

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

In Re:

Case No. 18-15236-MAM
Chapter 11

HOUSE OF FLOORS OF PALM BEACH, INC

Debtor.

**DEBTOR'S SECOND MOTION TO EXTEND EXCLUSIVITY
PERIOD AND EXTEND TIME TO SOLICIT ACCEPTANCES OF A PLAN**

HOUSE OF FLOORS OF PALM BEACH, INC, the Debtor and Debtor-in-Possession (the "Debtor"), by and through undersigned counsel, hereby moves this Court to enter an Order extending (i) the exclusive period within which only the Debtor may propose a plan, and (ii) extend the period within which only the Debtor may solicit acceptances to its plan, and in support thereof states as follows:

1. The Court has jurisdiction over this matter, the parties in interest, and the property and interests in property affected hereby, pursuant to 28 U.S.C. §§157 and 1334. Consideration of this matter is a core proceeding under 28 U.S.C. §157(b)(2)(A).

2. The statutory predicates for relief sought are 11 U.S.C. §§105(a) and 1121.

BACKGROUND

3. This case was commenced by the filing of a voluntary petition under Chapter 11 of the Bankruptcy Code May 1, 2018 [ECF 1].

4. Pursuant to 11 U.S.C. § 1121(d), the court, after notice and hearing, may increase the 120 day period within which only the Debtor may file a plan and the 180 day period within which only the Debtor may solicit the acceptances to its plan.

5. On August 16, 2018, the Debtor filed its first *Motion to Extend Exclusivity Period and Extend Deadline to File a Plan and Disclosure Statement* [ECF No. 59]. The Motion was granted pursuant to the *Order Granting Debtor in Possession's Motion to Extend Exclusivity Period to File a Plan and Disclosure Statement and Extend Deadline to Solicit Acceptances of a Plan* [ECF No. 66], which extended the exclusivity period to **October 29, 2018** and the timeframe in which only the Debtor may solicit the acceptances to its plan to **December 28, 2018**.

RELIEF REQUESTED AND BASIS FOR RELIEF REQUESTED

6. Through this motion, the Debtor respectfully requests that this Court enter an Order extending the exclusivity period for the Debtor to file a plan of reorganization through and including **January 28, 2019**, extending the Debtor's right to solicit acceptances through and including **March 29, 2019**.

7. The Debtor is currently engaged in a dispute with creditor, Spot Holding, over an alleged administrative claim of over \$100,000. This dispute must be resolved prior to filing a plan of reorganization, as the amount due to the creditor and whether any such amount is characterized as an administrative claim will greatly impact the Debtor's ability to make payments to creditors and the overall feasibility of a plan. The parties are in the process of coordinating a judicial settlement conference. The extensions requested herein will provide the time necessary for the judicial settlement conference to occur.

8. This motion is the Debtor's second request for an extension of exclusivity.

9. The Debtor respectfully submits that the granting of this extension will not prejudice the rights of any creditor or any party in interest and submits that this motion is made in good faith and not for the purposes of delay.

WHEREFORE, the Debtor respectfully request that this Court enter an order (i) extending the exclusivity period for the Debtor to file a plan of reorganization through and including **January 28, 2019**, and (ii) extending the Debtor's right to solicit acceptances through and including **March 29, 2019**, and (iii) granting any other and further relief as this Court deems just and proper.

I HEREBY CERTIFY that a true copy of the foregoing will be furnished to all creditors and interested parties with a copy of the Notice of Hearing.

Respectfully Submitted,

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