

United States Bankruptcy Court
Southern District of Florida

In re:
MV Realty PBC, LLC
Debtor

Case No. 23-17590-EPK
Chapter 11

CERTIFICATE OF NOTICE

District/off: 113C-9
Date Rcvd: Feb 27, 2024

User: admin
Form ID: pdf004

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Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 29, 2024:

Recip ID	Recipient Name and Address
sp	+ Benjamin Waisbren, 1401 New York Ave, NW, Washington, DC 20005-2102

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 29, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 27, 2024 at the address(es) listed below:

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TOTAL: 246



ORDERED in the Southern District of Florida on February 26, 2024.

A handwritten signature in black ink, appearing to read "Erik P. Kimball".

Erik P. Kimball
Chief United States Bankruptcy Judge

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

In re:

MV REALTY PBC, LLC *et al.*,¹

Debtors.

Chapter 11

Case No. 23-17590-EPK

(Jointly Administered)

**ORDER AUTHORIZING AND APPROVING THE RETENTION AND EMPLOYMENT
OF KROLL ASSOCIATES, INC. AS FORENSIC ACCOUNTANTS TO THE
OFFICIAL COMMITTEE OF HOME BENEFITS AGREEMENT HOLDERS
EFFECTIVE AS OF JANUARY 9, 2024**

¹ The last four digits of the Debtors' federal tax identification numbers are: MV Realty, PBC LLC (6755), MV Realty Holdings, LLC (3483), MV Receivables II, LLC (9368), MV Receivables III, LLC (6793), MV Realty PBC, LLC (Pennsylvania) (7301), MV Realty of South Carolina, LLC (7322), MV Realty of North Carolina, LLC (3258), MV of Massachusetts, LLC (0864), MV Realty of Illinois, LLC (8814), MV Realty of Arizona, LLC (2725), MV Realty of Connecticut, LLC (8646), MV Realty PBC, LLC (Georgia) (6796), MV Realty of New Jersey, LLC (5008), MV Realty of Washington, LLC (7621), MV Realty of Maryland, LLC (9945), MV Realty of Virginia, LLC (2129), MV Realty of Tennessee, LLC (7701), MV Realty of Wisconsin, LLC (2683), MV Realty of Nevada, LLC (0799), MV Realty of Oregon, LLC (3046), MV Realty of Utah, LLC (4543), MV Realty of Minnesota, LLC (1678), MV Realty of Indiana, LLC (3566), MV Realty of Missouri, LLC (6503), MV Homes of New York, LLC (2727), MV Realty of Idaho, LLC (8185), MV Realty of Alabama, LLC (6462), MV Realty of Colorado, LLC (1176), MV Realty of Oklahoma, LLC (8174), MV Realty of Louisiana, LLC (3120), MV Realty of Kansas, LLC (2304), MV Realty of Kentucky, LLC (2302), MV Realty of California (7499), MV Realty of Texas, LLC (7182), MV Realty of Michigan, LLC (5280), and MV Realty of Ohio, LLC (0728).

THIS CAUSE came before the Court on February 21, 2024 at 1:30 p.m. upon the scheduled hearing (the “Hearing”) on (i) the *Amended Application of Official Committee of Home Benefits Agreement Holders for Entry of Order Authorizing and Approving the Retention and Employment of Kroll Associates, Inc. as Forensic Accountants Effective as of January 9, 2024* [ECF No. 772] (the “Application”),² in which the Committee requested an order authorizing and approving the retention and employment of Kroll Associates, Inc. (“Kroll”), as forensic accountants effective as of January 9, 2024, pursuant to sections 1102 and 1103(a) of the Bankruptcy Code, Bankruptcy Rule 2014, and Local Rule 2014-1; (ii) the *Debtors’ Response to Amended Application of Official Committee of Home Benefits Agreement Holders for Entry of Order Authorizing and Approving the Retention and Employment of Kroll Associates, Inc. as Forensic Accountants Effective as of January 9, 2024* [ECF No. 865] (the “Response”); and (iii) *Monroe Capital’s Joinder in Debtors’ Response to Amended Application of Official Committee of Home Benefits Agreement Holders for Entry of Order Authorizing and Approving the Retention and Employment of Kroll Associates, Inc. as Forensic Accountants Effective as of January 9, 2024* [ECF No. 868] (the “Joinder”; and together with the Response, the “Limited Objections”). Upon consideration of the Application, the Parizek Declaration in support of this Application and the Limited Objections; and the Court having jurisdiction to consider the Application and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Application and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and sufficient notice of the Application and the relief requested therein having been provided; and it appearing that no other or further notice need be provided; and upon the record of any

² Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Application.

hearing on the Application before this Court; and the Court having found that Kroll does not hold or represent any adverse interest in connection with this Case, as required by section 1103 of the Bankruptcy Code; and upon all of the proceedings had before this Court; and for the reasons announced on the entire record of the Hearing, it is **HEREBY ORDERED THAT:**

1. The Application is GRANTED as set forth herein.
2. The Limited Objections are sustained as provided herein.
3. The Committee is authorized to retain and employ Kroll as forensic accountants, effective as of January 9, 2024, on the terms set forth in the Application, the Engagement Letter, the Parizek Declaration, and this Order, except as otherwise modified or provided on the record of the Hearing and subject further to the terms and conditions of the *Final Order Authorizing Use of Cash Collateral and Setting Final Hearing* [ECF No. 142] (“ECF 142”), and the *Order Authorizing Continued Use of Cash Collateral* [ECF No. 613] (“ECF 613” and, together with ECF 142, the “Cash Collateral Order”).
4. Kroll is authorized to act as forensic accountants to the Committee and to perform those services described in the Application, except as otherwise modified or provided on the record of the Hearing and subject to the terms and conditions of the Cash Collateral Order.
5. Kroll shall maintain detailed, contemporaneous records of time expended and expenses incurred in connection with rendering forensic accounting services to the Committee.
6. Subject to Carveouts, as defined in paragraph 5 of the *Final Order Authorizing Use of Cash Collateral and Setting Final Hearing* [ECF No. 142], Kroll shall apply for compensation for professional services rendered and reimbursement of reasonable and necessary expenses incurred in connection with this Case in compliance with sections 330 and 331 of the Bankruptcy Code, Bankruptcy Rule 2016, Local Rule 2016-1, this Court’s *Order Granting Debtors’ Motion*

for Entry of Order Authorizing and Establishing Monthly Compensation Procedures for Professionals (“the Fee Order”) [ECF No. 251], and any other applicable procedures and orders of this Court.

7. Notwithstanding anything to the contrary in the Application or the Parizek Declaration, Kroll shall not be entitled to reimbursement for fees and expenses in connection with any objection to its fees without further order of the Court.

8. Kroll will review its files periodically during the pendency of this Case to ensure that no conflicts or other disqualifying circumstances exist or arise. If any new relevant relationships or connections are discovered or arise, Kroll will promptly file a supplemental declaration.

9. The Committee and Kroll are authorized and empowered to take all actions each of them deems necessary and appropriate to effectuate the relief granted in this Order.

10. To the extent that there may be any inconsistency between the terms of the Application, the Parizek Declaration, the Engagement Letter, and this Order, the terms of this Order shall govern.

11. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

12. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the interpretation, implementation, and enforcement of this Order.

###

Respectfully submitted,

/s/Benjamin Waisbren
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*Counsel to the Official Committee of Home
Benefits Agreement Holders*

Copies to: Benjamin Waisbren, who is directed to serve a copy of this Order upon all non-registered users or registered users who have yet to appear electronically in this case and file a conforming certificate of service.