

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

IN RE:

B N EMPIRE, LLC

Debtor.

CASE NO. 8:17-bk-07841-RCT
Chapter 11

**DEBTOR'S MOTION TO EXTEND EXCLUSIVITY PERIOD WITHIN WHICH
TO FILE A CHAPTER 11 PLAN AND OBTAIN CONFIRMATION OF SAME**

B N EMPIRE, LLC ("Debtor"), by and through its undersigned counsel, hereby files this Motion to Extend its Exclusivity Period within Which to File a Chapter 11 Plan and Obtain Confirmation of Same ("Motion") and in support of the Motion state:

1. The Debtor filed their Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code ("Code") on September 5, 2017.

2. The Debtor is a single asset real estate entity that owns a retail strip center in Temple Terrace, Hillsborough County, Florida and leases commercial space the strip center to approximately thirty-two (32) tenants out of thirty-seven (37) available spaces. Pursuant to Sections 1107 and 1108 of the Bankruptcy Code, the Debtor is operating as a Debtor-in-Possession and is managing its assets. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C., Sections 1334 and 157. This is a core matter.

3. An Official Committee of Unsecured Creditors has not been appointed as of the filing of this Motion.

Basis of Motion

2. On December 29, 2017, the Debtor timely filed its Chapter 11 Plan of Reorganization (Doc. No. 67) and Disclosure Statement (Doc. No. 68).

3. As of the filing of this Motion, the Court has not yet entered its Order Conditionally Approving the Disclosure Statement and Scheduling the Confirmation Hearing.

4. Pursuant to the provisions of Section 1121(b) of the Bankruptcy Code, the Debtor has the exclusive right to file a plan of reorganization for a period of 120 days after the date of the Order for Relief. The exclusivity period for this Debtor to file a plan of reorganization will end on **January 3, 2018**.

5. Additionally, pursuant to the provisions of 11 U.S.C. §1121(c)(3) of the Bankruptcy Code, any party in interest may file a plan of reorganization if the Debtor's plan has not been confirmed within 180 days from the entry for the Order for Relief. The exclusivity period for this Debtor to confirm its Chapter 11 Plan ends on **March 2, 2018**.

5. Based on the foregoing, the Debtor requests that the Court extend the Debtor's exclusivity period to file a Chapter 11 Plan pursuant to 11 U.S.C. §1121(b) of the Bankruptcy Code for an sixty (60) days after January 3, 2018, or through and including **March 5, 2018**.

6. Additionally, the Debtor requests that the Court extend the Debtor's exclusivity period to confirm a Chapter 11 Plan pursuant to 11 U.S.C. §1121(c)(3) of the Bankruptcy Code for an additional sixty (60) days after March 2, 2018, or through and including **May 1, 2018**, in order to allow the Debtor to confirm a plan that would be in the best interest of the estate.

7. This is the Debtors' first request for the extension described herein. The requested extension is reasonable given the circumstances of the case.

WHEREFORE, the Debtor respectfully request that this Court enter an Order granting this Motion, extending the Debtor's exclusivity period to file a Chapter 11 Plan to **March 5, 2018** pursuant to 11 U.S.C. §1121(b) of the Bankruptcy Code, extending the Debtor's exclusivity period to confirm a Chapter 11 Plan to **May 1, 2018** pursuant to 11 U.S.C. §1121(c)(3) and for such other and further relief as is just.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Extend Time to File a Plan and Motion to Extend the Debtor's Exclusivity Period has been furnished by Electronic Filing and/or regular U.S. Mail to the **Office of the U.S. States Trustee**, 501 E. Polk St., Ste. 1200, Tampa, FL 33602, **Andrew Brumby, Esq.**, Shutts & Bowen, LLP, 4301 W Boy Scout Blvd., Ste. 300, Tampa, FL 33607; **B N Empire, LLC**, 17358 Emerald Chase Drive, Tampa, FL 33647; and to those parties who receive electronic notices via CM/ECF in the regular course on January 2, 2018.

JOHNSON, POPE, BOKOR,
RUPPEL & BURNS, LLP

/s/ Alberto F. Gomez, Jr. _____
Alberto F. Gomez, Jr. (FBN: 784486)
401 E. Jackson Street, Ste. 3100 (33602)
P.O. Box 1100
Tampa, FL 33601-1100
Telephone: 813-225-2500
Facsimile: 813-223-7118
Email: Al@jpfirm.com
Attorneys for Debtor

4366913_1