

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

IN RE: : CHAPTER 11
:
MV REALTY PBC, LLC. : CASE NO. 23-17590-EPK
: (Jointly Administered)
Debtor. :

**UNITED STATES TRUSTEE'S RESPONSE TO THE ORDER REGARDING
PROPOSED NOTICE TO HOMEOWNER BENEFIT AGREEMENT PARTIES AND
REQUEST FOR INPUT**

COMES NOW the United States Trustee for Region 21, in furtherance of the administrative responsibilities imposed pursuant to 28 U.S.C. §586(a) respectfully files this response to the Court's Order Regarding Proposed Notice To Homeowner Benefit Agreement Parties and Request for Input ("Proposed Notice," ECF #1244). The United States Trustee states as follows:

1. Debtors commenced 36 cases under Chapter 11 of the Bankruptcy Code on September 22, 2023. By order entered September 25, 2023, these cases were jointly administered.
2. As this Court is aware, the Debtors' pre-petition operations related to the marketing and entering into Homeowner Benefit Agreements ("HBA's"). The HBAs created a relationship between the Debtors and the homeowner in which the homeowner is obligated to utilize the service of the Debtors to market and sell the homeowner's real property. The agreement extends 40 years.
3. In return for entering into an HBA, the homeowner received payment in the approximate amount of .3% of the value of the home at the time of the signing of the HBA.
4. Generally, to the extent the homeowner does not utilize the Debtors' services or

desires to terminate the HBA, the homeowner will be required to pay damages in an amount equal to the realtor's fee for the sale of the home or 3% of the sales price.

5. The HBA caused the Debtors to file either a Memorandum or lien on the property in the county property records in where the home is located, such that the property is encumbered by the HBA.

6. Several hearings have been held related to the United States Trustee's Motion to Dismiss or Convert at which a number of homeowners appeared. A majority of those homeowners that appeared at the hearings did not understand why they received the notice(s) of hearing, whether they needed to appear at the hearings and/or what effect the bankruptcy cases had on them or their homes.

7. On April 19, 2024, the Court entered its order asking for input on the Proposed Notice to be served on all HBA parties and conspicuously posted on the Epiq website for the jointly administered cases.

8. With respect to the Proposed Notice, the United States Trustee suggests that the following language or similar language be either added to the end of the second paragraph or set off in a separate paragraph:

If you receive a notice of a hearing that does not contain a Zoom video or other link, this means that the Court will only entertain in person appearances and will not allow parties to attend such hearing remotely via Zoom or other remote means. You are welcome to attend such hearings in person. You are not required to attend any such hearings in person unless you receive a Summons, Subpoena or order directing you by name to appear in person.

WHEREFORE, the United States Trustee respectfully asks the Court to add the above language to the Proposed Notice and granting any other or further relief it deems just and proper.

MARY IDA TOWNSON
United States Trustee

_____/s/_____
HEIDI A. FEINMAN
Assistant United States Trustee
Florida Bar No. 0879460

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **UNITED STATES TRUSTEE'S RESPONSE TO THE ORDER REGARDING PROPOSED NOTICE TO HOMEOWNER BENEFIT AGREEMENT PARTIES AND REQUEST FOR INPUT** was electronically filed with the Court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system and sent via U.S. Mail, First Class to the following parties:

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I hereby certify that I am admitted to the Bar of the United States District Court for the Southern District of Florida and the I am in compliance with the additional qualifications to practice in this court as set forth in Local Rule 2090-1(A).

DONE this the 30th day of April, 2024.

/s/
HEIDI A. FEINMAN
Assistant United States Trustee