

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 EX-PARTE MOTION TO AMEND THE AMENDED ORDER GRANTING
AGREED EX PARTE MOTION FOR
CONTINUANCE OF CONFIRMATION HEARING**

Debtor, Palm Beach Resort and Beach Club Condominium Association, Inc. (the "Debtor"), by undersigned counsel, moves (the "Motion") on an ex-parte basis, for entry of an order amending the *Amended Order Granting Agreed Ex Parte Motion for Continuance of Confirmation Hearing* ("Amended Order") [ECF # 68], and by reference the *Order Setting Hearing on Confirmation of Subchapter V Plan* (the "Order Setting Confirmation") [ECF #54].

In support of the Motion, the Debtor states as follows:

1. On June 4, 2021, the Debtor filed a Voluntary Petition for Relief under Chapter 11 subchapter V [ECF # 1].
2. On June 9, 2021, Maria Yip was appointed as the Subchapter V Trustee [ECF #19].
3. On July 12, 2021, the Meeting of Creditors was held and concluded [ECF #41].
4. On September 2, 2021, the Debtor timely filed its Chapter 11 Small Business Subchapter V Plan (the "Plan") [ECF #53].
5. On September 7, 2021, the Court entered the Order Setting Confirmation, which set the Plan confirmation hearing for October 20, 2021 at 2:00 p.m., also included

related deadlines to confirmation, including a deadline to object to claims, report of plan proponents and affidavit deadline, and service of plan and Order Setting Confirmation deadline (the “Additional Deadlines”). The deadline to file an affidavit by plan proponent was scheduled for October 15, 2021, five (5) days in advance of the original date of the confirmation hearing.

6. On October 1, 2021, the Court entered an Order Granting Agreed Ex Parte Motion for Continuance of Confirmation [ECF # 63], however, the order did not continue the Additional Deadlines.

7. On October 18, 2021, the Court entered its Amended Order, and set the deadline to object to claims and file fee applications to October 27, 2021, but notably provided for all other provisions of the Order to remain as originally set in the Order Setting Confirmation. The deadlines on filing affidavit in support of confirmation and service of the plan had already passed by the time the amended order was entered.

8. On October 11, 2021, the Debtor served the Plan [ECF # 67]..

9. On October 27, 2021 bankruptcy estate professionals filed their fee applications [ECF## 73 and 74].

10. On November 4, 2021, the Debtor filed its *First Omnibus Objections to Claims* [ECF # 82].

11. Considering that some deadlines lapsed by the time that the Amended Order was entered and the need to align and clarify the dates, the Debtor requests this Court Amend the Amended Order to provide for the following Additional Deadlines:

- a. Deadline to Serve Plan and Order Setting Confirmation – October 11, 2021
- b. Deadline to Object to Claims (not Unit-Week Interests) – November 5, 2021
- c. Deadline to File Report of Plan Proponents and Confirmation Affidavit – November 5, 2021.

WHEREFORE, the Debtor respectfully requests entry of an order on an *ex parte* basis (a) setting the Additional Deadlines as proposed in this Motion; and (b) granting such other relief as this Court deems appropriate under the circumstances.

Dated: November 4, 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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on November 4, 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