

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN DISTRICT OF NEW YORK

Case number (if known) _____ Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	<u>Encore Property Management of Western New York, LLC</u>	
<hr/>		
2. All other names debtor used in the last 8 years <small>Include any assumed names, trade names and doing business as names</small>	<u>DBA Blossom Business Center</u> <u>DBA Imperial Manor Apartments</u> <u>DBA Normandie Apartments</u>	
<hr/>		
3. Debtor's federal Employer Identification Number (EIN)	<u>17-0801319</u>	
<hr/>		
4. Debtor's address	Principal place of business <u>1773 Stone Road</u> <u>Rochester, NY 14615</u> <small>Number, Street, City, State & ZIP Code</small> <u>Monroe</u> <small>County</small>	Mailing address, if different from principal place of business <u>P.O. Box 274</u> <u>Clinton, NY 13323</u> <small>P.O. Box, Number, Street, City, State & ZIP Code</small> Location of principal assets, if different from principal place of business _____ <small>Number, Street, City, State & ZIP Code</small>
<hr/>		
5. Debtor's website (URL)	_____	
<hr/>		
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify: _____	
<hr/>		

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

5311

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☐ No.
☒ Yes.

If more than 2 cases, attach a separate list.

District	Western District of New York - Rochester	When	12/15/17	Case number	2-17-21325-PRW
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- ☒ No
- ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

- ☐ It needs to be physically secured or protected from the weather.

- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

- ☐ Other _____

Where is the property? _____

Number, Street, City, State & ZIP Code

Is the property insured?

- ☐ No

- ☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated Assets

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input checked="" type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated liabilities

- | | | |
|--|---|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input checked="" type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

Debtor **Encore Property Management of Western New York, LLC**
Name

Case number (if known) _____

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **January 8, 2018**
MM / DD / YYYY

X /s/ Jason G. Palmer
Signature of authorized representative of debtor

Title **Trustee of Member Palmer Family Trust**

Jason G. Palmer
Printed name

18. Signature of attorney

X /s/ David S. Stern, Esq.
Signature of attorney for debtor

Date **January 8, 2018**
MM / DD / YYYY

David S. Stern, Esq.
Printed name

Elliott Stern Calabrese
Firm name

**One East Main Street, 10th Floor
Rochester, NY 14614**
Number, Street, City, State & ZIP Code

Contact phone **585.232.4724** Email address **dstern@elliottstern.com**

NY 2350387
Bar number and State

Fill in this information to identify the case:

Debtor name Encore Property Management of Western New York, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF NEW YORK

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☒ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☒ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☒ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☐ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 8, 2018

X /s/ Jason G. Palmer

Signature of individual signing on behalf of debtor

Jason G. Palmer

Printed name

Trustee of Member Palmer Family Trust

Position or relationship to debtor

Fill in this information to identify the case:Debtor name **Encore Property Management of Western New York, LLC**United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**

Case number (if known): _____

☐ Check if this is an amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders****12/15**

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
200 Registered Mortgage Bond Holders c/o Wells Fargo Bank, N.A. as Trustee 420 Montgomery Street San Francisco, CA 94104		All real property owned by debtor	Disputed	\$112,000,000.00	\$0.00	\$112,000,000.00
Cellino & Barnes, P.C. 350 Main Street 2500 Main Place Tower Buffalo, NY 14202		Personal Injury Claim				\$0.00
Cicero Commons Partners Group c/o Montalbano Condon & Frank 399 Knollwood Road White Plains, NY 10603		All real property owned		\$2,500,000.00	\$0.00	\$2,500,000.00
Earthline Paving & Developers 620 Seneca Parkway Rochester, NY 14613		All real property owned by Debtor - Judgment lien only		\$144,434.63	\$0.00	\$144,434.63
Encore Properties of Rochester, LLC 1002 McKinley Avenue Rome, NY 13440		Claim arising out of conveyance to Debtor by Deed dated July 25, 2007				\$33,000,265.00

Debtor **Encore Property Management of Western New York, LLC**
Name

Case number (if known) _____

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Harleyville Insurance Co. of NY 355 Maple Avenue Harleysville, PA 19438		All real property owned by Debtor	Contingent Unliquidated Disputed	\$5,037.14	\$0.00	\$5,037.14
Kathleen Davis c/o Kammholtz Messina, LLP 1501 Pittsford-Victor Road Victor, NY 14564		Personal Injury Claim				\$0.00
NYS DTF Attn: Bankruptcy Department P.O. Box 5300 Albany, NY 12205		All real property owned by debtor		\$1,719.15	\$0.00	\$1,719.15
NYS DTF Attn: Bankruptcy Department P.O. Box 5300 Albany, NY 12205		All real property owned by Debtor in Monroe County		\$710.60	\$0.00	\$710.60
Paris-Kirwin Associates, Inc. 1040 University Avenue Rochester, NY 14607		All real property owned by debtor		\$20,802.34	\$0.00	\$20,802.34
Rochester Gas and Electric 89 East Avenue Rochester, NY 14604		Gas & Electric service/contract charges	Contingent Unliquidated Disputed			\$93,000.00
Time Warner Cable 2620 West Henrietta Road Rochester, NY 14623		All real property owned by Debtor - Judgment lien only		\$56,795.95	\$0.00	\$56,795.95
Workers' Compensation Board State of New York 20 Park Avenue Albany, NY 12207		Workers' Compensation Insurance (Judgment recorded over 10 years ago)				\$20,500.00

Fill in this information to identify the case:

Debtor name **Encore Property Management of Western New York, LLC**

United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 206A/B Schedule A/B: Assets - Real and Personal Property

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

Part 1: Cash and cash equivalents

1. Does the debtor have any cash or cash equivalents?

- ☒ No. Go to Part 2.
☐ Yes Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor

Current value of debtor's interest

Part 2: Deposits and Prepayments

6. Does the debtor have any deposits or prepayments?

- ☒ No. Go to Part 3.
☐ Yes Fill in the information below.

Part 3: Accounts receivable

10. Does the debtor have any accounts receivable?

- ☒ No. Go to Part 4.
☐ Yes Fill in the information below.

Part 4: Investments

13. Does the debtor own any investments?

- ☒ No. Go to Part 5.
☐ Yes Fill in the information below.

Part 5: Inventory, excluding agriculture assets

18. Does the debtor own any inventory (excluding agriculture assets)?

- ☒ No. Go to Part 6.
☐ Yes Fill in the information below.

Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)

27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?

- ☒ No. Go to Part 7.

Debtor **Encore Property Management of Western New York, LLC**
Name

Case number (If known)

☐ Yes Fill in the information below.

Part 7: Office furniture, fixtures, and equipment; and collectibles

38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?

☒ No. Go to Part 8.
☐ Yes Fill in the information below.

Part 8: Machinery, equipment, and vehicles

46. Does the debtor own or lease any machinery, equipment, or vehicles?

☒ No. Go to Part 9.
☐ Yes Fill in the information below.

Part 9: Real property

54. Does the debtor own or lease any real property?

☐ No. Go to Part 10.
☒ Yes Fill in the information below.

55. Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest

Description and location of property Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building, if available.	Nature and extent of debtor's interest in property	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
55.1. Commercial Building on .64 Acres of land located at 2 Mt. Read Blvd, City of Rochester, NY Tax ID: 120.38-1-18.002	Fee simple	\$0.00		\$1,000,000.00
55.2. Commercial building on 2.28 acres of land located at 10 Mt. Read Blvd, City of Rochester, NY, Tax ID 120.38-1-18.001	Fee simple	\$0.00		\$1,500,000.00
55.3. Commercial building on 1.52 acres of land, located at 465 Blossom Road, City of Rochester, NY Tax ID 122.40-1-51	Fee simple	\$0.00		\$4,000,000.00

Debtor **Encore Property Management of Western New York, LLC**
Name _____

Case number (If known) _____

55.4.	Commercial Building on 2.58 acres of land, located at 591-599 Blossom Road, City of Rochester, NY Tax ID 122.41-1-39	Fee simple	\$0.00		\$5,000,000.00
55.5.	Parking Lot on 2.15 acres of land, located at 590 Blossom Road, City of Rochester, NY Tax ID 122.41-1-23.003	Fee simple	\$0.00	Tax records	\$111,000.00
55.6.	Commercial Building on 5.26 acres of land located at 565 Blossom Road, City of Rochester, NY Tax ID 122.48-1-7.002	Fee simple	\$0.00		\$3,400,000.00
55.7.	Apartment Building on 1.8 acres of land, located at 251-253 Alexander Street, City of Rochester, NY Tax ID 121.41-1-2.001	Fee simple	\$0.00		\$8,500,000.00
55.8.	Parking Lot on .30 acres of land (Lot size 68.29' x 196.57'), located at 243 Alexander Street, City of Rochester, NY Tax ID 121.41-1-4.	Fee simple	\$0.00	Tax records	\$71,530.00
55.9.	Apartment Building on .49 acres of land (Lot size 68.33'x317.2'), located at 241 Alexander Street, City of Rochester, NY Tax ID 121.41-1-15	Fee simple	\$0.00		\$3,750,000.00
55.10	Commercial Building on 2.10 acres of land, located at 465 West Commercial Street, East Rochester, NY Tax ID 138.75-1-12	Fee simple	\$0.00		\$1,600,000.00

Debtor **Encore Property Management of Western New York, LLC**
Name

Case number (If known)

55.11	Parking lot on .49 acres of land (lot size 67.98 x 317.94) located at 237 Alexander Street, City of Rochester, NY tax ID 121.41-1-6.	Fee simple	\$0.00	Tax records	\$116,460.00
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55.12	Apartment Building on 11.30 acres of land located at Stone Road, Town of Greece, NY Tax ID 075.13-3-11.	Fee simple	\$0.00		\$14,700,000.00
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55.13	Apartment building located on 9.10 acres of land located at Stone Road, Town of Greece, NY Tax ID 075.13-4-13.	Fee simple	\$0.00		\$12,000,000.00
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56. **Total of Part 9.**

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets.
Copy the total to line 88.

\$55,748,990.00

57. **Is a depreciation schedule available for any of the property listed in Part 9?**

- ☒ No
☐ Yes

58. **Has any of the property listed in Part 9 been appraised by a professional within the last year?**

- ☒ No
☐ Yes

Part 10: Intangibles and intellectual property

59. **Does the debtor have any interests in intangibles or intellectual property?**

- ☒ No. Go to Part 11.
☐ Yes Fill in the information below.

Part 11: All other assets

70. **Does the debtor own any other assets that have not yet been reported on this form?**

Include all interests in executory contracts and unexpired leases not previously reported on this form.

- ☐ No. Go to Part 12.
☒ Yes Fill in the information below.

Current value of debtor's interest

71. **Notes receivable**
Description (include name of obligor)

72. **Tax refunds and unused net operating losses (NOLs)**
Description (for example, federal, state, local)

Debtor **Encore Property Management of Western New York, LLC**
Name _____

Case number (If known) _____

73. **Interests in insurance policies or annuities**

74. **Causes of action against third parties (whether or not a lawsuit has been filed)**

Judgment Granted in Favor of Plaintiff (this debtor) against tenant Tashara Rhodes

\$0.00

Nature of claim Judgment for unpaid rent

Amount requested \$1,401.00

Judgment Granted in Favor of Plaintiff (this debtor) against tenant Rafor Odum

\$0.00

Nature of claim Judgment for unpaid rent

Amount requested \$1,220.00

Judgment Granted in Favor of Plaintiff (this debtor) against tenant Eric Peters

\$0.00

Nature of claim Judgment for unpaid rent

Amount requested \$2,055.00

75. **Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims**

76. **Trusts, equitable or future interests in property**

77. **Other property of any kind not already listed** *Examples: Season tickets, country club membership*

78. **Total of Part 11.**

Add lines 71 through 77. Copy the total to line 90.

\$0.00

79. **Has any of the property listed in Part 11 been appraised by a professional within the last year?**

☒ No

☐ Yes

Debtor **Encore Property Management of Western New York, LLC**
Name _____

Case number (If known) _____

Part 12: Summary

In Part 12 copy all of the totals from the earlier parts of the form

Type of property	Current value of personal property	Current value of real property
80. Cash, cash equivalents, and financial assets. <i>Copy line 5, Part 1</i>	<u>\$0.00</u>	
81. Deposits and prepayments. <i>Copy line 9, Part 2.</i>	<u>\$0.00</u>	
82. Accounts receivable. <i>Copy line 12, Part 3.</i>	<u>\$0.00</u>	
83. Investments. <i>Copy line 17, Part 4.</i>	<u>\$0.00</u>	
84. Inventory. <i>Copy line 23, Part 5.</i>	<u>\$0.00</u>	
85. Farming and fishing-related assets. <i>Copy line 33, Part 6.</i>	<u>\$0.00</u>	
86. Office furniture, fixtures, and equipment; and collectibles. <i>Copy line 43, Part 7.</i>	<u>\$0.00</u>	
87. Machinery, equipment, and vehicles. <i>Copy line 51, Part 8.</i>	<u>\$0.00</u>	
88. Real property. <i>Copy line 56, Part 9.....></i>		<u>\$55,748,990.00</u>
89. Intangibles and intellectual property. <i>Copy line 66, Part 10.</i>	<u>\$0.00</u>	
90. All other assets. <i>Copy line 78, Part 11.</i>	+ <u>\$0.00</u>	
91. Total. Add lines 80 through 90 for each column	<u>\$0.00</u>	+ 91b. <u>\$55,748,990.00</u>
92. Total of all property on Schedule A/B. Add lines 91a+91b=92		<u>\$55,748,990.00</u>

Fill in this information to identify the case:Debtor name **Encore Property Management of Western New York, LLC**United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**

Case number (if known) _____

☐ Check if this is an amended filing**Official Form 206D****Schedule D: Creditors Who Have Claims Secured by Property****12/15**

Be as complete and accurate as possible.

1. Do any creditors have claims secured by debtor's property?

- ☐ No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

Part 1: List Creditors Who Have Secured Claims**2. List in alphabetical order all creditors who have secured claims.** If a creditor has more than one secured claim, list the creditor separately for each claim.

		Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	
2.1	200 Registered Mortgage Bond Holders Creditor's Name c/o Wells Fargo Bank, N.A. as Trustee 420 Montgomery Street San Francisco, CA 94104 Creditor's mailing address Creditor's email address, if known Date debt was incurred 7/25/2007 Last 4 digits of account number Do multiple creditors have an interest in the same property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Specify each creditor, including this creditor and its relative priority.	Describe debtor's property that is subject to a lien All real property owned by debtor Describe the lien 2004-2007 Mortgage Liens disputed by Debtors Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is anyone else liable on this claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H) As of the petition filing date, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed	\$112,000,000.00	\$0.00

2.2	Cicero Commons Partners Group Creditor's Name c/o Montalbano Condon & Frank 399 Knollwood Road White Plains, NY 10603 Creditor's mailing address Creditor's email address, if known Date debt was incurred	Describe debtor's property that is subject to a lien All real property owned Describe the lien Second Mortgage Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is anyone else liable on this claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H)	\$2,500,000.00	\$0.00
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Debtor **Encore Property Management of Western New York, LLC**
Name

Case number (if know) _____

Last 4 digits of account number _____

Do multiple creditors have an interest in the same property?

☒ No

☐ Yes. Specify each creditor, including this creditor and its relative priority.

As of the petition filing date, the claim is:

Check all that apply

☐ Contingent

☐ Unliquidated

☐ Disputed

2.3

Earthline Paving & Developers

Creditor's Name

**620 Seneca Parkway
Rochester, NY 14613**

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

Unknown

Last 4 digits of account number _____

Do multiple creditors have an interest in the same property?

☒ No

☐ Yes. Specify each creditor, including this creditor and its relative priority.

Describe debtor's property that is subject to a lien

All real property owned by Debtor - Judgment lien only

\$144,434.63

\$0.00

Describe the lien

Judgment lien against grantor (Encore Properties of Rochester, LLC)

Is the creditor an insider or related party?

☒ No

☐ Yes

Is anyone else liable on this claim?

☒ No

☐ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:

Check all that apply

☐ Contingent

☐ Unliquidated

☐ Disputed

2.4

Harleyville Insurance Co. of NY

Creditor's Name

**355 Maple Avenue
Harleysville, PA 19438**

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

3/2/09

Last 4 digits of account number _____

Do multiple creditors have an interest in the same property?

☒ No

☐ Yes. Specify each creditor, including this creditor and its relative priority.

Describe debtor's property that is subject to a lien

All real property owned by Debtor

\$5,037.14

\$0.00

Describe the lien

Judgment lien against grantor (Encore Properties of Rochester, LLC)

Is the creditor an insider or related party?

☒ No

☐ Yes

Is anyone else liable on this claim?

☒ No

☐ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:

Check all that apply

☒ Contingent

☒ Unliquidated

☒ Disputed

2.5 **NYS DTF**

Describe debtor's property that is subject to a lien

\$710.60

\$0.00

Creditor's Name
**Attn: Bankruptcy
Department
P.O. Box 5300
Albany, NY 12205**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred
7/31/10
Last 4 digits of account number**

**Do multiple creditors have an
interest in the same property?**
☒ No
☐ Yes. Specify each creditor,
including this creditor and its relative
priority.

**All real property owned by Debtor in Monroe
County**

**Describe the lien
NYS Income Tax withholding for employees**
Is the creditor an insider or related party?

☒ No
☐ Yes
Is anyone else liable on this claim?
☒ No
☐ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:
Check all that apply
☐ Contingent
☐ Unliquidated
☐ Disputed

2.6 NYS DTF **Describe debtor's property that is subject to a lien** **\$1,719.15** **\$0.00**

Creditor's Name
**Attn: Bankruptcy
Department
P.O. Box 5300
Albany, NY 12205**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred
2008
Last 4 digits of account number**

**Do multiple creditors have an
interest in the same property?**
☒ No
☐ Yes. Specify each creditor,
including this creditor and its relative
priority.

**Describe the lien
Statutory Lien**
Is the creditor an insider or related party?
☒ No
☐ Yes
Is anyone else liable on this claim?
☒ No
☐ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:
Check all that apply
☐ Contingent
☐ Unliquidated
☐ Disputed

2.7 Paris-Kirwin Associates, Inc. **Describe debtor's property that is subject to a lien** **\$20,802.34** **\$0.00**

Creditor's Name
**1040 University Avenue
Rochester, NY 14607**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred
2008**

**Describe the lien
Judgment lien**
Is the creditor an insider or related party?
☒ No
☐ Yes
Is anyone else liable on this claim?
☒ No
☐ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

Debtor **Encore Property Management of Western New York, LLC**
Name

Case number (if know) _____

Last 4 digits of account number _____

Do multiple creditors have an interest in the same property?

☒ No

☐ Yes. Specify each creditor, including this creditor and its relative priority.

As of the petition filing date, the claim is:
Check all that apply

☐ Contingent

☐ Unliquidated

☐ Disputed

2.8 Time Warner Cable

Creditor's Name

**2620 West Henrietta Road
Rochester, NY 14623**

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

2005 or 2006

Last 4 digits of account number _____

Do multiple creditors have an interest in the same property?

☒ No

☐ Yes. Specify each creditor, including this creditor and its relative priority.

Describe debtor's property that is subject to a lien

All real property owned by Debtor - Judgment lien only

\$56,795.95

\$0.00

Describe the lien

Judgment Lien

Is the creditor an insider or related party?

☒ No

☐ Yes

Is anyone else liable on this claim?

☒ No

☐ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:
Check all that apply

☐ Contingent

☐ Unliquidated

☐ Disputed

3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.

**\$114,729,499
.81**

Part 2: List Others to Be Notified for a Debt Already Listed in Part 1

List in alphabetical order any others who must be notified for a debt already listed in Part 1. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for secured creditors.

If no others need to be notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.

Name and address

On which line in Part 1 did you enter the related creditor?

Last 4 digits of account number for this entity

**George H. Gray, Esq.
625 Panorama Trail
Rochester, NY 14625**

Line **2.7**

**John K. McAndrews, Esq.
c/o Woods Oviatt Gilman, LLP
2 State Street, Suite #700
Rochester, NY 14614**

Line **2.1**

**Melvin & Melvin, PLLC
217 S. Salina Street
Syracuse, NY 13202**

Line **2.4**

**Montalbano Condon & Frank
399 Knollwood Road
White Plains, NY 10603**

Line **2.2**

Debtor **Encore Property Management of Western New York,
LLC**
Name

Case number (if know) _____

**Wells Fargo Bank
P.O. Box 10347
Des Moines, IA 50306**

Line **2.1**

Fill in this information to identify the case:Debtor name **Encore Property Management of Western New York, LLC**United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**

Case number (if known) _____

☐ Check if this is an amended filing**Official Form 206E/F****Schedule E/F: Creditors Who Have Unsecured Claims****12/15**

Be as complete and accurate as possible. Use Part 1 for creditors with **PRIORITY** unsecured claims and Part 2 for creditors with **NONPRIORITY** unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

Part 1: List All Creditors with PRIORITY Unsecured Claims**1. Do any creditors have priority unsecured claims?** (See 11 U.S.C. § 507).☒ No. Go to Part 2.☐ Yes. Go to line 2.**Part 2: List All Creditors with NONPRIORITY Unsecured Claims****3. List in alphabetical order all of the creditors with nonpriority unsecured claims.** If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

		Amount of claim
3.1	Nonpriority creditor's name and mailing address Cellino & Barnes, P.C. 350 Main Street 2500 Main Place Tower Buffalo, NY 14202 Date(s) debt was incurred <u>2012</u> Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>Personal Injury Claim</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Unknown
3.2	Nonpriority creditor's name and mailing address Encore Properties of Rochester, LLC 1002 McKinley Avenue Rome, NY 13440 Date(s) debt was incurred <u>8/2007</u> Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>Claim arising out of conveyance to Debtor by Deed dated July 25, 2007</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$33,000,265.00
3.3	Nonpriority creditor's name and mailing address Kathleen Davis c/o Kammholtz Messina, LLP 1501 Pittsford-Victor Road Victor, NY 14564 Date(s) debt was incurred <u>2014</u> Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>Personal Injury Claim</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Unknown
3.4	Nonpriority creditor's name and mailing address Rochester Gas and Electric 89 East Avenue Rochester, NY 14604 Date(s) debt was incurred _____ Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input checked="" type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Basis for the claim: <u>Gas & Electric service/contract charges</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$93,000.00

Debtor **Encore Property Management of Western New York, LLC**
Name

Case number (if known) _____

3.5 Nonpriority creditor's name and mailing address

**Workers' Compensation Board
State of New York
20 Park Avenue
Albany, NY 12207**

Date(s) debt was incurred 2006

Last 4 digits of account number _____

As of the petition filing date, the claim is: *Check all that apply.*

- ☐ Contingent
☐ Unliquidated
☐ Disputed

\$20,500.00

Basis for the claim: **Workers' Compensation Insurance
(Judgment recorded over 10 years ago)**

Is the claim subject to offset? ☒ No ☐ Yes

Part 3: List Others to Be Notified About Unsecured Claims

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

	Name and mailing address	On which line in Part 1 or Part 2 is the related creditor (if any) listed?	Last 4 digits of account number, if any
4.1	Joseph Taddeo, Esq. 45 Exchange Street, Suite #608 Rochester, NY 14614	Line <u>3.2</u> <input type="checkbox"/> Not listed. Explain _____	—
4.2	Kammholtz, Messina LLP 1501 Pittsford-Victor Road Victor, NY 14564	Line <u>3.3</u> <input type="checkbox"/> Not listed. Explain _____	—
4.3	Patrick Loreto 1002 McKinley Avenue Rome, NY 13440	Line <u>3.2</u> <input type="checkbox"/> Not listed. Explain _____	—
4.4	Timothy Foster 45 East Avenue, 6th Floor Rochester, NY 14604	Line <u>3.2</u> <input type="checkbox"/> Not listed. Explain _____	—

Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1

5b. Total claims from Part 2

5c. Total of Parts 1 and 2
Lines 5a + 5b = 5c.

Total of claim amounts	
5a.	\$ <u>0.00</u>
5b. +	\$ <u>33,113,765.00</u>
5c.	\$ <u>33,113,765.00</u>

United States Bankruptcy Court
Western District of New York

In re **Encore Property Management of Western New York, LLC**

Debtor(s)

Case No.

Chapter

11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	5,000.00
Prior to the filing of this statement I have received	\$	3,283.00
Balance Due	\$	1,717.00

2. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify):

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify):

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

January 8, 2018

Date

/s/ David S. Stern, Esq.

David S. Stern, Esq.

Signature of Attorney

Elliott Stern Calabrese

One East Main Street, 10th Floor

Rochester, NY 14614

585.232.4724 Fax: 585.232.6674

dstern@elliottstern.com

Name of law firm

**United States Bankruptcy Court
Western District of New York**

In re **Encore Property Management of Western New York, LLC**
Debtor(s)

Case No. _____
Chapter **11**

VERIFICATION OF CREDITOR MATRIX

I, the Trustee of Member Palmer Family Trust of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **January 8, 2018**

/s/ Jason G. Palmer
Jason G. Palmer/Trustee of Member Palmer Family Trust
Signer/Title

200 Registered Mortgage Bond Holders
c/o Wells Fargo Bank, N.A. as Trustee
420 Montgomery Street
San Francisco, CA 94104

Cellino & Barnes, P.C.
350 Main Street
2500 Main Place Tower
Buffalo, NY 14202

Cicero Commons Partners Group
c/o Montalbano Condon & Frank
399 Knollwood Road
White Plains, NY 10603

Earthline Paving & Developers
620 Seneca Parkway
Rochester, NY 14613

Encore Properties of Rochester, LLC
1002 McKinley Avenue
Rome, NY 13440

George H. Gray, Esq.
625 Panorama Trail
Rochester, NY 14625

Harleyville Insurance Co. of NY
355 Maple Avenue
Harleysville, PA 19438

John K. McAndrews, Esq.
c/o Woods Oviatt Gilman, LLP
2 State Street, Suite #700
Rochester, NY 14614

Joseph Taddeo, Esq.
45 Exchange Street, Suite #608
Rochester, NY 14614

Kammholtz, Messina LLP
1501 Pittsford-Victor Road
Victor, NY 14564

Kathleen Davis
c/o Kammholtz Messina, LLP
1501 Pittsford-Victor Road
Victor, NY 14564

Melvin & Melvin, PLLC
217 S. Salina Street
Syracuse, NY 13202

Montalbano Condon & Frank
399 Knollwood Road
White Plains, NY 10603

NYS DTF
Attn: Bankruptcy Department
P.O. Box 5300
Albany, NY 12205

Paris-Kirwin Associates, Inc.
1040 University Avenue
Rochester, NY 14607

Patrick Loreto
1002 McKinley Avenue
Rome, NY 13440

Rochester Gas and Electric
89 East Avenue
Rochester, NY 14604

Time Warner Cable
2620 West Henrietta Road
Rochester, NY 14623

Timothy Foster
45 East Avenue, 6th Floor
Rochester, NY 14604

Wells Fargo Bank
P.O. Box 10347
Des Moines, IA 50306

Workers' Compensation Board
State of New York
20 Park Avenue
Albany, NY 12207

**United States Bankruptcy Court
Western District of New York**

In re **Encore Property Management of Western New York, LLC**
Debtor(s)

Case No. _____
Chapter **11**

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Encore Property Management of Western New York, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

January 8, 2018

Date

/s/ David S. Stern, Esq.

David S. Stern, Esq.

Signature of Attorney or Litigant

Counsel for **Encore Property Management of Western New York, LLC**

Elliott Stern Calabrese

One East Main Street, 10th Floor

Rochester, NY 14614

585.232.4724 Fax:585.232.6674

dstern@elliottstern.com