



ORDERED in the Southern District of Florida on June 6, 2016.

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
www.flsb.uscourts.gov

In re: Case No. 14-35912-EPK
HYMAN B. HOROWITZ, Chapter 11
Debtor.

ORDER GRANTING AGREED MOTION TO CONTINUE CONFIRMATION HEARING TO AUGUST 10, 2016 (ECF No. 208), AND ORDER (I) APPROVING DISCLOSURE STATEMENT; (II) SETTING HEARING ON CONFIRMATION OF PLAN; (III) SETTING HEARING ON FEE APPLICATIONS; (IV) DESCRIBING VARIOUS DEADLINES; AND (V) DESCRIBING DEBTOR'S OBLIGATIONS

CONFIRMATION HEARING AND HEARING ON FEE APPLICATIONS

August 10, 2016 at 2:00 P.M.

LOCATION:
United States Bankruptcy Court
Courtroom B, 8th Floor
1515 North Flagler Drive
West Palm Beach, Florida 33401

THE DEBTOR HAS INCLUDED AN INJUNCTION IN HIS PLAN, AS FOLLOWS:

Injunction. The Confirmation Order shall act as an injunction:

Except as otherwise expressly provided in the Plan, the Confirmation Order or a separate order of the Court, all Persons who have held, hold or may hold Claims against the Debtor are permanently enjoined, on and after the Effective Date, from (i) commencing or continuing in any manner any action or other proceeding of any kind with respect to any such Claim, (ii) enforcing, attaching, collecting or recovering by any manner or means of any judgment, award, decree or order against the Debtor or against the property or interests in property of the Debtor, on account of any such Claim, (iii) creating, perfecting or enforcing any Lien or asserting control of any kind against the Debtor or against the property or interests in property of the Debtor on account of any such Claim, and (iv) asserting any right of setoff, subrogation or recoupment of any kind against any obligation due from the Debtor or against the property or interests in property of the Debtor on account of any such Claim. Such injunctions shall extend to successors of the Debtor (including, without limitation, the Reorganized Debtor) and his respective properties and interests in property.

Except as otherwise expressly provided in the Plan, the Confirmation Order or a separate order of the Court, the Plan, and the provisions and distributions set forth herein, is a full and final settlement and compromise of all Claims and causes of action, whether known or unknown, that holders of Claims against the Debtor may have against any of the Released Parties. In consideration of the obligations of the Debtor, the Debtor's spouse, and the Reorganized Debtor under the Plan, the securities, contracts, instruments, releases and other agreements or documents to be delivered in connection with this Plan, each holder of a Claim against the Debtor shall be deemed to forever release, waive and discharge all Claims, obligations, suits, judgments, damages, demands, debts, rights, causes of action and liabilities (other than the rights to enforce the Debtor or the Reorganized Debtor's obligations under the Plan and the securities, contracts, instruments, releases and other agreements and documents delivered thereunder) against the Released Parties, whether liquidated or unliquidated, fixed or contingent, matured or unmatured, known or unknown, foreseen or unforeseen, then existing or thereafter arising, in law, equity or otherwise that are based in whole or in part on any act, omission, transaction, event or other occurrence taking place on or prior to the Effective Date in any way relating to the Debtor, the Chapter 11 case or the conduct thereof, or the Plan.

PROPONENT'S DEADLINE FOR SERVING THIS ORDER, DISCLOSURE STATEMENT, PLAN AND BALLOT:

July 1, 2016 (40 days before Confirmation Hearing)

DEADLINE FOR OBJECTIONS TO CLAIMS:

July 1, 2016 (40 days before Confirmation Hearing)

DEADLINE FOR FEE APPLICATIONS:

July 20, 2016 (21 days before Confirmation Hearing)

PROPONENT'S DEADLINE FOR SERVING NOTICE OF FEE APPLICATIONS:

July 27, 2016 (14 days before Confirmation Hearing)

DEADLINE FOR OBJECTIONS TO CONFIRMATION:

July 27, 2016 (14 days before Confirmation Hearing)

DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN:

July 27, 2016 (14 days before Confirmation Hearing)

PROPONENT'S DEADLINE FOR FILING

PROPONENT(S) REPORT AND CONFIRMATION AFFIDAVIT:

August 5, 2016 (three business days before Confirmation Hearing)

DEADLINE FOR INDIVIDUAL DEBTOR TO FILE "CERTIFICATE FOR CONFIRMATION REGARDING PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS AND FILING OF REQUIRED TAX RETURNS":

August 5, 2016 (three business days before Confirmation Hearing)

EXTENSION OF DEBTOR'S EXCLUSIVITY PERIOD:

August 10, 2016

The Court conducted a hearing on May 25, 2016 to consider approval of the Amended Disclosure Statement (ECF No. 203) and the Notice of Filing Exhibits to Disclosure Statement (ECF No. 204) (collectively, the "Disclosure Statement") in connection with the Amended Plan of Reorganization (ECF No. 202) (the "Plan") filed by Hyman B. Horowitz (the "Plan Proponent"). The Court finds that the Disclosure Statement as amended contains "adequate information" regarding the Plan in accordance with 11 U.S.C. §1125(a). Therefore, pursuant to 11 U.S.C. §1125(b) and Bankruptcy Rule 3017(b), the Disclosure Statement is approved. This Order sets a hearing to consider confirmation of the Plan ("Confirmation Hearing"), a hearing on fee applications and sets forth the deadlines and requirements relating to confirmation provided in the Bankruptcy Code, Bankruptcy Rules and Local Rules of this Court.

1. HEARING TO CONSIDER CONFIRMATION OF PLAN

The Court has set a hearing to consider confirmation of the Plan for the date and time indicated above as “CONFIRMATION HEARING.” The Confirmation Hearing may be continued to a future date by notice given in open court at the Confirmation Hearing.

2. DEADLINE FOR FILING AND HEARING ON FEE APPLICATIONS

The last day for filing and serving fee applications is indicated above as “DEADLINE FOR FEE APPLICATIONS.” All prospective applicants for compensation, including attorneys, accountants, and other professionals, shall file applications which include actual time and costs, plus an estimate of additional time and costs to be incurred through confirmation. At or prior to confirmation, applicants must file a supplement with documentation supporting the estimated time and costs. Fee applications shall be timely filed with the Court and served (with all exhibits including documentation of estimated time) on (i) the Debtor; (ii) the Plan Proponent (if other than the debtor); (iii) all committees that have been appointed; (iv) any chapter 11 trustee or examiner that has been appointed; and (v) the U.S. Trustee.

Fee applications will be set for hearing together with the Confirmation Hearing. The Plan Proponent shall file a certificate of service as required under Local Rule 2002-1(F).

3. DEADLINE FOR OBJECTIONS TO CONFIRMATION

The last day for filing and serving objections to confirmation of the Plan is indicated above as “DEADLINE FOR OBJECTIONS TO CONFIRMATION.” Objections to confirmation shall be filed with the Court and served on (i) the Debtor; (ii) the Plan Proponent (if other than the debtor); (iii) all committees that have been appointed; (iv) any chapter 11 trustee or examiner that has been appointed; and (v) the U.S. Trustee.

4. DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN

The last day for filing a ballot accepting or rejecting the Plan is indicated above as “DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN.” All parties entitled to vote should receive a ballot from the Plan Proponent by U.S. Mail pursuant to paragraph 6(A) of this Order. If you receive a ballot but your entire claim has been objected to, you will not have the right to vote until the objection is resolved, unless you request an order under Bankruptcy Rule 3018(a) temporarily allowing your claim for voting purposes.

5. DEADLINE FOR OBJECTIONS TO CLAIMS

The last day for filing and serving objections to claims is indicated above as “DEADLINE FOR OBJECTIONS TO CLAIMS.” All objections to claims must be filed before this date unless the deadline is extended by other or further order.

6. PLAN PROPONENT’S OBLIGATIONS

(A) On or before the date indicated above as “PROPONENT’S DEADLINE FOR SERVING THIS ORDER, DISCLOSURE STATEMENT, PLAN, AND BALLOT” the Plan Proponent shall serve a copy of this Order, the approved Disclosure Statement (with all amendments, if amendments were announced by the Plan Proponent or required by the Court at the Disclosure Hearing), and the Plan on all creditors, all equity security holders, and all other parties in interest, as required by the Bankruptcy Rules (including those entities as described in Bankruptcy Rule 3017(f)) and the Local Rules, including those listed on the “Master Service List” required to be filed pursuant to Local Rule 2002-1(H). At the time of serving this Order, the Local Form “Ballot and Deadline for Filing Ballot Accepting or Rejecting Plan,” customized as required by Local Rule 3018-1 shall be served via U.S. Mail on all creditors and equity security holders entitled to vote on the Plan. The Plan Proponent shall file a certificate of service as required under Local Rule 2002-1(F).

(B) On or before the date indicated above as “PROPONENT’S DEADLINE FOR SERVING NOTICE OF FEE APPLICATIONS,” the Plan Proponent shall serve a notice of hearing of all fee applications, identifying each applicant and the amounts requested. The notice shall be served on all creditors, all equity security holders, and all other parties in interest as required to be filed pursuant to Local Rules 2002-1(H). The Plan Proponent shall file a certificate of service as required under Local Rule 2002-1(F).

(C) On or before 5:00 p.m. on the date indicated above as “PROPONENT’S DEADLINE FOR FILING PROPONENT’S REPORT AND CONFIRMATION AFFIDAVIT,” the Plan Proponent shall file with the Court the Local Form “Certificate of Proponent of Plan on Acceptance of Plan, Report on Amount to be Deposited, Certificate of Amount Deposited and Payment of Fees,” and the Local Form “Confirmation Affidavit.” The “Confirmation Affidavit” shall set forth the facts upon which the Plan Proponent relies to establish that each of the requirements of 11 U.S.C. §1129 are satisfied. The “Confirmation Affidavit” should be prepared so that by reading it, the Court can easily understand the significant terms of the Plan and other material facts relating to confirmation of the Plan. The individual executing the “Confirmation Affidavit” shall be present at the Confirmation Hearing.

If the Plan Proponent does not timely comply with any of the requirements of this Order, the Court may impose sanctions at the Confirmation Hearing without further notice including dismissal, conversion of the case to chapter 7, or the striking of the

Plan. The Court will also consider dismissal or conversion at the Confirmation Hearing at the request of any party or on the Court's own motion.

7. The Debtor shall file, on or before the date indicated above, the Local Form "Certificate for Confirmation Regarding Payment of Domestic Support Obligations and Filing of Required Tax Returns."

8. EXTENSION OF DEBTOR'S EXCLUSIVE PERIOD

The deadline within which, pursuant to 11 U.S.C. §1121, only the Debtor may file a plan and disclosure statement is extended to August 10, 2016. The deadline within which only the Debtor may obtain acceptance of his plan is extended to August 10, 2016.

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Submitted By:

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Copies Furnished To:

Tarek K. Kiem, Esq. is directed to a conformed copy of this Order to all creditors and interested parties immediately upon receipt.