirements shall apply with respect to filing and preparing each Proof of Claim against the Debtor:

(e) each claim and interest must (i) be written in English; (ii) include a claim or interest amount denominated in United States dollars (and to the extent such claim or interest is converted to United States dollars, the conversion rate used in such conversion); (iii) conform substantially with the Claim Form or Interest Form provided by the Debtor; and (iv) be signed by the holder of the claim or interest or by an authorized agent or legal representative of the holder of the claim or interest;

(f) Each proof of claim or proof of interest other than an electronically submitted proof of claim or proof of interest must contain an original signature of the claimant or the claimant's authorized agent or legal representative;

(g) each proof of claim or proof of interest must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d); and

(h) each proof of claim, proof of interest, including any supporting documentation, must be submitted: (i) electronically on the Court's website <https://www.flsb.uscourts.gov/file-proof-claim-electronically>, on or before the applicable Bar Date, by completing the applicable claim form that can be accessed at <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/> (the "Website"); or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Court on or before the applicable Bar Date at the following address:

United States Bankruptcy Court
Flagler Waterview Building
1515 North Flagler Drive, Suite 801
West Palm Beach, FL 33401

Except as expressly permitted above in the context of electronic submissions on the Court's website, proofs of claim, proofs of interest otherwise sent by facsimile or telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

V. Instructions for Filing Proof of Owner of Unit Week Interest Form

The following requirements shall apply with respect to filing and preparing the Proof of Owner of Unit Week interest:

(f) each proof of Owner of Unit Week interest must (i) be written in English; (ii) include a claim or interest amount denominated in specific unit week and percentages; (iii) conform substantially with the Owner of Unit Week Interest Form provided by the Debtor; and (iv) be signed by the holder of the Owner of Unit Week interest or by an authorized agent or legal representative of the holder of the interest;

(g) each proof of Owner of Unit Week interest other than an electronically submitted proof of Owner of Unit Week interest must contain an original signature of the claimant or the claimant's authorized agent or legal representative;

(h) each proof of Owner of Unit Week interest must include supporting documentation to evidence the ownership interest in accordance with the same requirements as provided by Bankruptcy Rules 3001(c) and 3001(d); and

(i) each proof of Owner of Unit Week interest, including any supporting documentation, must be submitted: (i) on the Website by completing the applicable claim form – the Proof of Owner of Unit Week Interest Form that can be accessed at the Website at <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/>, on or before the applicable Bar Date; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Court on or before the applicable Bar Date at the following address:

United States Bankruptcy Court
Flagler Waterview Building
1515 North Flagler Drive, Suite 801
West Palm Beach, FL 33401

(j) Except as expressly permitted above in the context of electronic submissions on the Website, proofs of Owner of Unit Week Interest Form otherwise sent by facsimile or telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

VI. Consequences of Failing to Timely File Your Proof of Claim Form or Proof of Owner of Unit Week Interest Form

Pursuant to the Bar Date Order and in accordance with Bankruptcy Rule 3003(c)(2), if you are required, but fail, to file a Proof of Claim or file the Proof of Owner of Unit Week Interest Form in accordance with the Bar Date Order on or before the applicable Bar Date, please be advised that:

(a) YOU WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE DEBTOR OR INTEREST AGAINST THE CONDOMINIUM (OR FILING A PROOF OF CLAIM OR PROOF OF OWNER OF UNIT WEEK INTEREST WITH RESPECT THERETO IN THE BANKRUPTCY CASE);

(b) THE DEBTOR SHALL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO OR ARISING FROM SUCH CLAIM OR INTEREST;

(c) YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THE BANKRUPTCY CASE ON ACCOUNT OF THAT CLAIM OR OWNER OF UNIT WEEK INTEREST IN THE CONDOMINIUM; AND

(d) YOU WILL NOT BE PERMITTED TO VOTE ON ANY CHAPTER 11 PLAN BY THE DEBTOR ON ACCOUNT OF THAT CLAIM OR RECEIVE FURTHER NOTICES REGARDING SUCH CLAIM OR OWNER OF UNIT WEEK INTEREST.

VI. Amendment to the Debtor's Schedules

If, subsequent to the date of this Notice, the Debtor files a previously unfiled Schedule or amend or supplement its Schedules to reduce the amount of your claim or interest previously

listed in the Schedules as undisputed, noncontingent, and liquidated, or to change the nature or classification of your claim reflected in the Schedules, you are required to file a Proof of Claim or amend any previously filed Proof of Claim in respect of the additional or amended scheduled claim on or before the later of (a) the General Bar Date or the Governmental Bar Date, as applicable to such claim, or (b) 4:30 p.m. prevailing Eastern Time on the date that is 21 days after the date that on which the Debtor provides notice of the filing, amendment, or supplement to the Schedules (or another time period as may be fixed by the Court)

VII. The Debtor's Schedules and Access Thereto

You may be listed as the holder of a claim against the Debtor on the Debtor's Schedules. It is your responsibility to determine that your claim is accurately listed in the Schedules. If you agree with the nature, amount, and status of your claim as listed in the Debtor's Schedules, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need **not** file a Proof of Claim. Otherwise, or if you decide to file a Proof of Claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice.

VIII. Additional Information

If you wish to obtain copies of the Debtor's Schedules, the Bar Date Order, the Notice of List of Owners of Unit Weeks and other information regarding the Bankruptcy Case are available for inspection free of charge on the website at <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/>. If you have questions about the claims process or concerning the filing or processing of claims or interests, you may contact Debtor counsel and Special counsel for via electronic mail at pbrbankruptcy@gmail.com. **Please note that they cannot advise you how to file, or whether you should file a proof of claim or proof of Owner of Unit Week Interest Form.**

THIS NOTICE IS BEING SENT TO MANY PERSONS AND ENTITIES THAT HAVE HAD SOME RELATIONSHIP WITH OR HAVE DONE BUSINESS WITH THE DEBTOR BUT MAY NOT HAVE AN UNPAID CLAIM AGAINST THE DEBTOR OR MAY HAVE HAD AN OWNERSHIP INTEREST IN THE CONDOMINIUM IN THE PAST. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR INTEREST IN THE CONDOMINIUM OR THAT THE DEBTOR OR THE COURT BELIEVE THAT YOU HAVE ANY CLAIM. A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTOR OR POSSIBLE INTEREST IN THE CONDOMINIUM SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM OR PROOF OF INTEREST.

Reservation of Rights

Nothing contained in this Bar Date Notice is intended, or should be construed, as a waiver of the rights of the Debtor or any party in interest to: (a) dispute, or assert offsets or defenses against, any claim asserted by a Proof of Claim or listed on the Schedules or asserted by a Proof of Interest or listed on the Notice of List of Owners of Unit Weeks, (b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; and otherwise amend or supplement the Schedules or otherwise amend the Notice of List of Owners of Unit Weeks.

Exhibit E

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
www.flsb.uscourts.gov

In re: Case No. 21-15555-BKC-EPK

PALM BEACH RESORT AND BEACH CLUB Chapter 11
CONDOMINIUM ASSOCIATION, INC.,

Debtor-in-Possession.

**NOTICE OF DEADLINES FOR THE FILING
OF PROOFS OF CLAIM AND PROOFS OF INTEREST**

**TO ALL PERSONS AND ENTITIES WHO MAY HAVE CLAIMS OR UNIT WEEK
INTERESTS AGAINST THE CAPTIONED DEBTOR AND OR PROPERTY SOLD BY THE
DEBTOR PLEASE TAKE NOTICE THAT:**

Entry of Bar Date Order: On _____, the United States Bankruptcy Court for the Southern District of Florida (the "Court") entered an order [ECF #] (the "Bar Date Order") in the captioned chapter 11 bankruptcy case (the "Bankruptcy Case") establishing certain dates by which parties (a) holding prepetition claims² against Palm Beach Resort and Beach Club Condominium Association Inc. (the "Debtor") must file proofs of claim ("Proofs of Claim"), and (b) holding an ownership interest in the real property located at 3031 S. Ocean Boulevard, Palm Beach, Florida (the "Condominium") must file a proof of interest ("Proof of Interest") with the Court.

The Bar Dates

The Bar Date Order establishes the following bar dates for filing Proofs of Claim or Proof of Interest in this Bankruptcy Case (the "Bar Dates"):

The General Bar Date. Except as described in the Bar Date Order, all entities holding claims against any Debtor that arose or are deemed to have arisen prior to the commencement of these cases on the Petition Date, ***are required to file Proofs of Claim or Proof of Owner of Unit Week Interest so that such Proofs of Claim or Proofs of Owner of Unit Week Interest are actually received by the Court by August 25, 2021***, (the "General Bar Date").

² As used in this Notice, the term "claim" means, as to or against the Debtor and in accordance with section 101(5) of the Bankruptcy Code: (a) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

The General Bar Date applies to all types of claims against the Debtor or parties holding an interest in the Condominium arising before the Petition Date, including, without limitation, secured claims, unsecured priority claims, unsecured non-priority claims, and claims arising under section 503(b)(9) of the Bankruptcy Code.

The Governmental Bar Date. Pursuant to the Bar Date Order, all governmental units holding claims against the Debtor that arose or are deemed to have arisen prior to the commencement of these cases on the Petition Date are required to file proofs of claim so that such Proofs of Claim are actually received by August 25, 2021 (the “Governmental Bar Date”). The Governmental Bar Date applies to all governmental units holding claims against the Debtor (whether secured, unsecured priority, or unsecured non-priority) that arose prior to the Petition Date, including, without limitation, governmental units with claims against the Debtor for unpaid taxes, whether such claims arise from prepetition tax years or periods or prepetition transactions to which the Debtor was a party.

The Amended Schedules Bar Date. Pursuant to the Bar Date Order, in the event the Debtor files a previously unfiled schedule or amend or supplement its schedules of assets and liabilities filed pursuant to Bankruptcy Rule 1007 (collectively, the “Schedules”), the Debtor proposes that the Court establish the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable depending on the claimant, or (b) 4:30 p.m., prevailing Eastern Time, on the date that is 21 days from the date on which the Debtor provides notice of the previously unfiled Schedule or amendment or supplement to the Schedules, as the deadline on or before which claimants holding claims affected by such filing, amendment, or supplement must file Proofs of Claim with respect to such claim so that such Proofs of Claim are actually received by the Court on or before such date (the “Amended Schedules Bar Date”).

EXCEPT AS TO CERTAIN EXCEPTIONS EXPLICITLY SET FORTH IN THE BAR DATE ORDER, ANY PERSON OR ENTITY WHO FAILS TO FILE A PROOF OF CLAIM OR PROOF OF OWNER OF UNIT WEEK INTEREST ON OR BEFORE THE APPLICABLE BAR DATES SHALL NOT BE TREATED AS A CREDITOR OR OWNERSHIP INTEREST HOLDER OF THE CONDOMINIUM FOR PURPOSES OF VOTING AND/OR DISTRIBUTION

Contents for Proofs of Claim and Proofs of Owner of Unit Week Interest, Timely Service, and Additional Information all information with detailed explanation is found on the following website: <https://www.eisingerlaw.com/palmbeachresort-bankruptcy/> .