



ORDERED in the Southern District of Florida on June 24, 2021.

A handwritten signature in black ink, appearing to read "Erik P. Kimball".

Erik P. Kimball, Judge  
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
[www.flsb.uscourt.gov](http://www.flsb.uscourt.gov)

IN RE:

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

Case No.:21-15555-BKC-EPK  
Chapter 11

Debtor.

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**INTERIM ORDER GRANTING DEBTOR'S  
EXPEDITED MOTION TO ALLOW DEBTOR TO MAINTAIN PREPETITION  
BANK ACCOUNTS, AND SCHEDULING CONTINUED HEARING**

THIS MATTER came before the Court on the 16th day of April, 2021 at 1:30 p.m. in West Palm Beach, Florida, upon the *Debtor's Expedited Motion to Allow Debtor to Maintain Prepetition Bank Accounts* (the "Motion") [ECF # 8] filed by the above-captioned debtor-in-possession (the "Debtor"), pursuant to 11 U.S.C. §§ 105 and 345(b) and Local Rule 9013-1 (F) and (J), to authorize the Debtor to maintain its pre-petition bank checking accounts at: (i)

Alliance Association Bank (account numbers ending in 2789, 3764, and 5047); and (ii) at Wells Fargo Bank, N.A., (account number ending in 6520); to continue to use its existing checks; and for a waiver of certain investment and deposit guidelines under section 345 of the Bankruptcy Code and the United States Trustee's Guidelines; the Court having reviewed the Motion and having heard the statements of counsel in support of the relief requested in the Motion at the hearing before the Court (the "Hearing"); the Court finding that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (d) notice of the Motion and the Hearing was sufficient under the circumstances; and (e) the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein, it is --

**ORDERED THAT:**

1. The Motion is **GRANTED** as modified herein, on an interim basis, effective as of to the Petition Date.
2. The Debtor is authorized to maintain its pre-petition bank checking accounts at Alliance Association Bank (account numbers ending in 2789, 3764, and 5047) (the "Alliance Association Pre-Petition Checking Accounts").
3. The Debtor is directed to close its pre-petition bank account at Wells Fargo Bank, N.A., (account number ending in 6520)(the "Wells Fargo Pre-Petition Checking Account") and open a new DIP account.
4. The Debtor is authorized to continue to use its existing checks for the Alliance Association Pre-Petition Checking Accounts.
5. For purposes of this Interim Order, the requirements in the United States Trustee Guidelines (the "Guidelines") that the Debtor (i) close all existing Bank Accounts and open new debtor in possession ("DIP") bank accounts in certain financial institutions

designated as authorized depositories by the U.S. Trustee, (ii) establish one DIP account for all estate monies required for the payment of taxes (including payroll taxes), (iii) maintain a separate DIP account for cash collateral, (iv) obtain checks for all DIP accounts that bear the designation, "debtor-in-possession," the bankruptcy case number, and the type of account, and (v) close its books and records as of the Petition Date and to open new books and records, are excused pending a final hearing. The Debtor shall continue, pending such final hearing, to work with the Office of the United States Trustee for the Southern District of Florida to address the issues set forth herein, and otherwise comply with the Guidelines.

6. Debtor must report all activity on the pre-petition accounts on a monthly basis in the Debtor's Subchapter V, Chapter 11 Monthly Financial Reports and must attach copies of all relevant bank statements to its monthly reports.

7. Each of the banks that maintain the bank accounts is authorized to debit the Debtor's accounts in the ordinary course and without further order of this Court on account of (a) (i) all checks drawn on the Debtor's accounts which are cashed at such bank's counters or exchanged for cashier's checks by the payees thereof prior to the Petition Date; (ii) all checks or other items deposited in one of Debtor's accounts with such bank prior to the Petition Date which have been dishonored or returned unpaid for any reason, together with any fees and costs in connection therewith, to the same extent the Debtor was responsible for such items prior to the Petition Date; (iii) all undisputed prepetition amounts outstanding as of the date hereof, if any, owed to any such bank as service charges for the maintenance of the cash management system; and (iv) all reversals, returns, refunds, and chargebacks of checks, deposited items, and other debits credited to Debtor's accounts after the Petition Date, regardless of the reason such item is returned or reversed (including, without limitation, for insufficient funds or a consumer's statutory right to reverse a charge).

8. Any bank may rely upon the representations of the Debtor with respect to

whether any check, draft, wire, or other transfer drawn or issued by the Debtor prior to the Petition Date should be honored pursuant to any order of this Court, and such bank shall not have any liability to any party for relying on such representations by the Debtor as provided for herein, and no bank that honors a prepetition check or other item drawn on any account that is the subject of this Order (a) at the direction of the Debtor, (b) in a good faith belief that this Court has authorized such prepetition check or item to be honored, or (c) as a result of an innocent mistake made despite implementation of customary item handling procedures, shall be deemed to be nor shall be liable to the Debtor, its estate, or any other party on account of such pre-petition check or other item being honored post-petition, or otherwise deemed to be in violation of this Order.

9. The Court shall conduct a final hearing on the Application on **August 11, 2021 at 1:30 p.m.** The hearing will be held at the United States Bankruptcy Court, The Flagler Waterview Building, 1515 North Flagler Drive, 8th Floor, Courtroom B, West Palm Beach, Florida 33401. Although the Court will conduct the hearing in person, any interested party may choose to attend the hearing remotely using the services of Zoom Video Communications, Inc. (Zoom), which permits remote participation by video or by telephone. To participate in the hearing remotely via Zoom (whether by video or by telephone), you must register in advance no later than 3:00 p.m., one business day before the date of the hearing. To register, click on or enter the following registration link in a browser: [https://www.zoomgov.com/meeting/register/vJlsduGsrTouGn7Udkhqe\\_ZF90qPJ3uM95E](https://www.zoomgov.com/meeting/register/vJlsduGsrTouGn7Udkhqe_ZF90qPJ3uM95E). If a party is unable to register online, please call Dawn Leonard, Courtroom Deputy, at 561-514-4143. All participants (whether attending in person or remotely) must observe the formalities of the courtroom, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court. This includes appropriate courtroom attire for those participants appearing in person or by video.

10. The Court retains jurisdiction to hear and determine all matters arising from or relating to the interpretation or implementation of this Order.

**###**

**Submitted by:**

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**Copies furnished to:**

Ido J. Alexander, Esq.

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