

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

919 PROSPECT AVE LLC,

Case No.: 16-13569-scc

Debtor.

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ORDER: (I) CONDITIONALLY APPROVING THE AMENDED JOINT DISCLOSURE STATEMENT FILED BY THE CHAPTER 11 TRUSTEE AND THE DEBTOR; (II) APPROVING SOLICITATION PROCEDURES; AND (III) FIXING THE DATE FOR A HEARING ON FINAL APPROVAL OF AMENDED JOINT DISCLOSURE STATEMENT AND CONFIRMATION OF AMENDED PLAN OF REORGANIZATION

An initial hearing having been held on May 15, 2018, (the "Hearing") pursuant to the Notice of adjournment of hearing on adequacy of joint disclosure statement [ECF Doc. No. 122] to determine the adequacy of the Joint Disclosure Statement for the Plan of Reorganization under Chapter 11 of the Bankruptcy Code (as same may be amended, the "Joint Disclosure Statement"), dated March 3, 2018, heretofore filed with this Court by 919 Prospect Ave, LLC, debtor ("Debtor") and Ian Gazes, the Chapter 11 Operating Trustee ("Trustee", and, together with the Debtor, the "Plan Proponents") in the above captioned chapter 11 case, seeking, *inter alia*, approval under section 1125(b) of title 11, United States Code (the "Bankruptcy Code") of the Joint Disclosure Statement; and various formal and informal objections having been raised by parties in interest; and those parties and the Plan Proponents having negotiated certain changes to the Joint Disclosure Statement; and the Plan Proponents having filed on August 2, 2018 an Amended Joint Disclosure Statement [ECF Doc. No. 141] and an Amended Joint Plan [ECF Doc. No. 142]; and with all parties' consent, the Plan Proponents having requested that the Court conditionally approve that Amended Joint Disclosure Statement pending a joint hearing on the approval on a final basis of

said Amended Joint Disclosure Statement and the confirmation of the Amended Joint Plan as well as: (i) approval of the proposed solicitation procedures; (ii) approval of the form of ballots; (iii) setting a hearing date for confirmation (the “Confirmation Hearing”) of the proposed Amended Joint Plan, dated August 2, 2018; and (iv) setting a deadline for objections thereto; and after due deliberation being had by this Court, it is hereby:

ORDERED, that the Amended Joint Disclosure Statement is hereby conditionally approved as provided for in sections 1125(b) and (f) of the Bankruptcy Code; and it is further

ORDERED, that the Amended Joint Disclosure Statement may be amended or modified as discussed and agreed among counsel to the parties present at the Confirmation Hearing and amended provided that such changes and modifications do not materially change the Amended Joint Disclosure Statement, or materially affect the rights of any creditor and/or party in interest; and it is further

ORDERED, that for voting purposes and mailing of notices pursuant to this Order, the date of this Order shall be the Record Holder Date for the holders of claims in the Voting Classes; and it is further

ORDERED, that Plan Proponent shall mail or cause to be mailed the appropriate Ballot (with instructions), substantially in the form of the proposed ballot (with instructions) filed by the Plan Proponents with the Court on August 8, 2018, which form of ballot is hereby deemed sufficient for all purposes, to each holder of a claim in the Voting Classes under the Amended Joint Plan; and it is further

ORDERED, that on or before August 14, 2018, Plan Proponent shall deposit or cause to be deposited in the United States Mail, postage prepaid, a sealed solicitation package (the

“Solicitation Package”), to each holder of a claim in the Voting and Non-Voting Classes under the Plan, which solicitation package is hereby approved in all respects, which shall include:

- (a) notice of the confirmation hearing and related matters, substantially in the form of notice annexed hereto as Exhibit “A” (the “Confirmation Hearing Notice”), setting forth the dates established for: filing objections to the adequacy of the Conditionally Approved Amended Joint Disclosure Statement, filing acceptances and rejections to the Amended Joint Plan, filing objections to confirmation of the Amended Joint Plan, and the Confirmation Hearing;
- (b) a copy of the Amended Joint Disclosure Statement, as conditionally approved by the Court (with exhibits, including a copy of the Amended Joint Plan);
- (c) a copy of this Order Conditionally Approving the Amended Joint Disclosure Statement; and
- (d) a Ballot (with instructions), in substantially the form attached hereto as Exhibit B, as approved by the Court, to those creditors entitled to vote on the Amended Joint Plan; and it is further

ORDERED, that all persons and entities entitled to vote on the Amended Joint Plan shall deliver their Ballots by mail, hand delivery, or overnight courier no later than 4:00 p.m. Prevailing Eastern Time on September 13, 2018 (the “Voting Deadline”) to Debtor’s counsel Rosen, Kantrow & Dillon, PLLC, 38 New Street, Huntington, New York 11743; and it is further

ORDERED, that the Confirmation Hearing and the Hearing on the final approval of the Amended Joint Disclosure Statement is scheduled for **September 20, 2018, at 11:00 a.m.** prevailing Eastern Time, at the United States Bankruptcy Court, Southern District of New York, United States Customs House, One Bowling Green, New York, NY 10004-1408, Courtroom 623,

before the Honorable Shelley C. Chapman, United States Bankruptcy Judge. The Confirmation Hearing may be adjourned from time to time without further notice other than an announcement in open Court; and it is further

ORDERED, that any objection to confirmation of the Amended Joint Plan or to the conditionally approved Amended Joint Disclosure Statement must conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, as modified by any administrative orders entered in this case, and must be filed with the Bankruptcy Court electronically in accordance with the Administrative Orders of this Court, by registered users of the Bankruptcy Court's case filing system and, by all other parties in interest, on a 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect, Microsoft Word, DOS text (ASCII) or a scanned image of the filing, with a hard copy delivered directly to Chambers, and be served in accordance with the Administrative Orders of this Court, so as to be received by no later than 4:00 p.m. on September 13, 2018, by (i) Debtor's Counsel, Rosen, Kantrow & Dillon, PLLC, 38 New Street, Huntington, New York 11743; (ii) the Operating Trustee, Ian Gazes at Gazes, LLC, 4780 SW 86th Terrace, Miami, Florida 33143; (iii) the Office of the United States Trustee, 201 Varick Street, Suite 1006, New York, New York 10014, Attn. Andrea Schwartz, Esq.; and (iv) the Chambers of the Hon. Shelley C. Chapman. Any objection to confirmation of the Amended Joint Plan or to the final approval of the Amended Joint Disclosure Statement must be in writing and: (a) must state the name and address of the objecting party and the amount of its claim or the nature of its interest; and (b) must state, with particularity, the nature of its objection. Any confirmation objection or objection to the final approval of the Amended Joint Disclosure Statement not filed and served as set forth herein shall be overruled and be deemed waived and shall not be considered by this Court. Plan Proponents shall be afforded an opportunity to file a

response to any objection to confirmation of the Amended Joint Plan or to the approval on a final basis of the Amended Joint Disclosure Statement; and it is further

ORDERED, that Plan Proponents are authorized to take such steps and perform such acts as may be necessary or appropriate to implement and effectuate the terms of this Order.

Dated: August 9, 2018
New York, New York

/S/ Shelley C. Chapman
Hon. Shelley C. Chapman
United States Bankruptcy Judge