Allstate Realty & Mgmnt 1263 St. John's Place Brooklyn, NY 11213

Atlantic Appliances 1289 Atlantic Ave. Brooklyn, NY 11216

Fed. Nat'l Mortgage Assoc c/o Foley & Lardner LLP c/o Atty Rachel E. Kramer 90 Park Avenue New York, NY 10016

Jewel Kids 51 Forest Road Suite #316-77 Monroe, NY

The Pratt Park Group 77 Spruce Street 3rd Floor Cedarhurst, NY 11516

The Vineyard Complex, LLC 51 Forest Road Suite #316-90 Monroe, NY 10950

# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK

| x  |   |                                  |                    |
|--|---|----------------------------------|--------------------|
| In Re:   |   |                                  |                    |
| 347 Linden LLC   |   | Case No.                         |                    |
|  |   | Chapter                          | 11                 |
| Debtor(s)  |   |                                  |                    |
| VERIFICATION OF CREDITOR   | MATRIX/LIST OF                                      | CREDITORS                        | <u> </u>           |
| The undersigned debtor(s) or attorney for matrix/list of creditors submitted herein is true and co | or the debtor(s) hereby<br>rrect to the best of his | verifies that the or her knowled | e creditor<br>Ige. |
| Dated: <b>11/3/2010</b>  |   |                                  |                    |
|  | s/ Abraham Hoffman<br>Abraham Hoffman               | n                                |                    |
|  | Debtor  |                                  |                    |
|  | /s/ David Carlebach                                 | DC-7350                          |                    |

USBC-44 Rev. 3/17/05

David Carlebach
Attorney for Debtor

| United States E<br>Eastern Distr  | Volur  | ntary F  | Petition  |  |  |  |  |
|---|--|--|---|--|--|--|--|
| Name of Debtor (if individual, enter Last, First, Middle): 347 Linden LLC   | Na   | me of Joint D  | ebtor (Spouse) (La  | st, First, Middle):                        |  |  |  |
| All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):  |  | All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): |   |  |  |  |  |
| Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITI than one, state all): 20-0012542   | N)/Complete EIN(if r   |  | st four digits one, state all):   | of Soc. Sec. or Indi                       | vidual-Taxpayer I.D.   | (ITIN)/Cor   | mplete EIN(if more than  |
| Street Address of Debtor (No. & Street, City, and State): 51 Forest Road Suite #316-90 Monroe, NY   |  | Str  | eet Address o   | f Joint Debtor (No.                        | & Street, City, and S  | State):  |  |
|   | CODE <b>1095</b>   |  | unty of Poside  | ance or of the Prin                        | cipal Place of Busines   | ZIP COI  | DE   |
| Orange  |  | Co   | unity of Reside   | ence of of the Fillion                     | cipal Flace of Busines   | SS.  |  |
| Mailing Address of Debtor (if different from street address)  | :  | Ma   | ailing Address  | of Joint Debtor (if                        | different from street  | address):  |  |
| ZIP   | CODE   |  |   |  |  | ZIP COI  | DE .   |
| Location of Principal Assets of Business Debtor (if different 347 Linden Street, Brooklyn, New York   | from street address at   | bove):   |   |  |  | ZIP COL  | DE 11237   |
| Type of Debtor  | Nature   | e of Busines   | s   |  | pter of Bankruptcy   | Code Un  | der Which  |
| (Form of Organization) (Check one box.)  ☐ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. ☐ Corporation (includes LLC and LLP)                                 | (Check <b>one</b> box)  ☐ Health Care Both ☐ Single Asset Rould U.S.C. § 101(5) ☐ Railroad ☐ Stockbroker | eal Estate as  | defined in 11   | Chapter 7 Chapter 9 Chapter 11             | _  | Chapter 1:<br>Recognition<br>Main Proc<br>Chapter 1: | 5 Petition for<br>on of a Foreign<br>seeding<br>5 Petition for |
| Partnership Other (If debtor is not one of the above entities,  | Commodity Bro  | oker   |   | Chapter 12 Chapter 13                      |  |  | on of a Foreign<br>Proceeding                                  |
| check this box and state type of entity below.)   | ☐ Clearing Bank ☐ Other  |  | •   | — Chapter 13                               | Nature of<br>(Check on   |  |  |
|   |  | of the United  | nization<br>1 States  | debts, defin<br>§ 101(8) as<br>individual  | orimarily consumer<br>ned in 11 U.S.C.<br>s "incurred by an<br>primarily for a<br>amily, or house- | <b>2</b> D   | Debts are primarily usiness debts.                             |
| Filing Fee (Check one box)  |  |  | Chook one   |  | Chapter 11 Debto   | ors  |  |
| ✓ Full Filing Fee attached  |  |  | Check one box:  ✓ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). |  |  |  |  |
| Filing Fee to be paid in installments (applicable to indi signed application for the court's consideration certifyin  | g that the debtor is   |  | Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).  Check if:    |  |  |  |  |
| unable to pay fee except in installments. Rule 1006(b) s  Filing Fee waiver requested (applicable to chapter 7 in attach signed application for the court's consideration.                | dividuals only). Must  |  | insiders<br>4/01/13   |  | . , , ,  | amount sui   | ing debts owed to bject to adjustment on                       |
| attach signed application for the court's consideration.  | see Official Politi 3D   |  | A plan Accept   | is being filed with<br>ances of the plan w | this petition<br>were solicited prepetiti<br>e with 11 U.S.C. § 11                                 |  | ne or more classes   |
| Statistical/Administrative Information  |  |  | or cicu.  | , in accordance                            | 11 O.D.C. y 11   | 20( <i>0)</i> .                                      | THIS SPACE IS FOR  |
| ☐ Debtor estimates that funds will be available for distrib☐ Debtor estimates that, after any exempt property is except expenses paid, there will be no funds available for distribution. | luded and administrat  | tive   |   |  |  |  | COURT USE ONLY   |
| Estimated Number of Creditors   |  |  |   |  |  |  |  |
| 1- 50- 100- 200- 1,000-<br>49 99 199 999 5,000  | 5,001- 10,001-<br>10,000 25,000  |  | 50,001-<br>100,000  | Over 100,000                               |  |  |  |
| Estimated Assets  \$0 to \$50,001 to \$100,001 to \$500,001 to \$1,000 \$50,000 \$100,000 \$500,000 \$1 to \$10 million million   | 0,001 \$10,000,001<br>to \$50  | \$50,000,001<br>to \$100<br>million  | \$100,000,000<br>to \$500<br>million  | \$500,000,001 to \$1 billion               | More than \$1 billion  |  |  |
| Estimated Liabilities   | ,001 \$10,000,001<br>to \$50   | \$50,000,001<br>to \$100<br>million  | \$100,000,000<br>to \$500<br>million  | \$500,000,001 to \$1 billion               | More than \$1 billion  |  |  |

B1 (Official Form 1) (4/10) FORM B1, Page 2

| Voluntary Petition (This page must be completed and filed in every case)   | Name of Debtor(s): 347 Linden LLC   |  |  |  |  |  |  |
|--|---|--|--|--|--|--|--|
|  | in Last 8 Years (If more than two, attach additional sheet.)  |  |  |  |  |  |  |
| Location Location  | Case Number:  | Date Filed:  |  |  |  |  |  |
| Where Filed: NONE  |   |  |  |  |  |  |  |
| Location Where Filed:  | Case Number:  | Date Filed:  |  |  |  |  |  |
| Pending Bankruptcy Case Filed by any Spouse, Parti   | ner or Affiliate of this Debtor (If more than one, attach ac  |  |  |  |  |  |  |
| Name of Debtor:<br>NONE  | Case Number:  | Date Filed:  |  |  |  |  |  |
| District:  | Relationship:   | Judge:   |  |  |  |  |  |
| Exhibit A  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  Exhibit A is attached and made a part of this petition. | (To be completed if debtor is whose debts are primarily con I, the attorney for the petitioner named in the foregoin have informed the petitioner that [he or she] may prospect 12, or 13 of title 11, United States Code, and have eavailable under each such chapter. I further certify the debtor the notice required by 11 U.S.C. § 342(b).  X Not Applicable Signature of Attorney for Debtor(s) | nsumer debts) ing petition, declare that I sceed under chapter 7, 11, explained the relief |  |  |  |  |  |
|  |   |  |  |  |  |  |  |
| Exhibit C  Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?  Yes, and Exhibit C is attached and made a part of this petition.  No  |   |  |  |  |  |  |  |
|  | Exhibit D   |  |  |  |  |  |  |
| (To be completed by every individual debtor. If a joint petition is filed, each spouse   | e must complete and attach a separate Exhibit D.)   |  |  |  |  |  |  |
| ☐ Exhibit D completed and signed by the debtor is attached and made a par  | rt of this petition.  |  |  |  |  |  |  |
|  |   |  |  |  |  |  |  |
| If this is a joint petition:   |   |  |  |  |  |  |  |
| Exhibit D also completed and signed by the joint debtor is attached and n  |   |  |  |  |  |  |  |
|  | Regarding the Debtor - Venue  |  |  |  |  |  |  |
| Debtor has been domiciled or has had a residence, principal preceding the date of this petition or for a longer part of such   |   | ays immediately  |  |  |  |  |  |
| There is a bankruptcy case concerning debtor's affiliate. gene   | eral partner, or partnership pending in this District.  | 1  |  |  |  |  |  |
| Debtor is a debtor in a foreign proceeding and has its principal has no principal place of business or assets in the United State this District, or the interests of the parties will be served in re-   | tes but is a defendant in an action or proceeding [in a federal   |  |  |  |  |  |  |
| =  | Resides as a Tenant of Residential Property all applicable boxes.)  |  |  |  |  |  |  |
| Landlord has a judgment against the debtor for possession of   | debtor's residence. (If box checked, complete the following).   |  |  |  |  |  |  |
|  | (Name of landlord that obtained judgment)   |  |  |  |  |  |  |
|  | (Address of landlord)   |  |  |  |  |  |  |
| Debtor claims that under applicable nonbankruptcy law, there entire monetary default that gave rise to the judgment for pos  | •   | ed to cure the   |  |  |  |  |  |
| Debtor has included in this petition the deposit with the court filing of the petition.  |   |  |  |  |  |  |  |
| Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).  |   |  |  |  |  |  |  |

**B1** (Official Form 1) (4/10) FORM B1, Page 3

| DI (OMEMII OMII) (1/10)   | Total 21, Tage   |
|---|--|
| Voluntary Petition  | Name of Debtor(s):   |
| (This page must be completed and filed in every case)   | 347 Linden LLC   |
|   | O'materia.   |
| _   | Signatures<br>I  |
| Signature(s) of Debtor(s) (Individual/Joint)  | Signature of a Foreign Representative  |
| I declare under penalty of perjury that the information provided in this petitic<br>and correct.  | on is true  I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, |
| [If petitioner is an individual whose debts are primarily consumer debts and h  | and that I am authorized to file this petition.  |
| chosen to file under chapter 7] I am aware that I may proceed under chapter 7 or 13 of title 11, United States Code, understand the relief available under ea       |  |
| chapter, and choose to proceed under chapter 7.   | _  |
| [If no attorney represents me and no bankruptcy petition preparer signs the pe  | tition] I I request relief in accordance with chapter 15 of Title 11, United States Code.  Certified Copies of the documents required by § 1515 of title 11 are attached.                    |
| have obtained and read the notice required by 11 U.S.C. § 342(b).   | Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the  |
| I request relief in accordance with the chapter of title 11, United States Code in this petition.   |  |
| X Not Applicable  | X Not Applicable   |
| Signature of Debtor   | (Signature of Foreign Representative)  |
| X Not Applicable  |  |
| Signature of Joint Debtor   | (Printed Name of Foreign Representative)   |
|   |  |
| Telephone Number (If not represented by attorney)   |  |
| Date  | Date   |
| Signature of Attorney   | Signature of Non-Attorney Petition Preparer  |
| X/s/ David Carlebach DC-7350  |  |
| Signature of Attorney for Debtor(s)   | I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the          |
| David Carlebach Bar No. DC-7350   | debtor with a copy of this document and the notices and information required under 11  |
| Printed Name of Attorney for Debtor(s) / Bar No.  | U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable                     |
| Law Offices of David Carlebach  | by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor,           |
| Firm Name   | as required in that section. Official Form 19 is attached.   |
| 40 Exchange Place New York, NY 10005  |  |
| Address   | Not Applicable   |
| Address   | Printed Name and title, if any, of Bankruptcy Petition Preparer  |
|   |  |
| 212-785-3041 212-785-3618   |  |
| Telephone Number  | Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of               |
| 11/3/2010   | the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)  |
| Date  |  |
| *In a case in which § 707(b)(4)(D) applies, this signature also constitute  |  |
| certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.   |  |
|   | X Not Applicable   |
| Signature of Debtor (Corporation/Partnership)   |  |
| I declare under penalty of perjury that the information provided in this petitic<br>and correct, and that I have been authorized to file this petition on behalf of |  |
| debtor.   | Signature of bankruptcy petition preparer or officer, principal, responsible person, or  |
| The debtor requests the relief in accordance with the chapter of title 11, Unit   | partner whose Social-Security number is provided above.  |
| Code, specified in this petition.   | Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an                             |
| X s/ Abraham Hoffman  | individual.  |
| Signature of Authorized Individual  | If more than one person prepared this document, attach to the appropriate official form  |
| Abraham Hoffman   | for each person.   |
| Printed Name of Authorized Individual   | A bankruptcy petition preparer's failure to comply with the provisions of title 11 and<br>the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or                   |
| Managing Member   | both. 11 U.S.C. § 110; 18 U.S.C. § 156.  |
| Title of Authorized Individual  |  |
| 11/3/2010   |  |

Date

# UNITED STATES BANKRUPTCY COURT Eastern District of New York

| In re: | 347 Linden LLC  |   | , Cas                         | se No.      |                               |
|--------|---|---|-------------------------------|-------------|-------------------------------|
|        |   | Debtor                                  | Cha                           | apter 11    |                               |
|        | Ex  | hibit "A" to Volu                       | ntary Petition                | ì           |                               |
| 1.     | If any of debtor's securities are regist-<br>number is .          | ered under section 12 of the Securi     | ies and Exchange Act of 193   | 34, the SEC | C file                        |
| 2.     | The following financial data is the late                          | est available information and refers    | o debtor's condition on .     |             |                               |
| a.     | Total assets  |   | \$                            |             | 1,600,000.00                  |
| b.     | Total debts (including debts listed in                            | 2.c., below)                            | \$                            |             | 5,647,302.55                  |
|        |   |   |                               |             | Approximate number of holders |
| C.     | Debt securities held by more than 50                              | 0 holders.                              |                               |             |                               |
|        | secured unsecured   | subordinated                            |                               | _           |                               |
| d.     | Number of shares of preferred stock                               |   |                               |             |                               |
| e.     | Number of shares of common stock                                  |   |                               |             |                               |
|        | Comments, if any:   |   |                               |             |                               |
|        |   |   |                               |             |                               |
| 3.     | Brief description of debtor's business                            | :                                       |                               |             |                               |
|        | Single Asset Real Estate  |   |                               |             |                               |
| 4.     | List the name of any person who dire voting securities of debtor: | ctly or indirectly owns, controls, or h | nolds, with power to vote, 5% | or more of  | the                           |

## **United States Bankruptcy Court**

## **Eastern District of New York**

| n re:  |            | Case No.                                     |         |
|--|------------|--|---------|
|  |            | Chapter                                      | 11      |
| 347 Linden LLC   |            |  |         |
|  |            |  |         |
|  |            |  |         |
| STATEMENT REGARDING AUTHO  | RITY T     | O SIGN AND FILE P                            | ETITION |
| I, Abraham Hoffman, declare under penalty of perjury that I am and that on November 3, 2010 the following resolution was duly ad Corporation:  |            |  |         |
| "Whereas, it is in the best interest of this Corporation to file a Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United   | -          |  |         |
| Be It Therefore Resolved, that <b>Abraham Hoffman</b> , <b>Managing Mo</b> deliver all documents necessary to perfect the filing of a Chapter 1  |            |  |         |
| Be It Further Resolved, that <b>Abraham Hoffman</b> , <b>Managing Mem</b> cankruptcy proceedings on behalf of the Corporation, and to other all necessary documents on behalf of the Corporation in connection | wise do ar | nd perform all acts and deeds                |         |
| Be It Further Resolved, that Abraham Hoffman, Managing Men<br>Carlebach, attorney and the law firm of Law Offices of David Carleb  |            |  |         |
| Executed on: 11/3/2010   | Ciana a di |  |         |
| Executed on: 11/3/2010   | Signed:    | <u>s/ Abraham Hoffman</u><br>Abraham Hoffman |         |
|  |            |  |         |

#### United States Bankruptcy Court Eastern District of New York

| In re 347 Linden LLC | Case No. |         |    |
|----------------------|----------|---------|----|
|                      | Debtor   | Chapter | 11 |

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1)

Name of creditor and complete mailing address including zip code (2)

Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted

(3)

Nature of claim (trade debt, bank loan, government contract, etc.) (4)

Indicate if claim is contingent, unliquidated, disputed or subject to setoff (5)

Amount of claim [if secured also state value of security]

Allstate Realty & Mgmnt 1263 St. John's Place Brooklyn, NY 11213

\$81,614.00

Jewel Kids 51 Forest Road Suite #316-77 Monroe, NY

\$61,500.00

Atlantic Appliances 1289 Atlantic Ave. Brooklyn, NY 11216

\$1,851.58

The Pratt Park Group 77 Spruce Street 3rd Floor Cedarhurst, NY 11516

\$4,100,000.00

| In re 347 Linden LLC |        | Case No. |    |
|----------------------|--------|----------|----|
|                      | Debtor | Chapter  | 11 |

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1)

Name of creditor and complete mailing address including zip code (2)

Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted

(3)

Nature of claim (trade debt, bank loan, government contract, etc.) (4)

Indicate if claim is contingent, unliquidated, disputed or subject to setoff (5)

Amount of claim [if secured also state value of security]

## DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

| I, Abraham Hoffman, Managing Member of the Corporation named as the debtor in this case, | e, declare under penalty of perjury that I have read the fo | regoing list |
|--|---|--------------|
| and that it is true and correct to the best of my information and belief.                |   |              |

| Date: 11/3/2010 | Signature: | re: s/ Abraham Hoffman           |  |  |
|-----------------|------------|----------------------------------|--|--|
|                 |            | Abraham Hoffman ,Managing Member |  |  |
|                 |            | (Print Name and Title)           |  |  |

Penalty for making a false statement or concealing property. Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C §§ 152 and 3571.

B 203 (12/94)

## UNITED STATES BANKRUPTCY COURT Fastern District of New York

|    |              |               |  | Ea    | astern District of New York   |               |               |           |
|----|--------------|---------------|--|-------|---|---------------|---------------|-----------|
| In | re:          |               | 347 Linden LLC   |       |   | Case No.      |               |           |
|    |              |               | Debtor   |       |   | Chapter       | <u>11</u>     |           |
|    |              |               | DISCLOSURE   | E 0   | FOR DEBTOR  | ORNE          | Y             |           |
| 1. | and the      | nat c<br>o me | ompensation paid to me within one year I   | pefor | 2016(b), I certify that I am the attorney for the above the filing of the petition in bankruptcy, or agreed to behalf of the debtor(s) in contemplation of or in    |               | or(s)         |           |
|    | F            | or le         | gal services, I have agreed to accept  |       |   | :             | \$            | 10,000.00 |
|    | Р            | rior          | to the filing of this statement I have receive   | /ed   |   | :             | \$            | 7,000.00  |
|    | В            | alan          | ce Due   |       |   | :             | \$            | 3,000.00  |
| 2. | The s        | ourc          | e of compensation paid to me was:  |       |   |               |               |           |
|    |              | ☑             | Debtor   |       | Other (specify)   |               |               |           |
| 3. | The s        | ourc          | e of compensation to be paid to me is:   |       |   |               |               |           |
|    |              | abla          | Debtor   |       | Other (specify)   |               |               |           |
| 4. | Ø            |               | ave not agreed to share the above-disclomy law firm.                                     | sed o | compensation with any other person unless they are  | e members ar  | nd associates |           |
| 5  | □<br>In retu | my<br>atta    | law firm. A copy of the agreement, togetached.   | her v | pensation with a person or persons who are not me<br>with a list of the names of the people sharing in the<br>ender legal service for all aspects of the bankruptcy | compensation  |               |           |
| ٥. | inclu        |               | =  |       | onaer legal eervise for all deposite of the ballitapies   | 0000,         |               |           |
|    | a)           |               | alysis of the debtor's financial situation, a etition in bankruptcy;                     | nd re | endering advice to the debtor in determining whethe   | r to file     |               |           |
|    | b)           | Pre           | eparation and filing of any petition, sched  | ules, | statement of affairs, and plan which may be require   | ed;           |               |           |
|    | c)           | Re            | presentation of the debtor at the meeting  | of cr | reditors and confirmation hearing, and any adjourne   | d hearings th | ereof;        |           |
|    | d)           | Re            | presentation of the debtor in adversary p  | rocee | edings and other contested bankruptcy matters;  |               |               |           |
|    | e)           | -             | her provisions as needed]<br>one   |       |   |               |               |           |
| 6. | Ву а         | gree          | ment with the debtor(s) the above disclos  | ed fe | ee does not include the following services:   |               |               |           |
|    |              | N             | one  |       |   |               |               |           |
|    |              |               |  |       | CERTIFICATION   |               |               |           |
| ı  |              | -             | hat the foregoing is a complete statement<br>ion of the debtor(s) in this bankruptcy pro |       | ny agreement or arrangement for payment to me foding.   | r             |               |           |
| ı  | Dated:       | <u>11</u>     | /3/2010  |       |   |               |               |           |
|    |              |               |  |       | <i>ls/</i> David Carlebach DC-7350<br>David Carlebach, Bar No. DC-7350  | )             |               |           |

**Law Offices of David Carlebach** 

Attorney for Debtor(s)

#### **UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK**

In Re BANKRUPTCY NO.

347 Linden LLC

Debtor.

#### **DECLARATION RE: ELECTRONIC FILING OF PETITION, SCHEDULES & STATEMENTS**

#### PART I - DECLARATION OF PETITIONER

| I   | Abraham Hoffman  |   | ,   |
|---|--|---|---|
| provided in t<br>this declara<br>ELECTROI<br>following th | he electronically filed petition, state<br>tion, statements and schedules to t<br>NIC FILING is to be filed with the C | ments, sch<br>he United S<br>lerk once a<br>y filed. I un | by of perjury that the information I have given my attorney and the information needules is true and correct. I consent to my attorney sending my petition, States Bankruptcy Court. I understand that this DECLARATION RE:  all schedules have been filed electronically but, in no event, no later than 15 days inderstand that failure to file the signed original of this DECLARATION will cause 3) without further notice. |
| and choose  petition is tr                                | may proceed under chapter 7, 11 to proceed under Chapter 7. I req  [If petitioner is a corporation                     | , 12 or 13 ouest relief in or partner en authoriz         | ots are primarily consumer debts and has chosen to file under chapter 7] I am of 11 United States Code, understand the relief available under each such chapter in accordance with the chapter specified in this petition. ship] I declare under penalty of perjury that the information provided in this ed to file this petition on behalf of the debtor. The debtor requests relief in                                       |
| Dated: 14   | 1/3/2010   | Signed:   | s/ Abraham Hoffman Abraham Hoffman (Applicant)  |
| DADTII  | DECLADATION OF ATTOL   | DNIEV   |   |

#### PART II - DECLARATION OF ATTORNEY

I declare under penalty of perjury that I have reviewed the above debtor's petition and that the information is complete and correct to the best of my knowledge. The debtor(s) will have signed this form before I submit the petition, schedules, and statements. I will give the debtor(s) a copy of all forms and information to be filed with the United States Bankruptcy Court, and have followed all other requirements in the most recent attachment to G.O. #162. I further declare that I have examined the above debtor's petition, schedules, and statements and, to the best of my knowledge and belief, they are true, correct, and complete. If an individual, I further declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based on all information of which I have knowledge.

Dated: 11/3/2010

/s/ David Carlebach DC-7350

**David Carlebach** Attorney for Debtor(s)

# United States Bankruptcy Court Eastern District of New York

| In re | 347 Linden LLC | Case No. |    |
|-------|----------------|----------|----|
|       | Debtor.        | Chapter  | 11 |

#### STATEMENT OF CORPORATE OWNERSHID

|           | STATEMENT OF CORPORATE OWNERSHIP  |
|-----------|---|
|           | now <b>347 Linden LLC</b> (the "Debtor") and pursuant to Fed. R. Bankr. P. 1007(a) and state as follows:                    |
| are liste | _ All corporations that directly or indirectly own 10% or more of any class of the corporation's equity interests ed below: |
| Owner     | % of Shares Owned   |
| None      |   |
| OR,       |   |
| X         | There are no entities to report.  |

#### By/s/ David Carlebach DC-7350

## David Carlebach

Signature of Attorney

Counsel for 347 Linden LLC

Bar no.: DC-7350

Address.: **Law Offices of David Carlebach** 

40 Exchange Place New York, NY 10005

Telephone No.: 212-785-3041 212-785-3618 Fax No.:

E-mail address:

# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK

# STATEMENT PURSUANT TO LOCAL BANKRUPTCY RULE 1073-2(b)

| DEBTOR(S):  |                            | CASE NO.:   |  |  |  |  |
|---|----------------------------|---|--|--|--|--|
| Pursuant to Local Bankruptcy Rule 1073-2(b), the debtor <i>(or any other petitioner)</i> hereby makes the following disclosure oncerning Related Cases, to the petitioner's best knowledge, information and belief:   |                            |   |  |  |  |  |
| NOTE: Cases shall be deemed "Related Cases" for purposes of E.D.N.Y. LBR 1073-1 and E.D.N.Y. LBR 1073-2 if the earlier case as pending at any time within eight years before the filing of the new petition, and the debtors in such cases: (i) are the same; (ii) re spouses or ex-spouses; (iii) are affiliates, as defined in 11 U.S.C. § 101(2); (iv) are general partners in the same partnership; or a partnership and one or more of its general partners; (vi) are partnerships which share one or more common general artners; or (vii) have, or within 180 days of the commencement of either of the Related Cases had, an interest in property that as or is included in the property of another estate under 11 U.S.C. § 541(a).] |                            |   |  |  |  |  |
| □ NO RELATED CASE   | IS PENDING OR HAS BEEN P   | ENDING AT ANY TIME.                                 |  |  |  |  |
| □ THE FOLLOWING R   | ELATED CASE(S) IS PENDIN   | G OR HAS BEEN PENDING:                              |  |  |  |  |
| 1. CASE NO.:  | JUDGE:                     | DISTRICT/DIVISION:                                  |  |  |  |  |
| CASE STILL PENDING  | (Y/N): [If closed] Date    | e of closing:                                       |  |  |  |  |
| CURRENT STATUS OF   | RELATED CASE:(Dischar      | ged/awaiting discharge, confirmed, dismissed, etc.) |  |  |  |  |
| MANNER IN WHICH C   | ASES ARE RELATED (Refer to | NOTE ab ove):                                       |  |  |  |  |
|   |                            | LE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN   |  |  |  |  |
| 1. CASE NO.   | HIDGE                      | DICTRICT/DIVICION.                                  |  |  |  |  |
|   |                            | DISTRICT/DIVISION:                                  |  |  |  |  |
| CASE STILL PENDING  | (Y/N): [If closed] Date    | e of closing:                                       |  |  |  |  |
| CURRENT STATUS OF   | RELATED CASE:(Dischar      | ged/awaiting discharge, confirmed, dismissed, etc.) |  |  |  |  |
| MANNER IN WHICH C   | ASES ARE RELATED (Refer to | NOTE above):  |  |  |  |  |
|   |                            | E "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED       |  |  |  |  |
|   |                            |   |  |  |  |  |

#### DISCLOSURE OF RELATED CASES (cont'd)

| 3. CASE NO.:   | JUDGE:                           | DISTRICT/DIVISION:  |
|--|----------------------------------|---|
| CASE STILL PENDING (Y  | //N): [If closed] Date           | e of closing:   |
| CURRENT STATUS OF R  | ELATED CASE:                     |   |
|  | (Dischar                         | ged/awaiting discharge, confirmed, dismissed, etc.)                     |
| MANNER IN WHICH CAS  | SES ARE RELATED (Refer to        | o NOTE above):  |
|  |                                  | E "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED                           |
|  | C. § 109(g), certain individuals | who have had prior cases dismissed within the preceding 180 days may    |
|  |                                  | equired to file a statement in support of his/her eligibility to file.  |
| TO BE COMPLETED BY   | DEBTOR/PETITIONER'S A            | TTORNEY, AS APPLICABLE:   |
| I am admitted to practice in                                 | the Eastern District of New Y    | York (Y/N):   |
| CERTIFICATION (to be si                                      | gned by pro se debtor/petition   | ner or debtor/petitioner's attorney, as applicable):                    |
| I certify under penalty of pe<br>except as indicated elsewhe |                                  | ptcy case is not related to any case now pending or pending at any time |
| Signature of Debtor's Attor                                  | ney                              | Signature of Pro Se Debtor/Petitioner                                   |
|  |                                  | Mailing Address of Debtor/Petitioner                                    |
|  |                                  | City, State, Zip Code   |
|  |                                  | Area Code and Telephone Number  |

Failure to fully and truthfully provide all information required by the E.D.N.Y. LBR 1073-2 Statement may subject the debtor or any other petitioner and their attorney to appropriate sanctions, including without limitation conversion, the appointment of a trustee or the dismissal of the case with prejudice.

<u>NOTE</u>: Any change in address must be reported to the Court immediately IN WRITING. Dismissal of your petition may otherwise result.

USBC-17 Rev 8/11/2009

#### RESOLUTION

Whereas, it is in the best interest of 347 Linden, LLC (the "LLC") to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States code;

Be It Therefore Resolved, that Abraham Hoffman, Managing Member of this LLC, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a Chapter 11 voluntary bankruptcy case on behalf of the Corporation; and

Be It Further Resolved, that Abraham Hoffman, Managing Member of this LLC, is authorized and directed to appear in all bankruptcy proceedings on behalf of the LLC, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the LLC in connection with such bankruptcy case; and

Be It Further Resolved, that Abraham Hoffman, Managing Member of this LLC, is authorized and directed to employ David Carlebach, attorney, and the Law Offices of David Carlebach to represent the LLC in such bankruptcy case.

Date: November 3, 2010 By: s/ Abraham Hoffman

Abraham Hoffman, Managing Member

| EASTERN DISTRICT OF NEW YORK |            |  |  |
|------------------------------|------------|--|--|
| x<br>In re:                  | Chapter 11 |  |  |
| 347 Linden, LLC              | Case No.   |  |  |
| Debtor.                      |            |  |  |

#### AFFIDAVIT PURSUANT TO LOCAL RULE 1007-4

347 Linden, LLC (the "Debtor") by and through its Managing Member, Abraham Hoffman, hereby declares under penalty of perjury, pursuant to Local Rule 1007-4, as follows:

- 1. On November 3, 2010 (the "Petition Date"), the Debtor, filed with this Court a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code.
- 2. The Debtor is primarily in the business of ownership and operation of single asset real estate as that term is defined under 11 U.S.C. § 101(51B) of the Bankruptcy Code and has continued to own its property and business since the filing of the petition, as debtor-in-possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code.
- The Debtor maintains its principal place of business at 51 Forest Road, Suite 316-90,
   Monroe, New York 10950 (the "Debtor's Premises") and its primary asset is located at 347
   Linden Street, Brooklyn, New York (the "347 Linden Property").
- 4. The 347 Linden Property is a multiple use building with 14 residential units and 2 commercial units.
- 5. The 347 Linden Property is subject to a foreclosure action that was commenced by Federal National Mortgage Association, *Federal National Mortgage Association v. 347 Linden LLC*, et. al., Index No. 22294/2008 (N.Y. Sup. Ct. Kings County 2008).

- 6. No committee of creditors was previously appointed.
- 7. The list of twenty (20) largest unsecured creditors is filed with the Schedules.
- 8. The list of the 5 largest secured creditors is filed with the Schedules. The Debtor has less than five secured creditors.
- 9. A summary of the Debtor's assets and liabilities is filed with the Schedules.
- 10. There are no publicly held stocks, debentures or other securities.
- 11. There is no property owned, leased, or held under any other arrangement from which the Debtor operates its business.
- 12. The Debtor's significant assets and books and records are located on the Debtor's Premises. The Debtor holds no assets outside the territorial limits of the United States.
- 13. Other than the Foreclosure action mentioned in paragraph 5 above, there are no other actions or proceedings pending or threatened against the Debtor or its property.
- 14. The Debtor's senior management consists solely of Abraham Hoffman, the managing member of the LLC. Hoffman has maintained this role since the Debtor's corporate existence commenced in 2003.
- 15. The Debtor intends to continue the operation of its business, and for the 30 days following the Petition Date, the Debtor states as follows:
  - a. There are no employees of the Debtor, as such there will be no weekly payroll;
  - b. No amount will be paid for services rendered by the Managing Member; and
  - c. An Application to Employ Accountants has been filed by the Debtor;

| the nex | at thirty (30) day period.              |  |
|---------|---|--|
| Dated:  | New York, New York<br>November 3, 2010  | 347 Linden, LLC                                    |
|         | - · · · · · · · · · · · · · · · · · · · | s/Abraham Hoffman Abraham Hoffman, Managing Member |

16.

The Debtor does not expect to assume any obligations which will remain unpaid during