

In re:

ASSIGNMENT FOR BENEFIT OF  
CREDITORS OF:

PROPER BSD, LLC, a Colorado limited  
liability company

Assignor,

To:

NIR GAVRA,

Assignee

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN AND  
FOR MIAMI-DADE COUNTY, FLORIDA

Case No. 2023-018976-CA-01  
Division: CA44

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**MOTION TO SET AMOUNT OF ASSIGNEE'S BOND**

Assignee, Nir Gavra (the "Assignee"), files this Motion to Set the Amount of the Assignee's Bond and states:

1. On June 21, 2023, an assignment for the benefit of creditors was duly executed by the Assignor, Proper BSD, LLC, assigning all of its assets to the Assignee under Chapter 727 of the Florida Statutes.
2. On June 27, 2023, (the "Petition Date"), a Petition was filed with the Clerk of this Court commencing this assignment for the benefit of creditors proceeding.
3. Prior to commencing the assignment, the Assignor's business consisted of holding direct or indirect interests in limited liability companies which owned and managed real estate projects throughout Florida. The Assignee intends to liquidate these interests for the benefit of creditors as contemplated by Section 727 of the Florida Statutes.
4. F.S. §727.104 requires that the Assignee obtain a bond made payable to the Clerk of the Court "in an amount not less than \$25,000 or double the liquidation value of the unencumbered and liquid assets of the estate as set forth in Schedule B, whichever is higher."

5. Schedule B of the Assignor's assignment schedules lists the total value of the Assignor's assets as \$189,834.24. The Assignor requests the Court set the Assignee's bond at \$379,668.48, which represents double this value.

6. A copy of this Motion and the associated notice of hearing will be served on all creditors.

WHEREFORE, the Assignee requests that the Court enter an order setting the amount of the Assignee's bond at \$379,668.48, and granting such further relief as is deemed just and proper.

Dated: July 6, 2023

**HOFFMAN, LARIN & AGNETTI, P.A.**

Proposed Counsel for the Assignee

909 North Miami Beach Boulevard, Suite 201

North Miami Beach, Florida 33162

Telephone: 305.653.5555

Facsimile: 305.940.0090

Email: [mshoffman@hlalaw.com](mailto:mshoffman@hlalaw.com)

By: /s/ Michael S. Hoffman

**MICHAEL S. HOFFMAN**

Florida Bar No. 41164

In re:

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Assignee

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**MOTION TO (A) APPROVE EMPLOYMENT OF PROFESSIONALS; AND  
(B) SET RATE OF COMPENSATION OF ASSIGNEE**

Assignee, Nir Gavra (the "Assignee"), files this Motion to (a) Approve Employment of Professional; and (b) Set Rate of Compensation of Assignee, and states:

1. On June 21, 2023, an assignment for the benefit of creditors was duly executed by the Assignor, Proper BSD, LLC, assigning all of its assets to the Assignee under Chapter 727 of the Florida Statutes.
2. On June 27, 2023, (the "Petition Date"), a Petition was filed with the Clerk of this Court commencing this assignment for the benefit of creditors proceeding.
3. F.S. §727.108(7) requires that the Assignee "to the extent necessary, employ at the expense of the estate one or more appraisers, auctioneers, accountants, attorneys, or other professional persons, to assist the Assignee carrying out his or her duties under this chapter.
4. Prior to commencing the assignment, the Assignor's business consisted of holding direct or indirect interests in limited liability companies which owned and managed real estate projects throughout Florida. The Assignee intends to liquidate these interests for the benefit of



creditors as contemplated by Section 727 of the Florida Statutes.

### *Employment of Counsel*

5. It is necessary for Assignee to employ counsel for representation and to perform ordinary and necessary legal services in this case, including, without limitation:

- a. To give legal advice with respect to the Assignee's duties and powers;
- b. To prepare on behalf of the Assignee the necessary motions, notices, pleadings, petitions, answers, orders, and other legal papers; and
- c. To perform all other legal services for Assignee which may be deemed necessary and proper in this case.

6. The Assignee seeks authority to employ Michael S. Hoffman, Esq. and the law firm of Hoffman, Larin & Agnetti, P.A. ("HLA") as his counsel in this case. Mr. Hoffman and all attorneys at HLA are authorized to practice before this Court.

7. Mr. Hoffman is a partner at HLA and is the head of the firm's bankruptcy and insolvency practice. The Assignee has selected Mr. Hoffman and HLA as his counsel because of their experience and skill in handling matters of this nature, including the prior successful representation of assignees in assignment for the benefit of creditors proceedings. The Assignee believes that Mr. Hoffman and HLA are well qualified to represent him in these proceedings.

8. HLA will charge for their services on an hourly basis and will maintain records of time expended representing the Assignee and any actual and necessary expenses incurred in connection with the rendering of legal services described above. The hourly rates are set at a level designed to compensate HLA fairly for the work of its attorneys and to cover fixed and routine overhead expenses. Hourly rates vary with the experience and seniority of the individuals assigned. These hourly rates are subject to periodic adjustments to reflect economic and other conditions and

are consistent with the rates charged elsewhere. In particular, HLA's current hourly rates for matters related to these proceedings are as follows:

a. Michael S. Hoffman, Esq: \$480.00

b. Jose Carlos Gonzalez, Esq.: \$350.00

***Employment of Financial Advisor***

9. The Assignor holds direct and/or indirect interests in several real estate projects. The Assignee believes that retention of a financial advisory firm is in the best interest of the estate. The tasks of the firm will be to assist the Assignee in his review of the financial affairs of the Assignor, provide litigation and administrative support, and assist the Assignee with such other management and advisory services as are necessary from time to time.

10. The Assignee seeks authority to retain Daniel Stermer and Development Specialists, Inc. ("DSI") as financial advisor to the estate. DSI is an excellent management and financial advisory firm and both Mr. Stermer and DSI have substantial experience in complicated insolvency proceedings. DSI will charge for services at the firm's standard hourly rates, which are subject to periodic adjustment. Mr. Stermer's hourly rate is currently \$540 an hour.

***Compensation of the Assignee***

11. F.S. §727.109(8), the Court has authority to approve reasonable fees and expenses for the Assignee and his professional persons. The statute does not provide a formula for determining the rate of compensation.

12. The Assignee proposes that he be compensated according to the following formula: fees at the hourly rate of \$150.00 plus 3.5% of total receipts in this case. The Assignee asserts that this is below the usual and customary rate for compensation of assignees in Florida assignment for the benefit of creditors proceedings and is in the best interests of creditors.

13. Any interim or final requests for compensation by the Assignee or his professionals will be requested by separate motion with notice to creditors. The Assignee is only proposing the rate of compensation and retention to be approved at this time.

WHEREFORE, the Assignee requests that the Court enter an order (a) authorizing the employment of HLA as his counsel; (b) authorizing the employment of DSI as his financial advisor; (c) approving the Assignee's compensation formula; and (d) and granting such further relief as is deemed just and proper.

Dated: July 6, 2023

**HOFFMAN, LARIN & AGNETTI, P.A.**

Proposed Counsel for the Assignee

909 North Miami Beach Boulevard, Suite 201

North Miami Beach, Florida 33162

Telephone: 305.653.5555

Facsimile: 305.940.0090

Email: [mshoffman@hlalaw.com](mailto:mshoffman@hlalaw.com)

By: /s/ Michael S. Hoffman

**MICHAEL S. HOFFMAN**

Florida Bar No. 41164

In re:

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CREDITORS OF:

IN THE CIRCUIT COURT OF THE  
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Assignor,

To:

NIR GAVRA,

Case No. 2023-018976-CA-01

Division: CA44

Assignee

**PROOF OF CLAIM**

TO RECEIVE ANY DIVIDEND IN THIS PROCEEDING, YOU MUST COMPLETE THIS  
PROOF OF CLAIM AND DELIVER IT OT THE ASSIGNEE NO LATER THAN

**OCTOBER 25, 2023**

THE ASSIGNEE'S NAME AND ADDRESS ARE AS FOLLOWS:

Nir Gavra, Assignee

20900 NE 30<sup>th</sup> Avenue, Suite 514, Aventura, FL 33180

1. **CREDITOR NAME (Your name):**  
**ADDRESS:**

**TELEPHONE NUMBER:**

**E-MAIL ADDRESS:**

*Please be sure to notify us if you have a change of address.*

2. **BASIS FOR CLAIM:**

☐ Goods Sold ☐ Wages, Salaries and Compensations

☐ Secured Creditor (Collateral: \_\_\_\_\_)

☐ Services Performed ☐ Taxes

☐ Money Loaned ☐ Customer Deposit

☐ Shareholder ☐ Other: \_\_\_\_\_



3. **DATE DEBT WAS INCURRED:** \_\_\_\_\_

4. **AMOUNT OF CLAIM:** \_\_\_\_\_

5. **SUPPORTING DOCUMENTS:** Attach copies of supporting documents, such as promissory notes, purchase order, invoices, itemized statement of running accounts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.

6. **SIGNATURE:** Sign and print name and title, if any, of the creditor or other person authorized to file this claim:

DATED: \_\_\_\_\_

BY: \_\_\_\_\_

Signature of Claimant or Representative

\_\_\_\_\_  
Print Name and Title Here



Suite 514, Aventura, FL 33180 (120 days from the date of the filing of this petition).

Dated: July 6, 2023.

**HOFFMAN, LARIN & AGNETTI, P.A.**

Proposed Counsel for the Assignee

909 North Miami Beach Boulevard, Suite 201

North Miami Beach, Florida 33162

Telephone: 305.653.5555

Facsimile: 305.940.0090

Email: [mshoffman@hlalaw.com](mailto:mshoffman@hlalaw.com)

By: /s/ Michael S. Hoffman

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Case No. 2023-018976-CA-01

Division: CA44

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**MOTION TO SET NOTICE PROCEDURES**

Assignee, Nir Gavra (the "Assignee"), files this Motion to Set Notice Procedures and states:

1. On June 21, 2023, an assignment for the benefit of creditors was duly executed by the Assignor, Proper BSD, LLC, assigning all of its assets to the Assignee under Chapter 727 of the Florida Statutes.
2. On June 27, 2023, (the "Petition Date"), a Petition was filed with the Clerk of this Court commencing this assignment for the benefit of creditors proceeding.
3. Prior to commencing the assignment, the Assignor's business consisted of holding direct or indirect interests in limited liability companies which owned and managed real estate projects throughout Florida. The Assignee intends to liquidate these interests for the benefit of creditors as contemplated by Section 727 of the Florida Statutes.
4. The schedules delivered by the Assignor to the Assignee reflect over 150 creditors, the majority of which reside in Israel.
5. By this Motion, the Assignee requests the Court set notice procedures for service

to the creditor body. The cost of mailing notice of all filings to all Israeli creditors would be enormous and would drain the resources of the estate.

6. The Assignee proposes that he be permitted to provide notice to (a) all creditors and interested parties with addresses within the United States of; (b) any creditor that files a notice of appearance in the assignment case; (c) any creditor that emails the Assignor's counsel to specifically request service; and (d) any creditor known by the Assignee to have a particularized interest in the subject to the document to be served.

7. Additionally, the Assignee proposes that he be authorized to create and maintain a publicly available website to post all case filings and other relevant updates to creditors. The Assignee will serve notice of the website address on all creditors.

8. Finally, to ensure that the Israeli creditors are provided adequate notice, the Assignee proposes that he translate critical case documents into Hebrew including the Notice of Assignment, the Proof of Claim form, and any proposed distributions and provide notice through mail or through the Assignee's website, as appropriate.

9. Fla. Stat. § 727.109(15) grants the Court broad authority to "[e]xercise any other powers that are necessary to enforce or carry out the provisions of this chapter." Fla. Stat. § 727.101 states that the intent of the assignment for the benefit of creditors statute is to "provide a uniform procedure for the administration of insolvent estates, and to ensure full reporting to creditors and equal distribution of assets according to priorities as established under this chapter."

10. The proposed notice of procures outlined herein will ensure that the estate remains solvent and is able to make the largest possible distribution to creditors.

WHEREFORE, the Assignee requests that the Court enter an order setting notice procedures as set forth above and granting such further relief as is deemed just and proper.

Dated: July 6, 2023

**HOFFMAN, LARIN & AGNETTI, P.A.**

Proposed Counsel for the Assignee

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Telephone: 305.653.5555

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Division: CA44

**NOTICE OF HEARING**  
*(Motion Calendar)*

PLEASE TAKE NOTICE THAT on **July 26, 2023 at 9:00 a.m.**, or as soon thereafter as counsel can be heard, the undersigned will appear via ZOOM to be heard on the following motions before Honorable Lisa Walsh of the above styled court.

**Motion to Approve Employment of Professionals and Set Assignee's Compensation  
(D.E. #7)**

**Motion to Set the Amount of the Assignee's Bond (D.E. #8)**

**Motion to Set Notice Procedures (D.E. #9)**

**Join Zoom Meeting:** <https://zoom.us/j/5374476802>

**Dial in Number** 786-635-1003

**HOFFMAN, LARIN & AGNETTI, P.A.**

Proposed Counsel for the Assignee

909 North Miami Beach Boulevard, Suite 201

North Miami Beach, Florida 33162

Telephone: 305.653.5555

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By: /s/ Michael S. Hoffman

**MICHAEL S. HOFFMAN**

Florida Bar No. 41164

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Case No. 2023-018976-CA-01  
Division: CA44

Assignee

**NOTICE OF ASSIGNOR EXAMINATION**

PLEASE TAKE NOTICE that the Assignee, Nir Gavra, by and through his undersigned attorney, will take the examination, under oath, of the representative of Assignor Proper BSD, LLC, by and through the person(s) with the most knowledge concerning the acts, conduct, assets, liabilities, and financial condition of the Assignor, or any matter relating to Assignee's administration of the estate, pursuant to Fla. Stat. § 727.108. The time, date and location of the examination are as follows:

**DATE:** July 28, 2023

**TIME:** 9:00 a.m.

**LOCATION:** Via videoconference.

**ANY PARTY INTERESTED IN ATTENDING THE ASSIGNOR EXAMINATION SHALL EMAIL ASSIGNEE'S COUNSEL'S OFFICE AT [Cthornton@hlalaw.com](mailto:Cthornton@hlalaw.com) BY JULY 25, 2023 TO OBTAIN A VIDEO CONFERENCE LINK.**

upon oral examination before a0 Notary Public or officer authorized by law to take depositions in the State of Florida. The oral examination will continue from day to day until completed. The examination is being taken for the purpose of discovery, for use in evidentiary proceedings, or are being taken for such other purposes as are permitted under applicable rules.