

SILVERMANACAMPORA LLP
Attorneys for Kenneth P. Silverman, Esq.,
Chapter 7 Trustee
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
Kenneth P. Silverman, Esq.
Ronald J. Friedman, Esq.
David J. Mahoney, Esq.

Hearing Date: November 14, 2017
at 1:30 p.m.

Objections Due: November 7, 2017
at 4:00 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7
Case No.: 09-70660 (AST)

AGAPE WORLD, INC.,
AGAPE MERCHANT ADVANCE LLC,
AGAPE COMMUNITY LLC,
AGAPE CONSTRUCTION MANAGEMENT LLC,
AGAPE WORLD BRIDGES LLC, AND
114 PARKWAY DRIVE SOUTH

Debtors.

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**NOTICE OF HEARING ON TRUSTEE'S MOTION TO TERMINATE THE OFFICIAL
NOTICING AND CLAIMS AGENT FOR THE TRUSTEE AND THESE ESTATES**

PLEASE TAKE NOTICE, upon the annexed application (the "Motion") of Kenneth P. Silverman, Esq., the chapter 7 Trustee (the "Trustee") for the substantively consolidated bankruptcy estate of Agape World, Inc., *et al.* (collectively, the "Debtors")¹, by and through his attorneys, SilvermanAcampora LLP, the Trustee will move before the Honorable Alan S. Trust, United States Bankruptcy Judge, at the United States Bankruptcy Court, Courtroom 760, Eastern District of New York at Central Islip, 290 Federal Plaza, Central Islip, New York 11722 on **November 14, 2017, at 1:30 p.m.** (the "Hearing"), for entry of an order substantially similar to that attached as **Exhibit "A"** to the motion, authorizing the Trustee to terminate the contract with the official noticing and claims agent in these Debtors' cases.

¹ The substantively consolidated estates are: Agape World, Inc., Agape Merchant Advance LLC, Agape Community LLC, Agape Construction Management, LLC, Agape World Bridges LLC, and 114 Parkway Drive South LLC.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief requested in the Motion or the proposed Order must be (i) made in writing; (ii) electronically filed with the Bankruptcy Court; (iii) delivered to Chambers of the Honorable Alan S. Trust, United States Bankruptcy Judge, United States Bankruptcy Court, Eastern District of New York, Alfonse M. D'Amato Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722; (iv) mailed to SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attn: Ronald J. Friedman, Esq.; and (v) mailed to the Office of the United States Trustee, 560 Federal Plaza, Central Islip, New York 11722, no later than **4:00 p.m. on November 7, 2017** (the "Objection Deadline").

PLEASE TAKE FURTHER NOTICE, that the noticed hearing may be adjourned without any further notice than an announcement in open court.

PLEASE TAKE FURTHER NOTICE, that you need not appear at the Hearing if you do not object to the relief requested in the Motion.

Dated: Jericho, New York
October 17, 2017

SILVERMANACAMPORA LLP
Attorneys for Kenneth P. Silverman, Esq.,
Chapter 7 Trustee

By: s/ Ronald J. Friedman
Ronald J. Friedman
A Member of the Firm
100 Jericho Quadrangle - Suite 300
Jericho, New York 11753
(516) 479-6300

SILVERMANACAMPORA LLP

Attorneys for Kenneth P. Silverman, Esq.,
Chapter 7 Trustee
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Jericho, New York 11753
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7
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AGAPE WORLD, INC.,
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AGAPE COMMUNITY LLC,
AGAPE CONSTRUCTION MANAGEMENT LLC,
AGAPE WORLD BRIDGES LLC, AND
114 PARKWAY DRIVE SOUTH

Debtors.

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**TRUSTEE'S APPLICATION FOR ORDER APPROVING TERMINATION
OF CONTRACT WITH OFFICIAL NOTICING AND CLAIMS AGENT**

TO: THE HONORABLE ALAN S. TRUST
UNITED STATES BANKRUPTCY JUDGE

Kenneth P. Silverman, Esq., the chapter 7 trustee (the "**Trustee**") of the above-captioned substantively consolidated estates of Agape World, inc., *et al.* (collectively, the "**Debtors**"), by and through his undersigned counsel, respectfully submits this application (the "**Application**"), seeking entry of an order, substantially in the form annexed hereto as **Exhibit "A"** (the "**Proposed Order**"), authorizing the Trustee to terminate his contract with Rust Consulting/Omni Management ("**Rust**"), as the official noticing and claims agent for these cases, and providing such other and further relief as is just. In support of this Application, the Trustee respectfully sets forth and represents as follows:

BACKGROUND

1. On February 5, 2009, an involuntary petition under chapter 7 of the Bankruptcy Code was filed by four petitioning creditors (the "**Petitioning Creditors**") pursuant to Bankruptcy Code §303(b), against Agape World, Inc. ("**AWI**"), in this Court.

2. On February 9, 2009, the Petitioning Creditors filed a motion to appoint an interim chapter 7 trustee under Bankruptcy Code §303(g).

3. On February 12, 2009, the Court granted the Petitioning Creditors' motion and entered an order directing the United States Trustee's Office to immediately appoint an interim chapter 7 trustee in the AWI case.

4. On February 12, 2009, Kenneth P. Silverman, Esq., was appointed the interim trustee in the AWI case, has since duly qualified as the permanent Trustee in these cases, and is currently acting in that capacity.

5. On March 4, 2009, the Court issued an Order for relief in the AWI chapter 7 case.

6. On April 14, 2009, the Court issued an Order substantively consolidating the Debtors' estates.

Retention of GCG

1. On December 9, 2008 (ECF Doc. No. 455), this Court entered an order approving the GCG Retention Application and appointed GCG to act as Official Claims Agent, pursuant to 28 U.S.C. §156(c). GCG maintained and recorded the proofs of claim filed in these cases.

2. On December 24, 2008, the Court entered an order establishing June 18, 2009 (the "**Bar Date**") as the general bar date, and August 31, 2009, as the deadline to file governmental proofs of claim.

7. On March 12, 2009 (the “**GCG Retention Date**”), the Court entered an Order authorizing the Trustee’s retention of GCG, as the estate’s notice and claims agent, pursuant to the terms of the Bankruptcy Administration Agreement dated March 6, 2009.

8. Since the GCG Retention Date, GCG had, among other things, (a) collected and stored all of the claims filed against the Debtors’ estate (the “**Claims**”), (b) maintained a master claims register of the Claims, and (c) at times, upon the Trustee’s request, served notice to claimants of certain motions and other documents related to the cases’ administration.

Termination of GCG and Retention of Rust

9. On May 23, 2013, the Trustee and GCG entered into a Termination Agreement, which terminated GCG’s retention as claims and noticing agent for the Debtors’ estate, upon an order approving the employment of Rust as set forth therein, which governed the transition of the noticing and claims administration going forward.

10. By Order of this Court dated June 18, 2013, Rust was retained to replace GCG as the official noticing and claims agent for the Trustee and these estates (see *ECF Doc. No. 3989*).

11. The Trustee has prepared the Trustee’s Final Report (the “TFR”), which is currently being reviewed by the Office of the United States Trustee.

BASIS FOR RELIEF REQUESTED

12. The Trustee retained the services of GCG and then Rust in order to expedite the processing of claims and to relieve the Clerk’s Office of the Bankruptcy Court of the administrative burden that would otherwise be imposed by a case of this size and complexity. The services of Rust are no longer necessary.

13. As stated, pursuant to an Order of the Court, June 18, 2009 was established as the deadline for filing proofs of claim for prepetition claims asserted against the Debtors’ estates, and August 31, 2009 for governmental agencies to file claims asserted against the Debtors’ estates, or such claims would thereafter be barred from being asserted against the

Debtors.

14. The Trustee has administered the claims until the conclusion of the case. The Trustee is awaiting the approval of the TFR to prepare the final distribution to creditors of these Debtors' estate. There being no further need to expend additional sums on Rust's services, the Trustee therefore seeks an order authorizing him to terminate the Rust contract and relieve Rust of its obligations.

15. Accordingly, by this Application, the Trustee respectfully requests that the Court enter the Proposed Order, authorizing the Trustee to terminate Rust.

16. No previous motion for the relief sought herein has been made to this or any other Court.

17. Notice of this Application has been given to the Clerk of the Court, the Office of the United States Trustee for Region 2, Debtors' counsel, and Rust. There was no Official Committee of Unsecured Creditors appointed in these cases.

WHEREFORE, the Trustee requests that the Court enter the Proposed Order authorizing the Trustee to terminate the contract with Rust, relieve Rust of any further responsibility in these cases and grant such other and further relief as is just and proper.

Dated: Jericho, New York
October 17, 2017

SILVERMANACAMPORA LLP
Attorneys for Kenneth P. Silverman, Esq.,
Chapter 7 Trustee

By: s/ Ronald J. Friedman
Ronald J. Friedman

Member of the Firm
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EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

AGAPE WORLD, INC.,
AGAPE MERCHANT ADVANCE LLC,
AGAPE COMMUNITY LLC, AGAPE
CONSTRUCTION MANAGEMENT LLC,
AGAPE WORLD BRIDGES LLC, AND
114 PARKWAY DRIVE SOUTH LLC,

Debtors.

Chapter 7

Case No.: 09-70660 (AST)

(Substantively Consolidated)

PROPOSED ORDER TERMINATING SERVICES OF OFFICIAL NOTICING/CLAIMS AGENT

Upon the application (the "**Application**")¹ (ECF Doc. No. 4767) of Kenneth P. Silverman, Esq., chapter 7 trustee (the "**Trustee**") of the substantively consolidated estates of Agape World, Inc., (the "**Debtors**"), the Clerk of Court having made a determination and having advised the Trustee that these cases met the criteria of a Large Asset Multiple Creditor case pursuant to 11 USC §156(c); the Trustee having obtained an Order authorizing the retention of The Garden City Group, Inc. ("**GCG**") on March 12, 2009, to act as the Official Claims Agent of the Clerk of Court and to assume full responsibility for noticing, processing of claims, preparation and maintenance of a claims register and for custody of proofs of claims in these cases; the Trustee having obtained an Order of this Court authorizing the termination of GCG and for the replacement of Rust Consulting/Omni Bankruptcy ("**Rust**") on June 18, 2013, as the Official Noticing and Claims Agent in these cases; the Trustee's Final Report having been filed with the Office of the United States Trustee on September 12, 2017; and the last date to file pre-petition proofs of claim against the Debtors having been set as June 18, 2009, and the last date to file proofs of claim by governmental units having been fixed as August 31, 2009; and the Trustee, in consultation with the Clerk of Court, having determined that the need for an outside

¹ Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

claims agent no longer exists; it is hereby

ORDERED, that the services of Rust are terminated effective upon the entry of this Order; and it is further

ORDERED, that Rust has prepared the final claims registers for the Clerk's Office pursuant to the Guidelines for Implementation of 28 USC §156(c) (the "**Guidelines**"); and it is further

ORDERED, that Rust will box and transport the claims filed in the Debtors' cases to the Federal Archives at the direction of the Clerk's Office pursuant to the Guidelines; and it is further

ORDERED, that Rust has been paid all sums due in these cases in accordance with the Trustee's Final Report.

Dated: November __, 2017
Central Islip, New York

HONORABLE ALAN S. TRUST
United States Bankruptcy Judge