

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

In re:

NEWFLORIDA PROPERTIES CORP.,

Case No. 02-10105-BKC-AJC

Debtor.

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Chapter 11

**ORDER GRANTING *ORE TENUS* MOTION BY DEBTOR TO SCHEDULE  
EXPEDITED HEARING ON APPROVAL OF DEBTOR'S SECOND  
AMENDED DISCLOSURE STATEMENT AND TO SHORTEN  
TIME FOR HEARING ON CONFIRMATION OF DEBTOR'S  
SECOND AMENDED PLAN AND RELATED DEADLINES**

**THIS CAUSE** came before the Court on October 7, 2003, upon the *ore tenus* motion by Debtor, NewFlorida Properties Corp., to schedule an expedited hearing on approval of a second amended disclosure statement and to shorten the time for the hearing on confirmation of the second amended plan and related deadlines.

The Court finds it remarkable that this case is now on a fast track and the Debtor is anxious, indeed scrambling, to shorten the normal time requirements to bring this case to hearing on approval of the second amended disclosure statement and confirmation of the second amended plan.

The Court notes that this twin tower forty story project began pre-sales in 1993 and began construction in 1995. After dragging their feet for more than a decade it appears the project is nearing completion. When counsel for Debtor in Possession advised the Court that financing had been obtained and a plan would be filed in September (give or take a couple of days) the Court promised if that happened the Court would sing a version of "September Song", in open court. It happened, and the Court, fulfilling its promise, sang the following to all assembled in open court on September 17, 2003:



The Blue and the Green  
(September Song)



*It's a long, long time from May to December,  
And the days grow short when you reach September,  
And the creditors are ready to put the developer to the flame,  
And David Softness's client hasn't got time for the waiting game,  
And the apartments dwindle down to a precious few,  
And Tom Lehman finally found an extra buck or two,  
And these precious days I'll spend with you,  
These blue and green days I'll spend with you.  
When this project started 11 years ago it was greeted with song and rhyme,  
It was to be swiftly built and all the units bought,  
But when you examine what was actually wrought,  
They had little to offer but the songs that they sang,  
And a plentiful waste of time of day, a plentiful waste of time.*

Clearly, the lyrics sum it all up.

The Court, having considered the Debtor's *ore tenus* motion and comments from the Creditors' Committee and other interested parties regarding the relief requested by the Debtor, finding that "cause" has been demonstrated warranting the relief set forth below for the reasons announced on the record and being otherwise duly advised in the premises,

**ORDERS** that the *ore tenus* motion is GRANTED as follows:

1. By October 15, 2003, the Debtor shall file and serve upon all creditors and interested parties, a second amended disclosure statement and a copy of this Order.
2. Objections to the second amended disclosure statement must be filed and received by counsel for the Debtor by October 27, 2003.
3. **The hearing to approve the Debtor's Second Amended Disclosure Statement is scheduled for October 29, 2003 at 2:30 p.m. before the undersigned Judge at Claude Pepper Federal Bldg., 51 S.W. 1<sup>st</sup> Avenue, Miami, Florida, Courtroom 1410.**
4. **The hearing on confirmation of the Debtor's Second Amended Plan and Final**

**Fee Applications is scheduled for November 25, 2003 at 2:00 p.m. before the undersigned Judge at Claude Pepper Federal Bldg., 51 S.W. 1<sup>st</sup> Avenue, Miami, Florida, Courtroom 1410.**

5. Proponent's deadline for serving the Order approving the Debtor's second amended disclosure statement, the Debtor's second amended disclosure statement, the Debtor's second amended plan and ballots is October 31, 2003.
6. The deadline for filing final fee applications is November 18, 2003.
7. The deadline for serving notice of final fee applications is November 18, 2003.
8. The deadline for filing objections to confirmation is November 18, 2003.
9. The deadline for filing ballots accepting or rejecting the Plan is November 18, 2003.
10. The deadline for filing the proponent's report and confirmation affidavit is November 20, 2003.
11. The deadline for filing objections to claims is January 29, 2004.

**ORDERED** in the Southern District of Florida on this 9th day of October, 2003.

A. JAY CRISTOL  
United States Bankruptcy Judge