

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

In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
a Delaware limited partnership, *et al.*,

Case No. 09-36379-BKC-EPK

Jointly Administered

Debtors.

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**AGREED EXPARTE MOTION FOR ABATEMENT OF PALM BEACH FINANCE II,  
L.P. LIQUIDATING TRUST MONITOR'S ROLE, PENDING THE APPROVAL OF  
SETTLEMENTS INVOLVING THE TRUST MONITOR**

Pursuant to Local Rule 9013-1(C)(1), Geoffrey Varga, the Palm Beach Finance II, L.P. Liquidating Trust Monitor (“Trust Monitor”) files this *ex parte* motion, upon consent by Barry Mukamal as Liquidating Trustee (“PBF Liquidating Trustee”) for the abatement of the Trust Monitor’s role, pending approval of settlements involving the Trust Monitor. As grounds in support of the relief requested, the Trust Monitor states as follows:

Pursuant to a Plan confirmed by the Court on October 21, 2010, Liquidation Trust Agreements established Liquidating Trusts for each of the Debtors’ estates. The Liquidation Trust Agreement for Palm Beach Finance II, L.P., which established the Palm Beach Finance II, L.P. Liquidating Trust, appointed Mr. Varga as the Trust Monitor for Palm Beach Finance II, L.P.

As previewed for the Court in the Liquidating Trustee’s Notice of Withdrawal of Trustee’s Motion For Authority to Enter Into Agreement With Douglas Kelley, as Liquidating Trustee For The PCI Liquidating Trust [ECF No. 3533], there are two settlements in principle of disputes that arose involving parties including the PBF Liquidating Trustee and Mr. Varga in these bankruptcy cases (the “PBF/Offshore Settlement”) and Mr. Varga and Douglas Kelley, as Liquidating Trustee for the PCI Liquidating Trust (“PCI Liquidating Trust”) in connection with jointly administered

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bankruptcy cases pending in the Bankruptcy Court for the District of Minnesota for Petters Company, Inc. and affiliates (“PCI/Offshore Settlement”).

While formal settlement agreements are anticipated to be finalized and signed within days, it will take some time before this Court and the Minnesota bankruptcy court approve the PBF/Offshore Settlement and the PCI/Offshore Settlement, respectively, at hearings upon notice. As one of the terms of the PBF/Offshore Settlement requires that Mr. Varga resign as Trust Monitor (there will not be a replacement of the Trust Monitor in these cases), this agreed motion is filed in order to abate Mr. Varga’s role as Trust Monitor, pending approval by this Court of the PBF/Offshore Settlement and pending approval by the Minnesota bankruptcy court of the PCI/Offshore Settlement.

The abatement of Mr. Varga’s role as Trust Monitor in these cases means that his duties and obligations as Trust Monitor, as well as the PBF Liquidating Trustee’s obligation to consult and obtain agreement from Mr. Varga as Trust Monitor, will cease during the interim period until this Court and the Minnesota Bankruptcy Court approve the agreements. In the interim period prior to said Court approvals, all rights and claims by the PBF Liquidating Trustee and the Trust Monitor are preserved.

**WHEREFORE**, for the reasons stated herein, the Trust Monitor respectfully requests, upon consent of the PBF Liquidating Trustee, that the Court abate his role as Trust Monitor as set forth herein, by entering the proposed order accompanying this motion.

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Respectfully submitted,

**LEVINE KELLOGG LEHMAN  
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By /s/ Robin J. Rubens

ROBIN J. RUBENS  
Florida Bar No. 959413

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served on October 11, 2018 via the Court's CM/ECF filing system to all recipients registered to receive notices of electronic filings generated by CM/ECF for these cases.

/s/ Robin J. Rubens

Robin J. Rubens