

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

Hearing Date: November 8, 2011  
Time: 2:00 p.m.

Objections Due: November 1, 2011  
Time: 4:00 p.m.

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,

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

Debtors.  
-----X

**NOTICE OF TRUSTEE'S MOTION FOR  
ENTRY OF AN ORDER *NUNC PRO TUNC* AUTHORIZING PAYMENT  
OF REAL ESTATE TAXES DUE AND OWING TO PICKENS COUNTY, SOUTH CAROLINA**

**PLEASE TAKE NOTICE**, that upon the annexed declaration of David J. Mahoney, Esq., executed on October 7, 2011, Kenneth P. Silverman, Esq., the chapter 7 trustee of the substantively consolidated estate of Agape World, Inc., *et al.*, will move before the Honorable Dorothy T. Eisenberg, United States Bankruptcy Judge, Courtroom 760, at the United States Bankruptcy Court, Eastern District of New York at Central Islip, located at 290 Federal Plaza, Central Islip, New York 11722, on **November 8, 2011 at 2:00 p.m.** (the "Motion"), for an order authorizing the Trustee, *nunc pro tunc*, to pay real estate taxes due and owing to Pickens County, South Carolina for the purpose of preserving the Trustee's first position mortgage interest in real property owned by Clemson Grande Lakefront Condominiums LLC (the "Order").

**PLEASE TAKE FURTHER NOTICE**, that objections to the Motion or proposed Order, if any, must be (I) made in writing; (II) electronically filed with the Court; (III) mailed to Chambers of the Honorable Dorothy T. Eisenberg, United States Bankruptcy Judge, 290 Federal Plaza,

Central Islip, New York 11722; (IV) mailed to SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attn: David J. Mahoney, Esq.; and (V) mailed to the Office of the United States Trustee, 290 Federal Plaza, Central Islip, New York 11722, so as to be actually received no later than **November 1, 2011 at 4:00 p.m.**

**PLEASE TAKE FURTHER NOTICE**, that the hearing on the Motion may be adjourned by the Court.

Dated: Jericho, New York  
October 13, 2011

**SILVERMANACAMPORA LLP**  
Attorneys for Kenneth P. Silverman, Esq.,  
the Chapter 7 Trustee of Agape  
World, Inc., *et al.*

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

To: The Office of the United States Trustee  
Nicholas Cosmo, former principal of the Debtors  
Criminal counsel to Nicholas Cosmo  
The appropriate taxing authorities  
All parties having filed a Notice of Appearance in Agape case<sup>1</sup> and is otherwise sufficient

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<sup>1</sup> Copies have also been posted on the Trustee's website located at [www.agapeworldbankruptcy.com](http://www.agapeworldbankruptcy.com) complies with this Court's Order Establishing Noticing Procedures entered on July 8, 2009

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

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**DECLARATION IN SUPPORT OF  
APPLICATION FOR ORDER AUTHORIZING PAYMENT OF REAL  
ESTATE TAXES DUE AND OWING TO PICKENS COUNTY, SOUTH CAROLINA**

1. I am a member of SilvermanAcampora LLP, attorneys for Kenneth P. Silverman, Esq., the Chapter 7 Trustee (the "Trustee") for the substantively consolidated cases of Agape World Inc., *et al.* (the "Debtor") and as such I am familiar with the facts and circumstances set forth herein based upon a review of the Debtor's books and records.

2. I submit this declaration in support of the Trustee's application for an Order *nunc pro tunc* authorizing payment of real estate taxes due and owing to Pickens County, South Carolina ("Pickens County").

3. 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. ("Agape") in the United States Bankruptcy Court for the Eastern District of New York (the "Bankruptcy Court").

4. On February 9, 2009, the Petitioning Creditors filed a motion to appoint an interim chapter 7 trustee under 11 U.S.C. §303(g).

5. On February 12, 2009, this Court granted the Petitioning Creditors' motion and entered an order directing the United States Trustee's Office (the "UST") to immediately appoint an interim chapter 7 trustee in the Agape case.

6. By notice of appointment dated February 12, 2009, the UST appointed Kenneth P. Silverman, Esq. as the interim trustee (the "Trustee") in the Agape case, and has since duly qualified and is now the permanent Trustee in this case.

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

8. On April 14, 2009, the Court issued an Order for substantive consolidation of Agape, Agape Merchant Advance LLC, Agape Community LLC, Agape Construction Management, LLC, Agape World Bridges LLC, and 114 Parkway Drive South LLC (collectively, with Agape the "Debtors").

9. The Trustee and his counsel have investigated the financial affairs of the Debtors, including a detailed analysis of the extent and validity of commercial mortgage loans made by the Debtors, including the transaction described herein.

#### **The Clemson Grande Loan**

10. On or about September 21, 2007, the Debtors loaned Five Million Five Hundred Eighty-Two Thousand Two Hundred Thirty and 42/100 (\$5,582,230.42) Dollars (the "Loan") to Clemson Grande Lakefront Condominiums, LLC ("Clemson Grande").

11. In consideration for the loan, Clemson Grande gave the Debtors, *inter alia*, a first priority mortgage on approximately 894 Tiger Boulevard, Clemson, South Carolina (the "Real Property").

12. Upon information and belief, the Real Property has a fair market value in excess of \$3,200,000.00.

**Clemson Grande's Failure to Pay Real Estate Taxes and Preserve the Estate's Collateral**

13. Clemson Grande has failed to pay real estate taxes due and owing to Pickens County, in the amount of \$170,267.04 (the "Real Estate Taxes").

14. On the evening of October 4, 2011, we were informed that as a result of Clemson Grande's failure to pay the Real Estate Taxes, Pickens County took possession of the Real Property and conducted a tax foreclosure sale of the Real Property on October 5, 2010 (the "Foreclosure Sale").

15. We were informed by Steve Gravely, Tax Collector for Pickens County, South Carolina, that by operation of South Carolina law, if the Real Estate Taxes were not redeemed by close of business on October 5, 2011 (the "Deadline"), a tax title extinguishing the Debtors' lien on the Real Property would be issued.

16. If the tax title were issued, the Debtors' interest in the Real Property, as collateral for the Loan, would be lost.

**The Trustee's Preservation of the Estate's Lien**

17. By paying the outstanding Real Estate Taxes before the Deadline, the Debtor's position as first priority mortgagee, and the related security of the Loan will be preserved for the benefit of the estate.

18. The Trustee determined, in a reasonable exercise of his business judgment, that the best interests of the Debtor's estate are preserved by paying the Real Estate Taxes, thereby maintaining the Debtor's position as first priority mortgagee of the Real Property. Accordingly, with the consent of the Office of the United States Trustee, the Trustee paid the Real Estate Taxes to Pickens County on October 5, 2011.

19. By preserving the *status quo*, the Trustee stands in a position to foreclose on the Mortgage and sell the Real Property to effect a substantial recovery on the Loan. Based upon the Trustee's review of all attendant factors, foreclosure on the Mortgage and sale of the Real Property may be the only way for the Trustee to recover on the Loan.

20. The Trustee has preserved the Debtor's first position mortgage interest in the Real Property by paying the outstanding Real Estate Taxes in prior to the issuance of the tax title. In the anticipated event that the Trustee is able to sell the Real Property (whether by consent or by foreclosure), the estate stands to recoup the Real Estate Taxes as part of the sale price.

21. Therefore, pursuant to 11 U.S.C. §§105 and 363(b), the Trustee requests that the Court enter the proposed Order, attached hereto as Exhibit 1, authorizing the Trustee, *nunc pro tunc*, to pay the Real Estate Taxes from the assets of the Debtor's estate, and for such other, further and different relief as the Court deems just and proper.

Dated: October 7, 2011  
Jericho, New York

**SilvermanAcampora LLP**  
Counsel to Kenneth P. Silverman  
Chapter 7 Trustee

By: s/David J. Mahoney  
David J. Mahoney  
A Member of the Firm  
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Chapter 7  
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**ORDER AUTHORIZING PAYMENT OF REAL  
ESTATE TAXES DUE AND OWING TO PICKENS COUNTY, SOUTH CAROLINA**

**UPON**, the Declaration (the "Declaration") of David J. Mahoney, Esq., dated October 7, 2011, in support of the application of Kenneth P. Silverman, Esq., Chapter 7 Trustee (the "Trustee") of the substantively consolidated estate (the "Estate") of Agape World, Inc., *et al.*, (the "Debtor") seeking entry of an Order authorizing the Trustee, *nunc pro tunc*, to remit payment in the approximate amount of \$170,267.04 (the "Taxes") to Pickens County, South Carolina in payment of real estate taxes due and owing on real property that is collateralizing a loan (the "Loan"), in the amount of Five Million Five Hundred Eighty-Two Thousand Two Hundred Thirty and 42/100 (\$5,582,230.42) Dollars made by the Debtor to Clemson Grande Lakefront Condominiums, LLC, and

**UPON**, the United States Trustee having reviewed the Declaration in Support of the Application of Application for Order Authorizing Payment of Real Estate Taxes Due and Owing to Pickens County, South Carolina, and having interposed no objection to the relief requested therein; it is hereby

**FOUND**, that good cause exists for the Trustee to pay the Taxes to Pickens County, South Carolina; and it is hereby

**ORDERED**, that the Trustee is authorized to pay the Taxes in order to protect the Debtor's interest in the real property that is collateralizing the Loan; 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.

**NO OBJECTION:**

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

**SO ORDERED:**