



ORDERED in the Southern District of Florida on January 21, 2016.


Paul G. Hyman, Jr.
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
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IN RE:

PALM BEACH FINANCE PARTNERS, L.P.,
PALM BEACH FINANCE II, L.P.,

CASE NO. 09-36379-PGH
CASE NO. 09-36396-PGH
(Jointly Administered)

Debtors.

**ORDER GRANTING LIQUIDATING TRUSTEE'S
SEVENTH OMNIBUS OBJECTION (LIMITED PARTNER
SCHEDULED EQUITY INTERESTS IN CASE NO. 09-36379-PGH (PBFP))**

This matter having been considered without hearing upon the Liquidating Trustee's Seventh Omnibus Objection to Claims (Limited Partner Scheduled Equity Interests in Case No. 09-36379-PGH (PBFP)) [ECF No. 2754] ("**Objection**"), and the objector by submitting this order having represented that the objection was served on the parties listed below, that the 30-day response time provided by Local Rule 3007-1(D) has expired, that no one listed below has filed, or served on the objector, a response to the objection, and that the relief to be granted in this

order is the identical relief requested in the objection, and this Court having considered the basis for the objection to the claim, it is

ORDERED as follows:

1. The Objection is **SUSTAINED** as set forth herein.
2. Claim No. 4-1 filed by Strategic Stable Return Fund II, LP ("**SSR II**"), in Case No. 09-36379 (PBFP) is an allowed general unsecured claim in the amount of \$1,100,000.00 ("**Allowed Claim 4-1**"). In addition, SSR II shall have an allowed equity interest in Case No. 09-36379 (PBFP), which shall be calculated (following the final resolution of all limited partner claims and equity interests) using the foregoing allowed claim amount as the numerator and the total of all allowed equity interests as the denominator.
3. Claim No. 5-1 filed by Citco Global Custody (N.A.) NV for Strategic Stable Return Fund (I.D.) L.P. ("**SSR**"), in Case No. 09-36379 (PBFP) is an allowed general unsecured claim in the amount of \$5,500,000.00 ("**Allowed Claim 5-1**"). In addition, SSR shall have an allowed equity interest in Case No. 09-36379 (PBFP), which shall be calculated (following the final resolution of all limited partner claims and equity interests) using the foregoing allowed claim amount as the numerator and the total of all allowed equity interests as the denominator.
4. The scheduled equity interest in Case No. 09-36379 (PBFP) in the name of SSR Capital Management LLC shall be stricken and expunged.
5. Claim No. 7-1 filed by LAB Investments Fund, LP ("**LAB**") in Case No. 09-36379 (PBFP) is an allowed general unsecured claim in the amount of \$7,340,090.00 ("**Allowed Claim 7-1**"). In addition, LAB shall have an allowed equity interest in Case No. 09-36379 (PBFP), which shall be calculated (following the final resolution of all limited partner claims and

equity interests) using the foregoing allowed claim amount as the numerator and the total of all allowed equity interests as the denominator.

6. Claim No. 9-1 filed by Stephen P. Bakaysa (“*Bakaysa*”) in Case No. 09-36379 (PBFP) is an allowed general unsecured claim in the amount of \$500,000.00 (“*Allowed Claim 9-1*”). In addition, Bakaysa shall have an allowed equity interest in Case No. 09-36379 (PBFP), which shall be calculated (following the final resolution of all limited partner claims and equity interests) using the foregoing allowed claim amount as the numerator and the total of all allowed equity interests as the denominator.

7. Claim No. 47-1 filed by Lionheart, L.P. (“*Lionheart*”) in Case No. 09-36379 (PBFP) is an allowed general unsecured claim in the amount of \$7,000,000.00 (“*Allowed Claim 47-1*”, and together with Allowed Claim 4-1, Allowed Claim 5-1, Allowed Claim 7-1 and Allowed Claim 9-1, the “*Allowed Claims*”). In addition, the list of equity security holders in Case No. 09-36379 (PBFP) shall be modified to replace K&K Capital Management, Inc. with “Lionheart, L.P.”, as the correct holder of the equity interest, which allowed equity interest shall be calculated (following the final resolution of all limited partner claims and equity interests) using the amount of Allowed Claim 47-1 as the numerator and the total of all allowed limited partner claims as the denominator.

8. Notwithstanding the foregoing, the Liquidating Trustee’s right to seek subordination of the Allowed Claims, whether under section 510 of the Bankruptcy Code or any other basis, is hereby preserved.

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9. In addition, nothing herein is intended to, or should be considered, a limit to the damages that the Liquidating Trustee - or any other party - can claim or recover against third parties.

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Submitted By:

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Copies Furnished To:

Peter D. Russin, Esquire, is directed to serve copies of this Order on all parties in interest and to file a Certificate of Service.