

SILVERMANACAMPORA LLP
Attorneys for Kenneth P. Silverman, Esq.
Chapter 7 Trustee
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Kenneth P. Silverman, Esq.
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Hearing Date: July 9, 2013
Time: 10:00 a.m.
Objections Due: July 2, 2013
Time: 4:00 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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

**EIGHTH INTERIM APPLICATION OF SILVERMANACAMPORA LLP,
COUNSEL TO THE TRUSTEE FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES, FIFTH REQUEST FOR
PARTIAL PAYMENT OF HOLD BACK OF FEES, AND RELATED RELIEF**

**To: The Honorable Dorothy T. Eisenberg
United States Bankruptcy Judge**

SilvermanAcampora LLP (“SilvermanAcampora” or “Applicant”), counsel to Kenneth P. Silverman, Esq., the chapter 7 trustee (the “Trustee”) of Agape World, Inc. *et al.*, submits this eighth interim application for compensation and reimbursement of expenses (the “Application”) in accordance with an Order of this Court dated September 22, 2011 authorizing monthly compensation to Applicant and seeking the entry of an Order pursuant to §§105, 327 and 330 of title 11 of the United States Code (the “Bankruptcy Code”), approving the payment of interim compensation and reimbursement of expenses to Applicant as counsel to the Trustee for the period of January 1, 2013 through and including April 30, 2013 (the “Application Period”), and seeking partial payment of fees held back from the first through eighth interim periods, and respectfully sets forth and represents as follows:

Background

1. On February 5, 2009, an involuntary petition was filed against Agape World, Inc. (“AWI”), in accordance with chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of New York.

2. On February 12, 2009, the Court granted the motion of the petitioning creditors and directed the United States Trustee to appoint an interim trustee and by Notice of Appointment, Kenneth P. Silverman, Esq., was appointed the interim trustee of the AWI estate has since duly qualified and is now the permanent trustee in this case.

3. By Order of the Court dated February 17, 2009, SilvermanAcampora was retained as counsel to the Trustee, effective February 12, 2009, a copy of which is annexed hereto as Exhibit “A”.

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

5. On April 12, 2009, the Court entered an Order substantively consolidating Agape Merchant Advance LLC, Agape Community LLC, Agape Construction Management LLC, Agape World Bridges LLC, and 114 Parkway Drive South LLC (together with “AWI”, the “Debtor”), in the AWI case.

6. By application dated November 9, 2009, SilvermanAcampora sought an award of compensation in the amount of \$883,633.90¹ and reimbursement of expenses in the amount of \$42,190.36, the (“First Interim Fee Application”) for the period of February 12, 2009 through, and including, September 30, 2009 (the “First Interim Period”). By Order of the Court dated December 3, 2009, the First Interim Fee Application was granted.

7. By application dated July 8, 2010, SilvermanAcampora sought an award of compensation in the amount of \$604,563.85² and reimbursement of expenses in the amount of

¹ Applicant voluntarily agreed to a 20% hold back, in the amount of, \$176,726.78, of its award of compensation.

² Applicant voluntarily agreed to a 20% hold back, in the amount of, \$120,912.77, of its award of

\$26,398.44, the for the period of October 1, 2009 through, and including, March 31, 2010 (the "Second Interim Period"). By Order of the Court dated August 3, 2010, the fee application was granted.

8. By application dated November 1, 2010, SilvermanAcampora sought an award of compensation in the amount of \$873,768.95³ and reimbursement of expenses in the amount of \$26,398.44, for the period of April 1, 2010 through and including September 30, 2010 (the "Third Interim Period"). By Order of the Court dated November 23, 2010, the fee application was granted.

9. By Application filed with the Court on May 17, 2011, Applicant sought (i) an award of compensation in the amount of \$987,447.20⁴ and reimbursement of expenses in the amount of \$68,168.39, for the period of October 1, 2010, through and including, February 28, 2011 and (ii) partial payment of the fees held back from the First, Second and Third Interim Periods. By Order dated June 16, 2011, the Court awarded Applicant the sought compensation and reimbursement of expenses, but did not award payment of any of the hold back fees.

10. By Application filed with the Court on February 17, 2012, Applicant sought (i) an award of compensation in the amount of \$2,010,547.05⁵ and reimbursement of expenses in the amount of \$169,900.86, for the period of March 1, 2011, through and including, December 31, 2011 and (ii) partial payment of the fees held back from the First, Second, Third and Fourth Interim Periods. By Order dated February 29, 2012, the Court awarded Applicant the sought compensation and reimbursement of expenses, and a hold back of fees in the amount of

compensation.

³ Applicant voluntarily agreed to a 20% hold back, in the amount of, \$174,753.79, of its award of compensation.

⁴ Applicant voluntarily agreed to reduce its fees by \$12,975.75 and voluntarily agreed to a 20% hold back in the amount of \$197,489.44.

⁵ Applicant voluntarily agreed to a 20% hold back, in the amount of, \$402,109.41, of its award of compensation.

\$300,000.00; such that the balance of outstanding hold backs remaining as of the fifth interim application was \$771,992.61.

11. By application filed with the Court on August 26, 2011, the Trustee sought authorization to compensate Applicant on a monthly basis, upon, *inter alia*, Applicant's submission of its fees and expenses to the Court and the Office of the United States Trustee. By Order of the Court dated September 22, 2011, the Court authorized monthly compensation to Applicant (the "Monthly Compensation Order").

12. By Application filed with the Court on June 25, 2012, Applicant sought (i) an award of sixth interim compensation in the amount of \$990,276.00⁶ and reimbursement of expenses in the amount of \$75,186.54, for the period of January 1, 2012 through and including, April 30, 2012, and (ii) partial payment of the fees held back from the First through Fifth Interim Periods. By Order dated July 13, 2012, the Court awarded Applicant the sought compensation and reimbursement of expenses, and a hold back of fees in the amount of \$208,055.20; such that the balance of outstanding hold backs remaining as of the sixth interim application was \$730,047.81 after the payment of \$250,000.00 was authorized by this Court and paid by the Trustee.

13. By Application filed with the Court on February 6, 2013, Applicant sought (i) an award of seventh interim compensation in the amount of \$1,602,184.90⁷ and reimbursement of expenses in the amount of \$115,555.56, for the period of November 2011 and May 1, 2012 through and including, December 31, 2012, and (ii) partial payment of the fees held back from the First through Sixth Interim Periods. By Order dated February 28, 2013, the Court awarded Applicant the sought compensation and reimbursement of expenses, and a hold back of fees in the amount of \$1,050,484.79; such that the balance of outstanding hold backs remaining as of

⁶ Applicant voluntarily agreed to a 20% hold back, in the amount of, \$208,055.20, of its award of compensation.

⁷ Applicant voluntarily agreed to a 20% hold back, in the amount of, \$320,436.98, of its award of compensation.

the seventh interim application was \$750,484.79 after the payment of \$300,000.00 was authorized by this Court and paid by the Trustee.

14. During the eighth Application Period, SilvermanAcampora incurred fees of \$1,602,184.90 (the "Fees") and out of pocket expenses of \$115,555.56 (the "Expenses").

15. As authorized by the Monthly Compensation Order, the Trustee remitted payments to SilvermanAcampora equal to 80% of its Fees or \$872,099.80 and 100% of the Expenses, for the total sum of \$84,987.45. By this Application, SilvermanAcampora seeks an order approving those Fees and Expenses, and payments thereof, as and for its eighth interim compensation and reimbursement of expenses.

16. Also in accordance with the Monthly Compensation Order, Applicant has agreed to withhold, and has not been paid, 20% of the balance of the Fees for the Application Period equal to \$218,024.95, subject to further order of the Court. Therefore, the outstanding hold back in fees at this time is \$968,509.74 (the "Outstanding Holdback"). Applicant is seeking payment of a portion of the Outstanding Holdback in the amount of \$250,000.00 at this time.

17. Applicant complied with all of the requirements of the Monthly Compensation Order for each month it received compensation and reimbursement of expenses during the Application Period.

18. All of the services which Applicant necessarily performed for the Trustee and for the benefit of the estate are set forth in the time logs (the "Time Records") previously forwarded to the Office of the United States Trustee in accordance with the Monthly Compensation Order. Applicant respectfully refers the Court to the Time Records for the details of all work performed for the Trustee and the estate. The Time Records list the services performed by the members, associates, law clerk, legal assistants and paraprofessionals of Applicant and set forth the dates when such services were rendered, the nature of the services performed, the party who performed the services and the time expended for such services. These Time Records were created contemporaneously with the rendition of the services and reflect the Applicant's

recorded time for the legal services rendered on behalf of the Trustee and as attorneys for the Trustee. Applicant has expended a total of 3,827.60 hours in the rendering of legal services to the Trustee during this Application Period. All entries marked "No Charge" have been attributed to "Trustee" time and are not included in this application for compensation. Itemized lists of the out of pocket expenses for which Applicant seeks reimbursement were also previously forwarded to and Office of the United States Trustee in accordance with the Monthly Compensation Order.

19. As is more fully set forth below, the services performed by Applicant were reasonable and necessary and benefited the estate by, among other things, (a) continuing to conduct extensive investigations into the Debtor's complex financial affairs, (b) continuing litigation of more than 1,000 adversary proceedings commenced by Applicant during the instant and previous application periods, (c) continuing to receive and respond to hundreds of inquiries from *pro se* defendants or defendants' counsel, (d) continuing to engage in adversary proceeding settlement negotiations, including analysis of submitted sworn financial disclosure statements and supporting documentation, (e) continuing cooperative efforts with the Office of the United States Attorney, Federal Bureau of Investigations and United States Postal Inspector in an effort to maximize the recovery to the Debtor's creditors/victims, (f) provide assistance when necessary to Trustee's special counsel in the prosecution of certain third-party claims and adversary proceedings, (g) providing notice to the creditors of the estate, and (h) continuing the extensive analysis and resolution of the over 5,000 proofs of claim filed against the estate. During this Application Period, as a result of Applicant's services, in conjunction with the Trustee's other retained professionals, the Trustee has recovered \$13,967,092.98 for the benefit of the creditors of this estate, and \$505,294.79 in additional funds are pending Court approval.

The Application

20. Applicant is a firm of twenty-four (24) attorneys, concentrating in the practice of, among other specialties, bankruptcy and insolvency related matters. In this regard, Applicant has extensive experience in representing debtors, creditors, creditor's committees and trustees in bankruptcy proceedings before the Bankruptcy Courts in both the Eastern and Southern Districts of New York. As a result of Applicant's extensive experience, Applicant submits that the services it rendered in the instant case, as set forth below, were efficient, economical and effective.

21. All services for which compensation and reimbursement of expenses are requested by Applicant were performed for and on behalf of the Trustee. No agreement or understanding exists between Applicant and any other person for the sharing of compensation to be received for the services rendered in connection with Applicant's representation of the Trustee, and no action prohibited by §504 of the Bankruptcy Code has been, or will be, made by Applicant.

Professional Services Rendered

22. The presentation that follows below does not constitute a complete recitation of all services that were performed by Applicant during the Application Period but serves only to summarize those services of major importance which required Applicant's special attention, efforts and skill. Those services included, *inter alia*, the following:

- (a) Prepared for and attend hearings on Applicant's Seventh Interim Application for Compensation and Reimbursement of Expenses and the Distribution Motion;
- (b) Analyzed additional proofs of claim filed against the Debtors' estate;
- (c) Drafted numerous letters to claimants seeking to resolve claims filed against the estate;
- (d) Validated (in many cases, after obtaining a consensual reduction) over 50 proofs of claim;
- (e) Commenced an adversary proceeding to avoid fraudulent transfers or recover avoided transfers from a subsequent transferee;

- (f) Continued to administer the avoidance litigation in the more than One Thousand (1,000) adversary proceedings that are currently pending before Judges Eisenberg, Grossman and Trust;
- (g) Engaged in both formal and informal discovery with defendants' counsel and *pro se* defendants in hundreds of open adversary proceedings;
- (h) Prepared for and appeared at pretrial conferences in a multitude of the open adversary proceedings;
- (i) Prepared, served and filed motions seeking Court approval of negotiated settlements pursuant to Bankruptcy Rule 9019 in several adversary proceedings;
- (j) Negotiated confessions of judgment in numerous adversary proceedings against former brokers or sub-brokers of the Debtors;
- (k) Continued litigation of note action against Northway Island Associates in New York State Supreme Court;
- (l) At the Trustee's direction, prepared, served and filed, motions for Rule 2004 examinations of Hach & Rose as attorneys for Roland Lyons and Roland Lyons;
- (m) Negotiated the settlement of the Trustee's interest in and to the claim of MF Global Inc. f/k/a Man Financial Inc. SIPA Liquidation (the "MF Global Claim"), and appeared at the hearing before this Court; the Trustee was successful in obtaining Court approval for the sale of the MF Global Claim and received \$13,500,000 for this estate;
- (n) Continued efforts to collect on negotiated settlement with Clemson Grande Lakefront Condominiums LLC ("Clemson Grande") and its principals and negotiations related to secured claim in the resulting Clemson Grande chapter 11 proceeding in the Bankruptcy Court for the District of South Carolina; and
- (o) Responded to various creditor inquiries

Discovery Throughout The Application Period

23. Applicant continues to confer by telephone and email exchange with the Assistant United States Attorneys prosecuting the criminal and civil cases against Nicholas Cosmo ("Cosmo"), the former principal of the Debtor, and the major brokers. As a result of the extraordinary cooperation between Applicant and United States Attorneys' Office ("USA"), Applicant has been able to efficiently and effectively negotiate settlements of the adversary proceedings commenced against several of the "major" brokers of the Debtor. Applicant

continues to negotiate and prosecute the adversary proceedings against the remaining brokers of the Debtors.

24. During this Fee Period, Applicant spent considerable time and effort working in conjunction with the Trustee's retained forensic accountants, Navigant Consulting, Inc. ("Navigant"), in pursuing avoidance claims, and responding to discovery demands and assessing defenses raised by the more than 1,000 avoidance claim defendants. Applicant spent significant time and effort in litigating the more than 1,000 adversary proceedings filed by the Trustee to date.

Litigation

25. During the Application Period, Applicant commenced one additional adversary proceeding for the benefit of the Debtor's estate, by which the Trustee has sought to recover over funds under 11 U.S.C. 544, 547, 548, 550 and New York Debtor and Creditor Law 273, *et seq.*

26. Because of the large number of adversary proceedings commenced during the administration of the Debtor's estate, Applicant spent and continues to spend significant time and effort in preparing and maintaining an adversary proceeding chart to efficiently prosecute and monitor the adversary proceedings.

27. Applicant continues to be actively engaged in both formal and informal discovery in many of those matters, working closely with Navigant to analyze the merits of fair consideration defenses posed by defendants that claimed to have invested more money than attributed to them in the Debtor's books and records.

28. In several proceedings, Applicant obtained and analyzed documents demonstrating complete defenses to the adversary proceeding complaints. As such, Applicant agreed to voluntarily dismiss those adversary proceedings during this Application Period, thereby avoiding the incurrence of further litigation expense.

29. In many cases, the adversary proceeding defendants have claimed that any judgment obtained against them would be uncollectable. In order to prevent incurring unnecessary administrative expenses to obtain an unenforceable judgment, Applicant prepared and sent certified financial disclosure statements to be completed by those defendants to demonstrate the inability to repay the monies sought by the Trustee by the adversary proceeding complaints. Upon receipt of the certified financial statements and required supporting documentation, including, the defendant's banking records, Applicant analyzed those documents in order to analyze the collectability and determine the reasonableness of any settlement. Based upon the analysis, Applicant either voluntarily dismissed the cases, negotiated or continues to negotiate settlements or continues to prosecute the Trustee's claims.

30. During the Application Period, Applicant negotiated and successfully resolved an extensive number of adversary proceedings by stipulation of settlement. In all such cases, appropriate relief has been sought and obtained. The other settlements negotiated by Applicant during the Application Period resolved matters in which the original demand was for less than \$50,000.00, without incurring the costs and uncertainties of litigating these claims to trial. Therefore, pursuant to the Court's October 1, 2010 Order Setting Procedures [Dkt. 2359], Applicant did not need to incur the administrative cost of seeking Bankruptcy Rule 9019 approval in the vast majority of those matters.

31. In addition, Applicant secured numerous confessions of judgment during the Application Period, which are being pursued by the Trustee.

Special Counsel Litigation

32. Prior to this Application Period, the Trustee retained Reid Collins & Tsai LLP and Ruskin Moscou Faltischek, P.C. (collectively, "Special Counsel") to analyze, and if viable, prosecute claims against certain professionals and FCMs resulting from transfers received from and by the Debtor at the direction of Cosmo. To ensure that FCM litigation is conducted in a manner consistent with the other avoidance litigation and general administration of the Debtor's

case, Applicant continues to assist Special Counsel with development of litigation and settlement negotiation strategy.

MF Global Inc. SIPA Liquidation

33. On February 4, 2013, Applicant filed a motion authorizing the Trustee to sell to any person or entity that submits the highest or best offer for the Trustee's rights and interest in and to the MF Global Inc claim, free and clear of liens, claims, encumbrances and interests, During the Application Period, Applicant drafted the motion, Terms and Conditions of Sale, appeared for, and attended the sale hearing on behalf of the Trustee. The Trustee was successful in obtaining \$13,500,000.00 during this eighth interim period from the sale of the MF Global claim.

Communications With Creditors Of The Estate

34. Applicant continues to respond to numerous inquiries from the creditors of this estate, including, but not limited to inquiries regarding the status of claims resolution, estate administration, the estate's claims against the brokers and certain financial institutions and the status of the criminal proceeding. Applicant still receives several, if not many, phone calls and emails per day from creditors. Thus, Applicant still expends several hours a week responding to creditor inquiries. The Trustee continues to maintain a website for the creditors, advising of upcoming hearing dates and posting each document filed by Applicant with the Court in an attempt to keep administrative costs to a minimum.

Claims Analysis

35. The Court set the last day to file claims against the estate as June 18, 2009. Shortly thereafter, Applicant requested and received a copy of the claims register, claims and supporting documents submitted by the creditors from Garden City Group and promptly began analyzing the claims against the estate.

36. Applicant continues to analyze the Proofs of Claim and supporting documentation and resolve claims on an on-going basis. Applicant's analysis of the Proofs of Claim revealed

that hundreds of claimants failed to reduce their claims by monies they received from the Debtor. Accordingly, during this Application Period, and in a continued effort to reduce administrative costs to the estate inherent with claims objection motions, Applicant drafted numerous letter agreements to those claimants requesting that the claimants agree to reduce their claims by those amounts received from the Debtor.

37. As the Court is aware, during the First, Second, Third, Fourth, Fifth, Sixth and Seventh Fee Periods, Applicant has analyzed approximately 4500 of the over 5000 claims. By Orders of this Court dated December 1, 2009 and August 3, 2010, the Trustee was authorized to distribute \$2,400,000.00 and \$1,000,000.00 respectively to creditors of the estate. To date, the Trustee has made first and second interim distributions of 1.13%, or \$1,134,671.20, to those claimants with validated general unsecured claims against the estate. The balance of \$2,265,328.80 is being held by the Trustee in an escrow account to be distributed to those additional claimants as those claims become validated.

The Hold Back Fees

38. As set forth hereinabove, Applicant was awarded but voluntarily withheld 20% of its fees for the first through seventh fee periods in the amounts of \$176,726.78, \$120,912.77, \$174,753.79, \$197,489.44, \$402,109.41, \$208,055.20, and \$320,436.98, which sum equals \$1,600,484.37 respectively (the "Aggregate Fees Withheld"). However, Applicant was awarded, and paid, \$849,999.58 of its Aggregate Fees Withheld, and thus, is owed the sum of \$750,484.79 as and for hold backs as of April 30, 2013. For the Application Period, Applicant is seeking approval of its fees in the sum of \$1,090,124.75. Applicant again has voluntarily held back payment of 20% of its fees for the Application Period equal to \$218,024.95, and thus the outstanding holdback has increased to \$968,509.74. Applicant is seeking payment of \$250,000.00 of the Outstanding Holdback, which, if approved, will reduce the Outstanding Holdback to \$718,509.74 as of April 30, 2013.

Conclusion

39. Based upon the foregoing, Applicant respectfully submits that the services rendered in the instant case during the Application Period have been efficient and effective. Applicant will continue to represent the Trustee in administering the estate, pursue claims for the benefit of creditors and maximize the distributions to creditors. Accordingly, Applicant seeks approval of (i) its fees, and payments thereof, in the amount of \$872,099.80 representing eighty (80%) percent of the fees incurred during the Application Period in the sum of \$1,090,124.75, (ii) a Hold back Award on account of the Outstanding Holdback in the amount of \$250,000.00, and (iii) its reimbursement of expenses in the sum of \$84,987.45. At this time, Applicant is seeking payment in the aggregate amount of \$250,000.00, which sum represents a portion of the Outstanding Holdback.

40. A copy of a proposed order granting the relief requested herein is annexed hereto and made a part hereof as Exhibit "B".

41. No previous application or motion for the relief requested herein has been made to this or any other Court except as set forth in paragraph 10 and related footnotes hereinabove.

WHEREFORE, the Trustee respectfully requests that this Court enter an Order consistent with the relief requested herein for such other and further relief as this Court deems just and proper.

Dated: Jericho, New York
June 20, 2013

SILVERMANACAMPORA LLP
Attorneys for Kenneth P. Silverman, Esq.,
the 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

Exhibit A

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

AGAPE WORLD, INC.,

Debtor.

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**ORDER APPROVING THE NUNC PRO TUNC EMPLOYMENT OF
SILVERMANACAMPORA LLP, AS ATTORNEYS FOR THE *INTERIM* TRUSTEE**

Upon consideration of the application of Kenneth P. Silverman, Esq., the *interim* trustee (the "Trustee") of the estate of Agape World, Inc. (the "Debtor"), seeking authority to employ SILVERMANACAMPORA LLP ("SILVERMANACAMPORA"), as of February 12, 2009, to represent the Trustee under a general retainer as his attorneys (the "Application"); and upon the Affidavit of Ronald J. Friedman, Esq., a member of SILVERMANACAMPORA (the "Affidavit") which is attached to the Application; and it appearing that: (i) the employment of SILVERMANACAMPORA is necessary **to avoid immediate and irreparable harm** and would be in the best interests of the estate; (ii) SILVERMANACAMPORA is a "disinterested person" as that term is defined in 11 U.S.C. §101(14); (iii) SILVERMANACAMPORA is a firm duly qualified to practice in the Courts of the State of New York and before this Court; and (iv) SILVERMANACAMPORA represents no interest adverse to this estate, and no adverse interest appearing thereto and no additional notice being required; it is hereby

ORDERED, that in accordance with 11 U.S.C. §327, SILVERMANACAMPORA be, and it hereby is, authorized and empowered to represent the Trustee as his attorneys under a general retainer effective as of February 12, 2009; and, it is further

ORDERED, that no compensation or reimbursement of expenses shall be paid to SILVERMANACAMPORA for professional services rendered to the Trustee, except upon proper application and by further order of this Court.

Dated: Central Islip, New York
February 13, 2009

s/Dorothy Eisenberg
Honorable Dorothy T Eisenberg
United States Bankruptcy Judge

Dated: Central Islip, New York
February 13, 2009

NO OBJECTION:

s/ Alfred M. Dimino
Office of the United States Trustee

Exhibit B

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

This Order relates to a Hearing
held on July 9, 2013

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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 BRIDTES LLC, AND
114 PARKWAY DRIVE SOUTH LLC,

Debtors.

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**ORDER AWARDING TRUSTEE'S FIRST INTERIM COMMISSIONS AND
EIGHTH INTERIM ALLOWANCE OF COMPENSATION, REIMBURSEMENT
OF EXPENSES AND A PORTION OF THE HOLDBACK FEES FOR (I) COUNSEL
TO THE TRUSTEE, AND (II) THE TRUSTEE'S FORENSIC ACCOUNTANTS**

Upon consideration of the first interim application for commissions of Kenneth P. Silverman, Esq., the Chapter 7 Trustee (the "Trustee") for commissions in the amount of \$512,242.83¹ (the "Trustee's First Interim Commissions Application"), and eighth interim applications for compensation, reimbursement of expenses and an award of a portion of the holdback of fees of (i) SilvermanAcampora LLP ("SilvermanAcampora"), as counsel to the Trustee for fees in the amount of \$1,090,124.75², expenses in the amount of \$84,987.45 and a holdback award in the amount of \$250,000.00 (the "SilvermanAcampora Eighth Interim Fee Application"); and (ii) Navigant Consulting, Inc. ("Navigant"), in the amount of \$181,500.00,³ and expenses in the amount of \$678.75

¹ Applicant has taken a holdback in first interim commissions of over 51.20%, or \$262,242.83 (the "Held Back Commissions"), and thus, sought payment of first interim commissions in the amount of \$250,000.00 at this time.

² Applicant has agreed to a 20% holdback of its fees incurred during this eighth interim period, equal to \$218,024.95, and has been paid the sum of \$872,099.80 in accordance with a monthly compensation Order of this Court dated September 22, 2011.

³ Applicant has agreed to a 20% holdback of its fees incurred during this eighth interim period, equal to \$36,300.00, and as such is seeking payment of \$145,200.00 for the eighth interim period. Navigant also requested partial payment of its outstanding holdback in the amount of \$75,000.00, for a total payment at this time in the amount of \$220,200.00. The new outstanding holdback due Navigant will be \$99,027.25.

(the "Navigant Eighth Interim Fee Application", and collectively, the "Fee Applications"); and notice of the hearing on the Fee Applications having been given pursuant to this Court's Order entered July 8, 2009, Establishing Noticing Procedures; and no opposition to the Fee Applications having been filed or otherwise brought before the Court; and a hearing on the Fee Applications having been held on July 9, 2013, the record of which is incorporated herein by reference; and the Trustee, SilvermanAcampora and Navigant having appeared on that day in support of their respective Fee Applications, and sufficient cause having been shown therefore; and upon the Affidavit of Service of notice of the hearing on the Fee Applications on file with the Court; and upon due deliberation and consideration of the facts and circumstances relevant to the matter; and no additional notice being necessary or required, it is hereby

ORDERED, that Kenneth P. Silverman, Esq., Chapter 7 Trustee, be, and hereby is, awarded on his First Interim Commissions Application, the sum of \$250,000.00, and he is authorized and directed to receive, upon the entry of this order, the sum of \$250,000.00, with a holdback of commissions of \$262,242.83, pending further order of this Court; and it is further

ORDERED, that the SILVERMANACAMPORA Eighth Interim Application is granted and SILVERMANACAMPORA is authorized to receive, and the Trustee is authorized, upon the entry of this order, to remit to SILVERMANACAMPORA partial payment of the Outstanding Holdback (as defined in the SILVERMANACAMPORA Eighth Interim Application) in the sum of \$250,000.00, as and for compensation for services rendered; and the balance of the outstanding holdback in the SILVERMANACAMPORA Eighth Interim Application in the amount of \$718,509.74 is held back pending further application to the Court; and it is further

ORDERED, that the Navigant Eighth Interim Fee Application is granted and the Trustee is authorized, upon the entry of this order, to remit to Navigant partial payment in

the sum of \$145,200.00 (as defined in the Navigant Eighth Interim Application) as and for compensation for services rendered for the eighth interim period; and \$678.75 for reimbursement of expenses; and partial payment of its holdback in the sum of \$75,000.00, and the balance of fees sought in the Navigant Eighth Interim Application in the amount of \$36,300.00 is held back pending further application to the Court, such that the new outstanding holdback due Navigant is \$99,027.25; and it is further

ORDERED, that the Trustee is authorized, empowered and directed to do such things, execute such documents and expend such funds as may be necessary and consistent with this Order.