

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In Re:

CASE NO.: 22-13009-EPK  
Chapter 7

**BERNSTEIN FAMILY REALTY LLC,**

**Debtor.**

/

**TRUSTEE'S REQUEST TO DELAY ENTRY OF ORDER OF DISMISSAL**

Michael R. Bakst, Trustee in Bankruptcy for Bernstein Family Realty, LLC, hereby files this his Trustee's Request to Delay Entry of Order of Dismissal ("Motion"), and states:

1. This case began as an involuntary Chapter 11 petition filed on April 19, 2022 [ECF #1] with an order for relief being entered on May 23, 2022 [ECF #10].

2. On June 10, 2022 the Court entered an Order Converting Case Under Chapter 11 to Case Under Chapter 7 [ECF #29] ("Order Converting Case") which sets certain filing deadlines by the Debtor. Such deadlines were June 24, 2022.

3. As of the time of the filing of this Motion, no court filings of the Debtor have been accepted by the Clerk of Court. The Trustee has received and been copied on emails from Eliot Bernstein attempting to file certain court filings with the Court, which have all been rejected pursuant to Administrative Order 2022-05. The proposed filings, even if accepted by the Clerk of Court, would not satisfy the filing requirements contained within the Order Converting Case.

4. The Trustee is filing this Motion asking the Court to not yet automatically dismiss this case until petitioning creditors and any other creditors can have an opportunity to come forward at a hearing on this Motion to present the Court with any reason for why this case should not be dismissed, particularly in light of the facts of the instant case. Specifically, there is not yet any person identified with the Florida Secretary of State as a manager of the Debtor,

notwithstanding Eliot Bernstein communicating with the Trustee as "Acting Manager". Additionally, the identity of the person or persons that would have the authority to comply with the required court deadlines or even testify at a first meeting of creditors, which is currently scheduled for July 6, 2022 at 3:00 p.m., is unknown.

5. The Trustee is attaching a proposed "Creditor Matrix" which Eliot Bernstein attempted to file with the Court through an emergency email, which has been rejected. The Trustee is sending a copy of this Motion on all such purported creditors in an abundance of caution and so as to make every effort to provide them with notice and an opportunity to be heard.

**WHEREFORE**, Michael R. Bakst, Trustee in Bankruptcy for Bernstein Family Realty, LLC respectfully requests that the Court delay the entry of an order of dismissal that would normally be entered automatically based upon the failure of the Debtor to comply with the Order Converting Case until this matter can be heard before the Court so that the petitioning creditors and any other creditors would have an opportunity to come forward at a hearing on this motion to present the Court with any reason for why this case should not be dismissed, plus that the Court grant such other and further relief as it deems just and proper.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by via the attached service list, on this the 27<sup>th</sup> day of June, 2022.

MICHAEL R. BAKST, TRUSTEE

/s/ Michael R. Bakst  
MICHAEL R. BAKST, TRUSTEE  
P.O. Box 407  
West Palm Beach FL 33402  
Telephone: (561) 838-4539  
Email: [baksttrustee@gmlaw.com](mailto:baksttrustee@gmlaw.com)

## Electronic Mail Notice List

- Michael R Bakst [efilemrb@gmlaw.com](mailto:efilemrb@gmlaw.com), [ecf.alert+Bakst@titlexi.com](mailto:ecf.alert+Bakst@titlexi.com); [efileu1084@gmlaw.com](mailto:efileu1084@gmlaw.com); [efileu1086@gmlaw.com](mailto:efileu1086@gmlaw.com); [efileu386@gmlaw.com](mailto:efileu386@gmlaw.com); [efileu1857@gmlaw.com](mailto:efileu1857@gmlaw.com); [efileu3163@gmlaw.com](mailto:efileu3163@gmlaw.com); [efileu3214@gmlaw.com](mailto:efileu3214@gmlaw.com)
- Patrick R Dorsey [pdorsey@slp.law](mailto:pdorsey@slp.law), [dwoodall@slp.law](mailto:dwoodall@slp.law); [pmouton@slp.law](mailto:pmouton@slp.law); [pdorsey@ecf.courtdrive.com](mailto:pdorsey@ecf.courtdrive.com)
- Heidi A Feinman [Heidi.A.Feinman@usdoj.gov](mailto:Heidi.A.Feinman@usdoj.gov)
- Office of the US Trustee [USTPRegion21.MM.ECF@usdoj.gov](mailto:USTPRegion21.MM.ECF@usdoj.gov)
- Alan B Rose [arose@mrachek-law.com](mailto:arose@mrachek-law.com), [mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)
- Bradley S Shraiberg [bss@slp.law](mailto:bss@slp.law), [dwoodall@slp.law](mailto:dwoodall@slp.law); [dwoodall@ecf.courtdrive.com](mailto:dwoodall@ecf.courtdrive.com); [pmouton@slp.law](mailto:pmouton@slp.law)

## Manual Notice List

Daniel Bernstein  
2753 NW 34th Street  
Boca Raton, FL 33434

Jacob Bernstein  
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Joshua Bernstein  
2753 NW 34th Street  
Boca Raton, FL 33434

Bernstein Family Realty, LLC  
2753 NW 34th Street  
Boca Raton, FL 33434

Entities listed on “Creditor Matrix” which has not been filed with the Court and which the Trustee is specifically not filing separately with the Court as an official creditor matrix.

CREDITOR MATRIX

The Estate of Walter Sahm and/or PR of Walter Sahm,  
Address Unknown,  
Phone Unknown

Patricia Sahm,  
8230 SE 177 Winterthur Loop, The Villages,  
FL, 32162-4880

Robert Sweetapple, Esq. - Attorney,  
4800 N Federal Hwy d306,  
Boca Raton, FL 33431

Sweetapple Broeker & Varkas,  
4800 N Federal  
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Florida Power & Light,  
CUA/LFO P.O. Box 029311,  
Miami, FL 33102

City of Boca Raton,  
201 W Palmetto Park Road Suite 152  
Boca Raton, FL 33432

Florida Property Tax,  
P.O. Box 3353,  
West Palm Beach, FL 33402-3353

IRS

Massey Clark Fischer Inc,  
400 Executive Center Dr STE 205,  
West Palm Beach, FL 33401

St. Andrew's School,  
3900 Jog Rd,  
Boca Raton, FL 33434

Aquatic Isles Pool Services,  
100 NW 4th St,  
Boca Raton, FL 33432

C M Lawn Service,  
300 NW 22nd St,  
Boca Raton, FL 33431

Providence Health Services,  
Address Unknown

Blue Cross Health Insurance,  
888.630.2583, 225 North Michigan Ave.  
Chicago, IL 60601

Tripp Scott,

110 SE 6th St 15th floor,  
Fort Lauderdale, FL 33301

Candice Bernstein,  
2753 NW 34th St.,  
Boca Raton, FL 33434

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2753 NW 34th St.,  
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Daniel Bernstein,  
2753 NW 34th St.,  
Boca Raton, FL 33434

Peter S. Wohlgemuth DMD, PA,  
8903 Glades Rd,  
Boca Raton, FL 33434

The Chartis Group,  
560 Harrison Avenue, Suite 501,  
Boston, MA 02118

Mr. Electric of Delray Beach and Boca Raton,  
1120 Holland Dr Ste 11,  
Boca Raton, FL 33487

Kool Ray Air Conditioning, Inc.,  
1717 SW 1st Way #14,  
Deerfield Beach, FL 33441

State Farm,  
Phone Unknown,  
Address Unknown