

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

Hearing Date: May 31, 2012
Time: 10:00 a.m.

Objections Due: May 24, 2012
Time: 4:00 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
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.

-----X
KENNETH P. SILVERMAN, ESQ., as
Chapter 7 Trustee of Agape World, Inc., *et al.*,

Plaintiff,

-against-

RICHARD BARRY and
PIF, LLC,

Defendants.
-----X

Chapter 7
Case No.: 09-70660 (DTE)
Substantively Consolidated

Adv. Pro. No.: 10-08237 (DTE)

**NOTICE OF MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9019 FOR AN ORDER APPROVING THE SETTLEMENT
RESOLVING CLAIMS AGAINST RICHARD BARRY AND PIF, LLC
AND PROVIDING FOR THE ENTRY OF JUDGMENT AGAINST
RICHARD BARRY AND PIF, LLC PURSUANT TO THE CONFESSION OF JUDGMENT**

PLEASE TAKE NOTICE, that upon the motion (the "Motion") of Kenneth P. Silverman, Esq. the chapter 7 trustee (the "Trustee") of Agape World, Inc., *et al.* (the "Debtor"), by and through his counsel, SilvermanAcampora LLP, the Trustee will move before the Honorable Dorothy T. Eisenberg, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, located at 290 Federal Plaza, Central Islip, New York on **May 31**,

2012 at 10:00 a.m. (the "Hearing") or as soon thereafter as counsel may be heard for the entry of an Order approving the Settlement by and among the Agape Trustee and Richard Barry and PIF, LLC ("Defendants") resolving the adversary proceedings against Defendants, and directing the Clerk of the Court to enter the Judgment against the Defendants, together with such other, further and different relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that objections or answering papers to the Motion, if any, shall be in writing, shall conform to the requirements of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court, and shall be filed with the Clerk of the Bankruptcy Court with a courtesy copy delivered to the Chambers of the Honorable Dorothy T. Eisenberg and a copy served counsel for the Trustee, Attn: Jay S. Hellman, Esq. at the address set forth below, so as to be received no later than **4:00 p.m. on May 24, 2012**.

PLEASE TAKE FURTHER NOTICE, that the Trustee's Motion (a) has been filed with the United States Bankruptcy Court for the Eastern District of New York and is available for viewing and downloading or printing over the Internet at www.nyeb.uscourts.gov by registered users of the PACER system, (b) has been posted on the Trustee's website and is available for viewing and downloading or printing over the Internet at www.agapeworldbankrutpcy.com, and (c) is available in hard copy upon written or telephonic request to SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, (516) 479-6300, Attn: Jay S. Hellman, Esq.

PLEASE TAKE FURTHER NOTICE, that the Hearing may be adjourned without further notice other than by announcement of such adjournment in open Court.

Dated: Jericho, New York
May 2, 2012

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

By: s/ Jay S. Hellman
David J. Mahoney, Esq.
Jay S. Hellman, Esq.
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300

To: *Office of the United States Trustee
Defendants Richard Barry and PIF, LLC
Harold Seligman, Esq., Counsel to Defendants
in the Agape Adversary Proceeding
Ronald D. Reid, Esq., Counsel to Defendant
in the Barry Bankruptcy Proceeding
R. Kenneth Barnard, Esq., as Trustee of
the Estate of Richard J. Barry
All Federal, State and Local Taxing Authorities
Entities Having Filed a Notice of Appearance*

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

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UNITED STATES BANKRUPTCY COURT
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In re:

AGAPE WORLD, INC.,
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114 PARKWAY DRIVE SOUTH LLC,

Debtors.

Chapter 7
Case No.: 09-70660 (DTE)
Substantively Consolidated

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KENNETH P. SILVERMAN, ESQ., as
Chapter 7 Trustee of Agape World, Inc., *et al.*,

Plaintiff,

Adv. Pro. No.: 10-08237 (DTE)

against-

RICHARD BARRY and
PIF, LLC,

Defendants.
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MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9019 FOR AN ORDER APPROVING THE SETTLEMENT RESOLVING CLAIMS AGAINST RICHARD BARRY AND PIF, LLC AND PROVIDING FOR THE ENTRY OF JUDGMENT AGAINST RICHARD BARRY AND PIF, LLC PURSUANT TO THE CONFESSION OF JUDGMENT

Kenneth P. Silverman, Esq., (the "Agape Trustee") the Chapter 7 trustee of the substantively consolidated estate of Agape World, Inc., *et al.*, by his attorneys SilvermanAcampora LLP, seeking an Order approving the Settlement by and among the Trustee and Richard Barry ("Barry") and PIF, LLC ("PIF" and, together with Barry, the "Defendants") respectfully submits this motion (the "Motion") under 11 U.S.C. §105 and Federal

Rule of Bankruptcy Procedure 9019 for an Order¹ approving the settlement that resolves claims against the Defendants and directs the entry of the judgment against Barry and PIF pursuant to the confession of judgment.

Preliminary Statement

1. Briefly stated, the settlement will resolve all claims against Defendants in exchange for the execution of a confession of judgment by Richard Barry personally and as the authorized representative of PIF in the total sum of \$180,000.00

Background

2. On February 5, 2009 (the "Petition Date"), an involuntary chapter 7 petition was filed by four petitioning creditors ("the Petitioning Creditors") pursuant to 11 U.S.C. §303(b), against Agape World, Inc. ("AWI"), in the United States Bankruptcy Court for the Eastern District of New York.

3. On February 9, 2008, the Petitioning Creditors filed a motion to appoint an interim chapter 7 trustee under 11 U.S.C. §303(g).

4. 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.

5. On February 12, 2009, Kenneth P. Silverman, Esq., was appointed the interim trustee in the AWI case, and has since duly qualified and is now the permanent Trustee in the Debtors' substantively consolidated case.

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

7. On April 14, 2009, the Court issued an Oder substantively consolidating AWI, Agape Merchant Advance LLC, Agape Community LLC, Agape Construction Management, LLC, Agape World Bridges LLC, and 114 Parkway Drive South LLC.

8. On May 20, 2010 a criminal complaint was filed by the United States of America

¹ A copy of the proposed Order is annexed hereto as **Exhibit A**.

against Barry, alleging attempt and conspiracy to commit mail fraud and seeking criminal forfeiture in connection with his employment at Agape.²

9. On or about June 7, 2010, the Trustee commenced an adversary proceeding against the Defendants Richard Barry and PIF, LLC (the “Agape Adversary Proceeding”) by the filing and service of a summons and complaint under Adv. Pro. No. 10-08237 seeking, among other things, the return of \$347,313 from Barry and \$204,157 from PIF, LLC, paid by Agape to the Defendants (the “Transfers”) in connection with what has been alleged to be a Ponzi scheme by the United States of America.

10. On June 14, 2010, Barry filed a voluntary petition, associated schedules and a Statement of Financial Affairs under chapter 7 of the Bankruptcy Code in the Eastern District of New York, Case No. 10-74593 (REG) (“Barry Bankruptcy”) for the purpose of obtaining a discharge of all debts listed in Schedule F including the debts owed to Agape.

11. On December 20, 2010 the Agape Trustee commenced an adversary proceeding against Richard Barry (“Barry Adversary Proceeding”) in the Barry Bankruptcy, pursuant to Bankruptcy Code §§523 (a)(2), (4) and (6) seeking a judgment declaring all debts due to Agape from Barry to be non-dischargeable.

12. Barry was required to file and serve a responsive pleading on or before January 20, 2011, however, he failed to file his responsive pleading by the deadline.

13. On February 25, 2011 the Agape Trustee moved for an Order Under Bankruptcy Rule 7055 Directing Entry of A Default Judgment Against Richard J. Barry in the Barry Bankruptcy and finding that the Debts Owed to Kenneth P. Silverman, as Chapter 7 Trustee of Agape World, Inc., *et al.* to be Non-Dischargeable Under Bankruptcy Code §523.

² The criminal complaint was filed by the United States of America against Barry in an action entitled “USA v. Richard Barry” in the United States District Court, Eastern District of New York, under Criminal Docket No. CR 10-0648, alleging Attempt and Conspiracy to Commit Mail Fraud with criminal forfeiture allegations (the “Criminal Action”). On or about May 21, 2010, an Arrest Warrant was issued against Barry in connection with the complaint filed in the Criminal Action. On or about August 26, 2010, Barry executed a Waiver of Indictment, pled guilty to conspiracy to commit mail fraud and wire fraud, and consented to the entry of a forfeiture money judgment in the amount of \$407,895.

14. On March 28, 2011 the Agape Trustee's Motion was heard before the Barry Bankruptcy Court at which time the Court requested that the Agape Trustee file a motion to lift the stay in the Barry Bankruptcy to allow the Agape Trustee to continue the prosecution of the Agape Adversary Proceeding to determine the actual amount of the debts owed by Barry to the Agape Trustee based upon Barry's participation in the fraud at Agape.

15. On May 19, 2011 the Agape Trustee moved in the Barry Bankruptcy for an Order granting the Trustee relief from the automatic stay pursuant to 11 U.S.C. §362 solely to allow the Agape Trustee to continue the prosecution of the Agape Adversary Proceeding before this Court.

16. On June 2, 2011 the Barry Bankruptcy Court granted the Agape Trustee's motion and Judge Grossman signed an order allowing the Agape Trustee to continue the prosecution of the Agape Adversary Proceeding.

17. After the stay was lifted in the Barry Bankruptcy, the parties in the Agape Adversary Proceeding spent substantial time conferring on a global resolution of the Agape Adversary Proceeding, including several telephone conferences and face-to-face meetings, during which process the Defendants provided the Trustee with full financial and other disclosure to allow the Trustee to evaluate the wisdom of any settlement.

18. Richard Barry was able to document that a certain percentage of the transfers received by him were wages in connection with his employment at Agape. Based on the documentation provided by Barry, the Agape Trustee believes he would have difficulty proving that those transfers were not for fair consideration or reasonably equivalent value.

19. Richard Barry also documented for the Agape Trustee that PIF had no assets and any judgment obtained against PIF would be difficult to collect and would have to come from Richard Barry, as the authorized representative of PIF.

20. Furthermore, in connection with the Criminal Action pending against Barry, he has pleaded guilty and is scheduled to be sentenced on May 10, 2012. Barry will be

incarcerated shortly thereafter, which will make prosecution of and collection of any judgment from the Agape Adversary Proceeding very difficult.

21. In spirit of compromise, the Defendants have agreed to a confession of judgment in favor of the Agape Trustee in the sum of \$180,000.00 in full and final settlement of the Agape Trustee's claims and agreed to the entry of a judgment in the amount of \$180,000.00 simultaneously with the entry of the Order approving the Settlement.

22. The Agape Trustee has determined that settling this matter in exchange for a confession of judgment in the amount of \$180,000.00 is in the best interests of the Debtor's estate and is the most economical and efficient way to bring about a money judgment in this case without the need to incur additional legal fees and risks inherent with the prosecution and collection of the Agape Trustee's claims.

23. In light of the Agape Trustee's due diligence, and Barry's upcoming sentencing in his Criminal Action and subsequent incarceration, the costs and risks attendant with any continued litigation and in the exercise of the Agape Trustee's business judgment, the settlement is fair and reasonable and should be approved.

24. In accordance with the settlement reached with the Defendants, Richard Barry in his personal capacity and as an authorized representative of PIF, LLC has executed a confession of judgment in which the Defendants acknowledge, under 11 U.S.C. §§548 and 544(b) and New York State Debtor and Creditor Law, that the Trustee may avoid the transfers and recover the sum of \$180,000.00. (A copy of the Affidavit of Confession of Judgment is annexed hereto as **Exhibit B** and the proposed judgment is annexed hereto as **Exhibit C.**)

The Trustee's Application Should Be Granted

25. Federal Rule of Bankruptcy Procedure 9019(a), which governs the approval of compromises and settlement, provides:

- (a) **Compromise.** On motion by the trustee and after notice and hearing, the court may approve a compromise or settlement. Notice shall be given to

creditors, the United States trustee, the debtor, and indenture trustees as provided in Rule 2002 and to any other entity as the court may direct.

26. In approving a compromise and settlement, the Bankruptcy Court is required to make an "informed and independent judgment" as to whether the compromise and settlement is fair and equitable based on an:

[e]ducated estimate of the complexity, expense and likely duration of [any] litigation, the possible difficulties of collecting on any judgment which might be obtained, and all other factors relevant to a full and fair assessment of the wisdom of the proposed compromise. Basic to this process, in every instance, of course, is the need to compare the terms of the compromise with the likely rewards of litigation.

Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc. v. Anderson, 390 U.S. 414, 424-425, *reh'g denied*, 391 U.S. 909 (1968). See *American Can Co. v. Herpel (In re Jackson Brewing Co.)*, 624 F.2d 605, 607 (5th Cir. 1980); *Chopin Assoc. v. Smith (In re Holywell Corp.)*, 93 B.R. 291, 294 (Bankr.S.D.Fla. 1988); *In re Arrow Air, Inc.*, 85 B.R. 886, 891 (Bankr. S.D. Fla. 1988); *In re Bell & Beckwith*, 77 B.R. 628, 611 (Bankr.N.D.Ohio), *aff'd*, 87 B.R. 472 (N.D.Ohio 1987); *Cf. Magill v. Springfield Marine Bank (In re Heissinger Resources Ltd.)*, 67 B.R. 378, 383 (C.D. Ill. 1986) ("the law favors compromise").

27. In making its determination, the Court should consider whether the proposed compromise is in the "best interest of the estate". *Depo v. Chase Lincoln First Bank, N.A. (In re Depo)*, 77 B.R. 381, 383 (N.D.N.Y. 1987), *aff'd*, 863 F.2d 45 (2d Cir. 1988). As stated in *Arrow Air*, the "approval of [a] proposed compromise and settlement is a matter of this Court's sound discretion." *Arrow Air*, 85 B.R. at 891. In passing upon a proposed settlement, "the bankruptcy court does not substitute its judgment for that of the Trustee [or debtor in possession]". *Depo*, 77 B.R. at 384 (citations omitted). The bankruptcy court is not required "to decide the numerous questions of law and fact raised by [objectors].... [R]ather [the Court should] canvass the issues and see whether the settlement falls below the lowest point in the range of reasonableness." *Cosoff v. Rodman (In re W.T. Grant Co.)*, 699 F.2d 599, 608 (2d Cir.), *cert denied*, 464 U.S. 822 (1983) (*quoting Newman v. Stein*, 464 F.2d 689, 693 (2d Cir.), *cert denied*, 409 U.S. 1039

(1972). See *Holywell* 93 B.R. at 294. ("In order to exercise this discretion properly, the Court must consider all the relevant facts and evaluate whether the compromise suggested falls below the 'lowest point in the range of reasonableness'") (*quoting In re Teltronics Services, Inc.*, 762 F.2d 185, 189 (2d Cir. 1985). In passing upon the reasonableness of a proposed compromise, the Court "may give weight to the opinions of the Trustee [or debtor in possession], the parties and their counsel." *Bell & Beckwith*, 77 B.R. at 512.

28. The factors to be considered by the Court in determining whether to approve a compromise or settlement include (a) probability of success in the litigation, with due consideration for the uncertainty in fact and law, (b) the complexity and likely duration of the litigation and any attendant expense, inconvenience and delay, and (c) all other factors bearing on the wisdom of the compromise. *Arrow Air*, 85 B.R. at 891 (*citing TMT Trailer Ferry*, 390 U.S. at 424-25). See *Jackson Brewing Co.*, 624 F.2d at 507; *Holywell Corp.*, 93 B.R. at 294-95 (citations omitted).

29. Based upon the foregoing, in the sound business opinion of the Agape Trustee, a settlement is both appropriate and warranted. As to Richard Barry and PIF, LLC, the Agape Trustee is obtaining essentially the same relief he would have been entitled to obtain had he litigated the Agape Adversary Proceeding to conclusion.

30. Resolution of the Agape Adversary Proceeding serves the statutory purpose of expediting the administration of the Agape Debtor's estate. The complexity and delay occasioned by continuing the Agape Adversary Proceeding with the Defendants weighs in favor of approving the proposed settlement. Barry and PIF's execution of a confession of judgment in the sum of \$180,000.00, prior to Barry's incarceration will avoid any additional delay the Agape Trustee would encounter in prosecuting the claims and will provide the Barry Bankruptcy Court with a sum certain for the debts owed by Barry to Agape, such that the Barry Bankruptcy Court can enter a judgment for a sum certain on the Agape Trustee's objection to discharge of the debts owed to the Agape Trustee.

Notice of Motion

31. The Agape Trustee has served the Notice of Motion, proposed Order, and Motion in support with Exhibit upon (i) the Office of the United States Trustee; (ii) the Defendants; (iii) Defendants' counsel in the Agape Adversary Proceeding, Harold Seligman, Esq.; (iv) Defendant's counsel in the Barry Bankruptcy, Ronald D. Reid, Esq.; (v) the Trustee of the Estate of Richard Barry, R. Kenneth Barnard, Esq.; (vi) the taxing authorities; and (vii) pursuant to the Court's July 8, 2009 Order Establishing Noticing Procedures, all parties having filed a Notice of Appearance in this case, and copies have been posted on the Trustee's website located at www.agapeworldbankruptcy.com.

32. It is respectfully requested that the obligation to prepare and file an accompanying memorandum of law be dispensed with and waived at this time because there are no novel issues of law to be otherwise addressed and that Bankruptcy Rule 9019 has been generally briefed within the body of the Application.

33. No previous application for the relief requested herein has been made to this or any other Court.

WHEREFORE, the Trustee respectfully requests that this Court grant this application authorizing and approving the Stipulation, together with such other further and different relief as this Court deems just and proper.

Dated: Jericho, New York
May 2, 2012

SILVERMANACAMPORA LLP
Attorneys for Kenneth P. Silverman, Esq.,
the chapter 7 trustee

By: s/ Jay S. Hellman
David J. Mahoney, Esq.
Jay S. Hellman, Esq.
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
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.

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KENNETH P. SILVERMAN, ESQ., as
Chapter 7 Trustee of Agape World, Inc., *et al.*,

Plaintiff,

-against-

RICHARD BARRY and
PIF, LLC,

Defendants.
-----X

Chapter 7
Case No.: 09-70660 (DTE)
Substantively Consolidated

Adv. Pro. No.: 10-08237 (DTE)

**ORDER GRANTING THE TRUSTEE'S MOTION UNDER BANKRUPTCY RULE 9019
APPROVING THE SETTLEMENT RESOLVING CLAIMS AGAINST RICHARD BARRY AND
PIF, LLC AND PROVIDING FOR THE ENTRY OF JUDGMENT AGAINST
RICHARD BARRY AND PIF, LLC PURSUANT TO THE CONFESSION OF JUDGMENT**

Upon the motion (the "Motion") of Kenneth P. Silverman, Esq., the chapter 7 trustee (the "Trustee") of the substantively consolidated estate of Agape World, Inc. *et al.*, by his attorneys SilvermanAcampora, LLP, seeking the entry of an order approving the Settlement Resolving Claims Against Richard Barry and PIF, LLC (the "Settlement"), and providing for the entry of judgment against Richard Barry and PIF, LLC pursuant to the confession of judgment, and upon the affidavit of service filed with the Court; and no objections to the Motion having been filed; and the Court having found that the settlement of the Trustee's claims is fair and reasonable and in the best interest of the estate; and the Court having found that service of the Notice, Motion with exhibits and proposed Order is sufficient; and upon the hearing held before the Honorable Dorothy T. Eisenberg, United States Bankruptcy Judge, United States Bankruptcy

Court for the Eastern District of New York, located at 290 Federal Plaza, Room 760, Central Islip, New York on May 31, 2012 at 10:00 a.m., the transcript of which is incorporated herein by reference; and sufficient cause having been shown therefor; and no additional notice being necessary or required;

NOW, THEREFORE, upon the Motion of the Trustee and pursuant to Rule 9019(a) of the Federal Rules of Bankruptcy Procedure and other applicable law, it is hereby

ORDERED, that the Motion is granted, and it is further

ORDERED, that the Settlement is approved, and it is further

ORDERED, that the Clerk of the Court is hereby directed to enter the Judgment, in the form attached to this Order, against Richard Barry and PIF, LLC in the amount of \$180,000, and it is further

ORDERED, that service of the Notice of Motion, Motion with Exhibits and Proposed Order, having been provided to: (i) the Office of the United States Trustee; (ii) the Defendants Richard Barry and PIF, LLC; (iii) Defendants' counsel in the Agape Adversary Proceeding, Harold Seligman, Esq.; (iv) Defendant's counsel in the Barry Bankruptcy, Ronald D. Reid, Esq.; (v) the Trustee of the Estate of Richard Barry, R. Kenneth Barnard, Esq.; (vi) the taxing authorities; and (vii) pursuant to the Court's July 8, 2009 Order Establishing Noticing Procedures, all parties having filed a Notice of Appearance in this case, and copies have been posted on the Trustee's website located at www.agapeworldbankruptcy.com; constitutes sufficient notice; and it is further

ORDERED, that the Trustee be, and hereby is authorized and directed to take such steps, execute such documents and expend such funds as may be reasonably necessary to effectuate and implement the terms and conditions of this Order.

Dated: Central Islip, New York
May __, 2012

HONORABLE DOROTHY T. EISENBERG
United States Bankruptcy Judge

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
AT CENTRAL ISLIP

-----X
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 (DTE)
Substantively Consolidated

-----X
KENNETH P. SILVERMAN, ESQ., as
Chapter 7 Trustee of Agape World, Inc., *et al.*,

Plaintiff,

Adv. Pro. No. 10-08237 (DTE)

-against-

RICHARD BARRY and
PIF, LLC,

Defendants.

**AFFIDAVIT OF
CONFESSION OF JUDGMENT**

-----X
Trustee's 100 Jericho Quadrangle
Address: Suite 300
Jericho, New York 11753

STATE OF NEW YORK)
) s.s.:
COUNTY OF NASSAU)

Richard Barry, being duly sworn, deposes and says that:

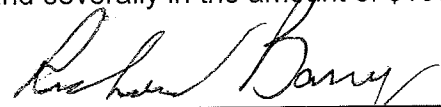
1. I am the sole member of PIF, LLC ("PIF"). This confession of judgment is entered into by me in my personal capacity and as the authorized representative of PIF, LLC.
2. I hereby confess Judgment and authorize the entry of a money judgment against PIF, LLC and me, personally, jointly and severally in the sum of \$180,000.00 in favor Kenneth P. Silverman, Esq., as Chapter 7 Trustee (the "Trustee") of the substantively consolidated estates of Agape World, *et. al.* (the "Debtor").
3. My personal residence is 4043 Bayberry Lane, Seaford, New York, 11783. PIF's place of business is 4043 Bayberry Lane, Seaford, New York, 11783.
4. I authorize the entry of the Judgment with the Bankruptcy Court for the Eastern

District of New York and any and all counties or other appropriate judicial districts within the United States of America and its territories that the Trustee deems appropriate.

5. This confession of Judgment is for a debt justly due to the Trustee arising from the following facts:

- Between 1999 and the filing date of the Debtor's bankruptcy cases I received conveyances from the Debtor in the amount of \$347,313.00 (the "Barry Transfers");
 - Between 1999 and the filing date of the Debtor's bankruptcy cases, PIF received conveyances from the Debtor in the amount of \$204,157.00 (the "PIF Transfers" and collectively with the Barry Transfers, the "Transfers").
 - The Transfers were made for no consideration or less than reasonably equivalent value;
 - The Debtor was either insolvent at the times the Transfers were made, or was rendered insolvent as a result of the Transfers;
 - At the times the Transfers were made, there existed unsecured creditors of the Debtor who remained unsecured creditors as of the filing date of the Debtor's bankruptcy cases;
- and

5. Pursuant to an agreement between me and the Trustee, I have personally and on behalf of PIF agreed to confess judgment jointly and severally in the amount of \$180,000.00.

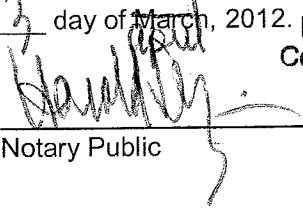


RICHARD BARRY

PIF, LLC
By: 

RICHARD BARRY, Member

Sworn to before me this 7 day of March, 2012. **HAROLD SELIGMAN**
Notary Public, State of New York
No. 028E4988534 Suffolk County
Commission Expires Nov. 12, 2014



Notary Public

EXHIBIT C

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

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
AT CENTRAL ISLIP

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In re:

Chapter 7
Case No.: 09-70660 (DTE)
Substantively Consolidated

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.

-----X
KENNETH P. SILVERMAN, ESQ., as
Chapter 7 Trustee of Agape World, Inc., *et al.*;

Plaintiff,

Adv. Pro. No.: 10-08237 (DTE)

-against-

RICHARD BARRY and
PIF, LLC,

JUDGMENT

Defendants.

-----X

JUDGMENT entered the ___ day of May, 2012.

UPON, the foregoing affidavit of Confession of Judgment made by Richard Barry, herein, sworn to the 3 day of April, 2012; and

UPON, the Bankruptcy Court's May ___, 2012 Order Resolving Claims Against Richard Barry and PIF, LLC pursuant to Federal Rules of Bankruptcy Procedure 9019, and Granting Kenneth P. Silverman, Esq., as Chapter 7 Trustee of Agape World, Inc., *et al.*, (the "Trustee") Judgment Against Richard Barry and PIF, LLC, jointly and severally, it is

ADJUDGED, that Kenneth P. Silverman, Esq. (the "Plaintiff") and Chapter 7 Trustee of the substantively consolidated Estate of Agape World, Inc., *et al.*, with an address at 100 Jericho Quadrangle, Suite 300, Jericho, New York, does recover of Richard Barry with an address at 4043 Bayberry Lane, Seaford, New York 11783, the sum of \$180,000.00 and that

the Plaintiff shall have execution thereon, and it is further

ADJUDGED, that Kenneth P. Silverman, Esq. (the "Plaintiff") and Chapter 7 Trustee of the substantively consolidated Estate of Agape World, Inc., *et al.*, with an address at 100 Jericho Quadrangle, Suite 300, Jericho, New York, does recover of PIF, LLC with an address at 4043 Bayberry Lane, Seaford, New York 11783, the sum of \$180,000.00 and that the Plaintiff shall have execution thereon, and it is further

ADJUDGED, that the Trustee has all of the rights and remedies afforded to a judgment creditor by law; and it is further

ADJUDGED, that the Trustee may enforce this judgment against Richard Barry and PIF, LLC, as allowed by applicable law.

Dated: Central Islip, New York
May __, 2012

ROBERT A. GAVIN, JR.
Clerk of the Court