



ORDERED in the Southern District of Florida on December 22, 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.uscourts.gov](http://www.flsb.uscourts.gov)

In re: Case No. 21-15555 -EPK

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

Debtor-in-Possession.

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

Plaintiff.

Adv. Pro. No.: 21-01168-EPK

vs.

HPP HOLDINGS, LLC, *et. al.*,

Defendants.

\_\_\_\_\_/

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF (A) DEFAULT FINAL  
JUDGMENT; (B) SUMMARY FINAL JUDGMENT; AND (C) FINAL JUDGMENT  
PURSUANT TO STIPULATIONS**

THIS MATTER came on before the Court on December 15, 2021 at 9:30 a.m., upon *the Plaintiff's Motion for Entry of (a) Default Final Judgment; (b) Summary Final Judgment; and (c) Final Judgment Pursuant to Stipulations* (the "Motion")[Adv. ECF # 68].

The Court reviewed the Complaint and record of the case, the Motion, noted counsels arguments in support of entry of summary judgment, default judgment and final judgment pursuant to the certain stipulations, noted that Entry of Defaults [Adv. ECF ## 29, 50 ,and 56] were entered against certain Default Defendants<sup>1</sup> as listed on Exhibits A of the Motion, noted the response to the Complaint [Adv. ECF # 64] by Linda Leali, Esq., the Attorney Ad Litem and her appearance at the hearing on behalf of the SJ Defendants as listed on Exhibits B of the Motion, and noted that *Stipulations for Entry of Final Judgement as to Count I of the Complaint* [Adv ECF ## 65 and 69] were executed by the Stipulation Defendants as listed on Exhibit C to the Motion, as amended [Adv. ECF # 70].

Therefore, the Court finds that there exist no issue of material fact as to Count I of the Plaintiff's Complaint [Adv. ECF # 1], as amended [Adv. ECF # 45] that Plaintiff is entitled to entry of summary final judgment as to Count I of the Complaint as a matter of law against the SJ Defendants as listed on Exhibit B to the Motion for the reasons stated on the record, that entry of Default Final Judgment against the Default Defendants as listed on Exhibit A, and entry of Final Judgment pursuant to Stipulations as against the Stipulation Defendants as listed on amended Exhibit C to the Motion is appropriate for the reasons stated on the record, and finds good cause exist in granting the Motion in its entirety for the reasons stated on the record.

Therefore, the Court being otherwise duly advised in the premises, it is **ORDERED** and **ADJUGED** as follows:

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<sup>1</sup> Capitalized term not defined herein shall have the same ascribed meaning as in the Motion.

1. The Plaintiff's Motion in its entirety is **GRANTED**.
2. Plaintiff's request for entry of Default Final Judgment as to Count I of the Complaint against the Default Defendants listed on Exhibit A to the Motion and incorporated herein by reference is **GRANTED**.
3. Plaintiff's request for entry of Summary Final Judgment as to Count I of the Complaint against the SJ Defendants listed on Exhibit B to the Motion and incorporated herein by reference is **GRANTED**.
4. Plaintiff's request for entry of Final Judgment as to Count I of the Complaint pursuant to Stipulations against the Stipulation Defendants listed on Exhibit C (as amended) to the Motion and incorporated herein by reference is **GRANTED**.
5. Plaintiff is **AUTHORIZED** to sell its interest in, as well as the non-debtor, co-owners' tenant in common unit week interests of the Default Defendants, SJ Defendants and Stipulation Defendants in all of the Units, as detailed in the Complaint pursuant to 11 U.S.C. §363(h), free of the interests of the aforementioned defendants. It is **DETERMINED** and **ORDERED** that all court costs of this adversary proceeding, attorney fees of this adversary proceeding, and any other associated cost of the sale transaction shall be deemed costs of the sale which can be deducted from the proceeds of the sale before any proceeds are then distributed to the bankruptcy estate and the Default Defendants, SJ Defendants and Stipulation Defendants, as provided for under the Confirmation Order [Main Proceeding, ECF # 97].

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**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.