UNITED STATES BANKRPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
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In re:	Chapter 11
In re: DAYMARK REALTY ADVISORS, INC., In re: DAYMARK PROPERTIES REALTY, INC., In re: DAYMARK RESIDENTIAL MANAGEMENT, INC.	Case No. 18-23750-RBR Case No. 18-23751-RBR Case No. 18-23752-RBR (substantively consolidated)
Debtors. _____/	

DEBTORS' EXIGENT MOTION FOR ENTRY OF AN ORDER: (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF PLAN; (III) SETTING HEARING ON FEE APPLICATIONS; (IV) SETTING VARIOUS DEADLINES; AND (V) GRANTING RELATED RELIEF

[*Exigent hearing requested on or before February 8, 2019, to facilitate confirmation schedule proposed herein*]

Substantively consolidated debtors Daymark Properties Reality, Inc., Daymark Residential Management, Inc., and Daymark Realty Advisors, Inc. (collectively the, "Debtors"), in the above referenced bankruptcy case, by and through undersigned counsel, pursuant to 11 U.S.C. § 105(d)(2)(B)(vi) and Local Rule 3017-1 file the instant motion (the "Motion") seeking entry of an order (the "Interim Approval and Procedures Order") (i) approving the Joint Disclosure Statement filed on January 2, 2019 (ECF No. 71) (including all exhibits and amendments thereto, the "Disclosure Statement") on an interim basis; (ii) scheduling a combined hearing (the "Confirmation Hearing") to consider (a) approval of the Disclosure Statement on a final basis; and (b) confirmation of the Joint Chapter 11 Plan filed on the January 2, 2019 (ECF No.72) (including all exhibits and amendments thereto, the "Plan"); (iii) scheduling a hearing to consider fee applications; (iv) setting various deadlines; and (v) granting related relief (the "Motion"). In support of the Motion, the Debtors state as follows:

SUMMARY

Consolidating the hearings on the plan and disclosure statement will maximize efficiencies, minimize administrative costs and provide appropriate due process to all constituencies.

This case was commenced on November 4, 2018 with the intention of seeking a prompt resolution to any and all claims. To that end, Debtor filed the Disclosure Statement and Plan on the January 2, 2019. By consolidating the hearings on the Plan and Disclosure Statement, this Court will have an opportunity to consider all of the issues without the estate bearing anticipated administrative costs of multiple contested matters.

Pursuant and in accordance with pursuant to 11 U.S.C. § 105(d)(2)(B)(vi) and Rules 3017-1 & 2, Debtors seek consolidation of the hearings on the Plan and Disclosure Statement, Fee Applications and to set related deadlines.

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the Southern District of Florida (the "Court") has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference from the United States District Court for the Southern District of Florida referring all bankruptcy matters to the Court. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Court may enter a final order consistent with Article III of the United States Constitution.

2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409 as, among other things, the Debtors' sole place of business is within the jurisdiction.

3. The statutory predicates for the relief sought herein are Sections 105, 502, 1123(a), 1124, 1125, 1126, and 1128 of title 11 of Chapter 11 of the United States Code 11 U.S.C. § 101, et seq. (as amended or modified, the "Bankruptcy Code"); Rules 2002, 3003, 3016, 3017, 3018,

3020, and 9006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"); and Rules 2002-1, 3017-1 and 3017-2 of the Local Rules the United States Bankruptcy Court for the Southern District of Florida (the "Local Rules").

BACKGROUND

4. On November 4, 2018, the Debtors commenced separate Chapter 11 bankruptcy cases (ECF No. 1) (the "Petition Date"). Since that time, the Debtors have operated as a debtor-in-possession pursuant to 11 U.S.C. §§ 1107 and 1108.

5. On November 14, 2018, the Debtors filed its *Debtor's Emergency Application for Approval of Appointment of BMC Group as Claims and Noticing Agent* (ECF No. 9). On November 11, 2018, the Court appointed BMC Group ("BMC") as the approved notice agent for the jointly-administered bankruptcy cases (ECF No. 23).

6. On November 14, 2018, the Debtors filed the *Emergency Application of Debtor-in-Possession for Entry of an Interim Order Authorizing the Employment and Retention of Brett D. Lieberman and the Law Firm of Edelboim Lieberman Revah Oshinsky PLLC, as Counsel for Debtor-In-Possession Nunc Pro Tunc to November 4, 2018 and Entry of a Final Order on or after November 26, 2018* (ECF No. 8).

7. On November 11, 2018, the Court granted the employment of Edelboim Lieberman Revah Oshinsky PLLC ("ELRO") as Debtors' bankruptcy counsel on an interim basis (ECF No. 22). On January 30, 2019, this Court approved ELRO as Debtors' bankruptcy counsel on a final basis (ECF No. 89).

8. On November 14, 2018, Debtor filed its *Expedited Motion for Administrative and Substantive Consolidation of Related Chapter 11 Cases* (ECF No. 10). On November 26, 2018, the Court granted Debtors' motion to consolidate the bankruptcy cases before this Court and entered its order approving joint administration on December 10, 2018. (ECF No. 32).

9. On January 2, 2019, Debtors filed the *Joint Disclosure Statement in Support of Joint Chapter 11 Plan*, (ECF No. 71), and the Joint Chapter 11 Plan, (ECF No. 72).

10. The Debtors seek to proceed with confirmation on an expedited schedule. The Debtors believe that a joint hearing to confirm the Plan and the Disclosure Statement is in the best interest of all parties in interest and will not prejudice any party.

ARGUMENT

11. The Court has the authority to consolidate the hearings on the approval of the Disclosure Statement and the Confirmation of the Plan pursuant to 11 U.S.C. § 105(d)(2)(B)(vi).

12. In general, the Plan provides for, among other things, plan funding by the Plan Sponsors to make monies available for distribution to creditors in exchange for a bar order and injunction. Given the limited resources of the Debtors, this Plan is the only option that would provide any distribution to creditors. In accordance with the Bankruptcy Code, the Plan classifies claims and interests into three classes. The treatment of each class of claims and interest holders is described in detail in the Plan and Disclosure Statement.

13. The Debtors respectfully submit that the Disclosure Statement complies with all aspects of Bankruptcy Code Section 1125. However, by this motion, the Debtors seek only interim approval of the adequacy of the Disclosure Statement. At the Confirmation Hearing, the Debtors will seek final approval of the adequacy of the Disclosure Statement (as well as confirmation of the Plan).

I. Interim Approval and Procedures Order

14. Through this Motion, the Debtors seek to establish, subject to the Court's availability, the following dates and deadlines through the Interim Approval and Procedures Order (the "Confirmation Schedule"):

Proposed Timetable

Event	Date
Deadline to Serve Notice and Solicitation Package	February 8, 2019 (or within 2 days following the entry of the Interim Approval and Procedures Order)
Deadline to file Plan and Disclosure Statement Supplements	February 18, 2019 (or 28 days prior to the Confirmation Hearing.
Voting Deadline	March 15, 2019 (or 14 days prior to the Confirmation Hearing).
Deadline to Object to Final Approval of Disclosure Statement and Confirmation of the Plan	March 15, 2019 (or 14 days prior to the Confirmation Hearing).
Deadline for Debtors to File Response to Objections, if any	March 27, 2019 (or 2 business day prior to the Confirmation Hearing).
Deadline to file professional fee applications	March 27, 2019 (or 2 business day prior to the Confirmation Hearing).
Deadline for Debtors to File Ballot Tabulation	March 27, 2019 (or 1 business day prior to the Confirmation Hearing).
Combined Hearing on Final Approval of Disclosure Statement and Confirmation of the Plan	March 29, 2019 (or at the Court's earliest convenience thereafter).

15. The Confirmation Schedule is reasonable and appropriate in the context of this case.

16. The Debtors submit that the Disclosure Statement contains adequate information as defined in section 1125 of the Bankruptcy Code. Accordingly, the Debtor requests that the Court approve the Disclosure Statement on an interim basis to permit the Debtors to use it in solicitation process and on a final basis at the Confirmation Hearing.

17. Pursuant to Section 1125 of the Bankruptcy Code, the proponent of a proposed plan must provide "adequate information" regarding that plan to holders of impaired claims and interests entitled to vote on the plan. 11 U.S.C. § 1125.

18. Adequate information is the type of information that is reasonably practicable to permit the holder of a claim that is impaired under the plan to make an informed decision regarding voting on the plan.

19. The primary purpose of a disclosure statement is to provide all material information that creditors and interest holders affected by a proposed plan need to make an informed decision regarding the plan. *See, e.g.*, *Century Glove, Inc. v. First Am. Bank of NY*, 860 F.2d 94, 100 (3d Cir. 1988) ("[Section] 1125 seeks to guarantee a minimum amount of information to the creditor asked for its vote."); *In re Monnier Bros*., 755 F.2d 1336, 1341 (8th Cir. 1985); *In re Phoenix Petroleum Co*., 278 B.R. 385, 392 (Bankr. E.D. Pa. 2001); *In re Unichem Corp*., 72 B.R. 95, 97 (Bankr. N.D. Ill. 1987). Congress intended that informed judgments would be needed to both negotiate the terms of, and vote on, a plan. *Century Glove*, 860 F.2d at 100.

20. Bankruptcy courts have broad discretion in determining whether a disclosure statement contains adequate information based on the unique facts and circumstances of each case. *See Oneida Motor Freight, Inc. v. United Jersey Bank*, 848 F.2d 414, 417 (3d Cir. 1988) ("From the legislative history of§ 1125 we discern that adequate information will be determined by the facts and circumstances of each case.")

21. Here, the Disclosure Statement contains adequate information to allow holders of Claims and Interests to make an informed decision regarding the Plan. The Disclosure Statement contains information regarding, among other things (i) the terms of the Plan including Claims and Interest classifications; (ii) treatment of all allowed holders of clams and interests; (iii) the effect of the Plan on holders of Claims and Interests and other parties-in-interest; (iv) certain risk factors to consider that may affect the Plan; (v) the bar order and injunction in favor of the Plan Sponsors (as defined in the Plan and Disclosure Statement); and (vi) means for implementation of the Plan, including regarding the Plan Sponsors and Plan Funding Commitment.

II. A Combined Hearing is Appropriate Under These Circumstances

22. Section 1128 of the Bankruptcy Code provides that "[a]fter notice, the court shall hold a hearing on confirmation of a plan" and that "[a] party in interest may object to confirmation

of a plan." 11 U.S.C. § 1128; *see also* Fed. R. Bankr. P. 3017(c). Section 105 of the Bankruptcy Code expressly authorizes the Court to "issue an order ... that ... provides that the hearing on approval of the disclosure statement may be combined with the hearing on confirmation of the plan" where the Court deems a combined hearing to be "appropriate to ensure that the case is handled expeditiously and economically." *See* 11 U.S.C. § 105(d)(2)(B)(vi); *see also In re Gulf Coast Oil Corp.*, 404 B.R. 407, 425 (Bankr. S.D. Tex. 2009) ("Section 1125(f) authorizes combined plans and disclosure statements in small business cases and § 105(d) authorizes the court to combine them in other cases."); *In re Luminent Mortgage Capital Inc.*, Case No. 08-21389 (Bankr. D. Md. May 15, 2009).

23. Courts in this District have combined hearings on approval of disclosure statements and confirmation of plans in Chapter 11 cases that were neither small business cases nor prepackaged cases.

24. Consistently, the Debtors respectfully request a consolidated final hearing on the Disclosure Statement and Plan. Debtors submits that a combined hearing will streamline and expedite the confirmation process, which will directly inure to all of Debtors' estates and their creditors by minimizing administrative costs and other expense attendant to the continuance of a Chapter 11 case.

25. Moreover, the Debtors requests that the Court approve the setting of certain dates described herein in accordance with Bankruptcy Code section 1126(c), Bankruptcy Rules 3017 and 3018.

III. Voting Deadline

26. Disclosures covering the factors courts have traditionally considered when evaluating the adequacy of a disclosure statement.

27. Bankruptcy Rule 3017(c) provides, in relevant part, "[o]n or before approval of the

disclosure statement, the court shall fix a time within which the holders of claims and interests may accept or reject the plan .... " Fed. R. Bankr. P. 3017(c). The Debtors request that the Court establish March 15, 2019 as the voting deadline (the "Voting Deadline"), which is fourteen (14) calendar days before the proposed Confirmation Hearing. The Debtors believe that this timeframe will provide the Voting Class with adequate time to consider the Solicitation Package (defined below) and respond by casting its ballot. The Voting Deadline is prominently displayed on the Confirmation Hearing Notice (defined below).

IV. The Objection Deadline

28. The Debtors request that the Court direct the manner in which objections to final approval of the Disclosure Statement and confirmation of the Plan shall be made. Pursuant to Bankruptcy Rule 3020(b)(l), objections to confirmation of a plan must be filed and served "within a time fixed by the court." Pursuant to Local Rule 3017-1, the objection deadline to a disclosure statement must be filed at least seven days before the hearing on approval of the disclosure statement. Further, Local Rule 3020-1(A) provides that objections to confirmation of a plan shall be filed at least fourteen (14) days before the confirmation hearing. Accordingly, the Debtors request that the Court establish March 15, 2019 as the deadline (the "Objection Deadline") by which objections to final approval of the Disclosure Statement and Confirmation of the Plan or requests for modifications to the Plan, if any, must be filed and served.

29. The Debtors submit that the proposed deadline is in compliance with the Local Rules and that no party will be prejudiced by the proposed Objection Deadline. The Debtors believe the proposed Objection Deadline will afford the Court, the Debtors and all parties in interest reasonable time to consider the objections and proposed modifications to the Plan prior to the Confirmation Hearing.

V. The Deadline to File a File Ballot Tabulation

30. The Debtors also request that they (and other parties in support of the Plan) be permitted to file a File Ballot Tabulation no later than the earlier of March 27, 2019 or one (1) business day prior to the Confirmation Hearing. Local Rule 3018-1 provides that ballots accepting or rejecting a Chapter 11 plan shall be filed with the court at least 14 days before the confirmation hearing. Accordingly, Debtors contend that, in this case, there will be sufficient time to process and analyze the ballots prior to the deadline to filing the Ballot Tabulation.

VI. The Confirmation Hearing

31. In accordance with Bankruptcy Rule 3017(c), Bankruptcy Code section 1128 (requiring a confirmation hearing with respect to any Chapter 11 plan), Local Rule 3017-2 (regulating combined disclosure statement and confirmation hearings for small business), and Local Rule 3017-1 (regulating Confirmation Hearings in standard Chapter 11 cases) the Debtors request that the Confirmation Hearing be scheduled on March 29, 2019 or such other date thereafter at the Court's earliest convenience.

32. Local Rule 3017-1 provides that at least 30 days before the date set for the hearing on approval of the disclosure statement, the plan proponent shall serve the Order Setting Hearing to Consider Approval of Disclosure Statement on the parties required by Bankruptcy Rules 2002(b), 2002(d), and 2002(j), and on the Office of the United States Trustee.

33. The timely submission of this Motion allows sufficient time for the Court to issues the Order Setting Hearing to Consider Approval of Disclosure Statement and for the Debtors to serve such Order to all the required parties.

34. Under these circumstances, the Debtors submit that the proposed timing for the Confirmation Hearing will enable the Debtors to pursue Confirmation of the Plan within the timeframe contemplated by the Debtors so as to preserve the value of the Debtors' estates to be distributed pursuant to the Plan.

VII. The Court Should Approve the Solicitation, Notice and Tabulation Procedures

35. In order to seek confirmation of the Plan in an effective manner that is consistent with the requirements of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules and due process, the Debtors seek approval of the solicitation, notice and tabulation procedures described herein (the "Solicitation Procedures"). The Debtors believe the Solicitation Procedures are well-designed and specifically tailored to effectively permit parties in interest to make an informed judgment regarding the Plan and for the Voting Classes to determine whether to vote to accept or reject the Plan. To the extent that circumstances require further modifications of, or amendments to, the Solicitation Procedures, the Debtors reserve the right to supplement or amend the Solicitation Procedures to further facilitate the solicitation of the Plan.

36. The Debtors propose to distribute the Solicitation Package required by Bankruptcy Rule 3017(d) to the Voting Classes in the form and manner described below.

37. Except as otherwise indicated, upon entry of the Interim Approval and Procedures Order, the Debtors propose that the following materials (collectively, the "Solicitation Package") be distributed by or on behalf of the Debtors to each record and beneficial holder of a Claim in the Voting Class:

a. a cover letter describing the contents of the Solicitation Package;

b. the Disclosure Statement, the Plan and all exhibits thereto (on a disk in PDF format) or hard copy, double sided and two pages per side (a “2-up”);

c. the Confirmation Hearing Notice;

d. the Ballot, including voting instructions;

e. a pre-addressed return envelope; and

f. such other materials as the Court may direct.

38. All other parties in interest will receive a copy of the notice of the Confirmation Hearing, substantially in the form attached hereto as **Exhibit A** (the "Confirmation Hearing Notice"). The Confirmation Hearing Notice provides, among other things, (i) notice of the filing of the Disclosure Statement and Plan, (iii) information regarding the Confirmation Hearing, and (iv) directions for filing objections to the final approval of the Disclosure Statement and confirmation of the Plan by the Objection Deadline; the Notice will be mailed in accordance with the terms of BMC Group's ("BMC") services as stated in the *Debtor's Application for Approval of BMC Group as Claim Noticing Agent* (ECF No. 9).

39. The Debtors submit that service of the Notices and the Solicitation Package on or before the Service Date will provide the requisite information to holders of Claims and Interests in compliance with Bankruptcy Rule 3017(d). *See* Fed. R. Bankr. P. 3017(d) (after approval of the disclosure statement, except to the extent the Court orders otherwise, the debtor must transmit the plan, the approved disclosure statement, notice of the time within which to file acceptances and rejections of the plan, and any other information that the court may direct to creditors and equity security holders).

VIII. The Court Should Approve the Form of the Confirmation Hearing Notice

40. Local Rule 3017-1 requires the Debtors to provide notice to all parties in interest of the time fixed for filing objections to the combined hearing on final approval of a disclosure statement and confirmation of a Chapter 11 plan. To satisfy this requirement, the Debtors intend to send to all parties in interest a copy of the Confirmation Hearing Notice. In accordance with Bankruptcy Rules 2002 and 3017(d), the Confirmation Hearing Notice shall contain, among other things:

a. the time, date and place for the Confirmation Hearing;

b. the Objection Deadline and the manner in which objections shall be filed;

c. a disclosure regarding the Plan Funding Commitment and the release, exculpation, and injunction provisions in favor of the Plan Sponsors as provided in the Plan; and

d. instructions on how to obtain electronic or print copies of any of the Plan Documents.

41. The Debtors respectfully request that the Court find that the Confirmation Hearing Notice complies with the requirements of Bankruptcy Rules 2002(b) and (d).

42. In addition to mailing the Confirmation Hearing Notice, the Debtors will post the Confirmation Hearing Notice electronically on the website dedicated to this Chapter 11 Case maintained by BMC.

IX. The Court Should Approve the Form of the Notice to Impaired Classes

43. Each holder of an allowed claim in an impaired Class which is entitled to retain or receive property under the plan is be entitled to vote separately to accept or reject the plan and indicate such vote on a duly executed and delivered Ballot.

44. There are no non-voting impaired classes. Each holder of a Claim or Interest which has been impaired under the Plan, may vote on acceptance or rejection by completing, dating and signing the ballot, which will be mailed to them after the Court approves this Disclosure Statement, and returning it to the Clerk of the Bankruptcy Court.

45. Accordingly, the Classes 1 and 2, and any other impaired voting class in any amendment to the Plan, are not presumed to have accepted or rejected the Plan and will receive a Confirmation Hearing Notice in compliance with the requirements of Bankruptcy Rules 2002(b) and (d).

X. The Court Should Approve the Fee Application Deadline and Schedule a Hearing to

Consider the Fees Applications

46. Pursuant to Local Rule 2016-1(C)(1), the final application for compensation of any professional in Chapter 11 cases must ordinarily be filed, not later than 21 days prior to the date of the confirmation hearing.

47. In consideration of the circumstances of this case, Debtors proposed March 27, 2019 or two days prior to the confirmation hearing. Debtors submit that the deadline will not prejudice any party and will be beneficial to the efficient and economic administration of these Chapter 11 Cases.

48. Further, Debtors request the Court to schedule a hearing to consider the fee applications pursuant and in accordance with 11 U.S.C. §330.

XI. The Court Should Approve the Forms of the Ballot

49. Bankruptcy Rules 3017(d) and 3018(c) provide that the ballots for accepting or rejecting a plan under Chapter 11 should conform substantially to Official Form No. 314. The Debtors propose to distribute to holders of Claims in the Voting Class the ballot as set forth in **Exhibit B** attached hereto (the "Ballot"). The Ballot is based on Official Form No. 314, but has been modified to address the particular aspects of these Chapter 11 Cases and to include certain additional information that the Debtors believe is relevant and appropriate for the holders of Claims entitled to vote.

50. In order to be counted, ballots must be received by the Bankruptcy Clerk no later than 5:00 p.m. Eastern Time on March 15, 2019. A copy of the executed Ballot should also be mailed to counsel for the Debtors, Brett D. Lieberman, Edelboim Lieberman Revah Oshinsky PLLC, 20200 W. Dixie Highway, Suite 905, Miami, FL 33180. Ballots otherwise sent by facsimile, telecopy, or electronic submissions will **only** be accepted with Debtors' written approval. Only properly completed, executed and timely submitted Ballots will be

accepted. To that end, the Debtors request that the following Ballots not be counted in tabulating votes cast to accept or reject the Plan: (a) any Ballot that is illegible or contains insufficient information to permit the identification of the holder of the Claim; (b) any Ballot submitted by a party that does not hold a Claim in a Class that is entitled to vote; (c) any unsigned Ballot; and (d) any Ballot not marked to either accept or reject the Plan.

51. The solicitation process shall be conducted by the Debtors' administrative agent, BMC. Pursuant to the Solicitation Procedures, BMC will distribute the Ballot, as part of the Solicitation Package, to all voting impaired and unimpaired Classes.

NOTICE

52. The Debtors have provided notice of this Motion to all parties on the Master Service List through BMC in accordance with the *Office of the Clerk Memorandum* of November 30, 2018 (ECF No. 24). In light of the nature of the relief requested in this Motion, the Debtors respectfully submit that no further notice is necessary.

WHEREFORE, the Debtor respectfully requests the entry of an Order: (i) Granting the Motion; (ii) conditionally approving the Disclosure Statement and setting a final hearing on the Disclosure Statement contemporaneously with the confirmation hearing; (iv) and for any further relief as this Court deems just and proper.

Dated January 31, 2019

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/s/ Brett D. Lieberman
Brett D. Lieberman
Florida Bar No. 69583

Exhibit A

UNITED STATES BANKRPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov

In re:	Chapter 11
In re: DAYMARK REALTY ADVISORS, INC., In re: DAYMARK PROPERTIES REALTY, INC., In re: DAYMARK RESIDENTIAL MANGEMENT, INC.	Case No. 18-23750-RBR Case No. 18-23751-RBR Case No. 18-23752-RBR (substantively consolidated)

Debtors.
_____/

NOTICE OF HEARING ON CONFIRMATION OF JOINT CHAPTER 11 PLAN

PLEASE TAKE NOTICE that a hearing (the "Confirmation Hearing") has been scheduled for MARCH 29, 2019 at 10:00 a.m. before the Honorable Raymond B. Ray, United States Bankruptcy Judge for the Southern District of Florida, at 299 E. Broward Blvd., Room 308, Fort Lauderdale, FL 33301 (the "Bankruptcy Court"), on the confirmation of the Joint Chapter 11 Plan of Substantively Consolidated Debtors Daymark Realty Advisors, Inc., Daymark Properties Realty, Inc., and Daymark Residential Management, Inc., filed on January 2, 2019 [ECF No. 72] and final hearing on Disclosure Statement in support of same [ECF No. 71]. The Confirmation Hearing may be continued from time to time without further notice to parties in interest and the Plan may be modified, pursuant to § 1127 of the Bankruptcy Code, prior to or as a result of the Confirmation Hearing, without further notice to parties in interest. Capitalized terms used, but not defined, herein have the meanings ascribed to such terms in the Plan.

Your rights may be "impaired" by the Plan. If you hold a Claim that the Plan classifies in Classes 1 and 2 (collectively the "Voting Classes"), you may be entitled to vote to accept or reject the Plan.

The Debtors are mailing to all claimants that have filed proof of claims, and others and equity interests in the Debtors in the Voting Classes a complete solicitation package, which includes a cover letter describing the contents of the Solicitation Package; the Disclosure Statement, the Plan and all exhibits thereto (on a disk in PDF format or in hard copy);

d. the Confirmation Hearing Notice;

e. the Ballot, including voting instructions;

f. a pre-addressed return envelope; and

g. such other materials as the Court may direct.

If you hold a Claim or Equity Interest in the Voting Classes, please review and consider the Solicitation Package carefully, follow the instructions to complete your ballot, and timely return your ballot. If you hold Claims and Equity Interests that have been Disallowed, other Claims or Equity Interests that are not "Allowed Claims", unless they have been "Allowed" solely for voting

purposes, Claims in Unimpaired Classes, Claims entitled to priority pursuant to Sections 507(a)(2), (a)(3), and (a)(8) of the Bankruptcy Code (Administrative Claims and Priority Tax Claims); and Claims in Classes that do not receive or retain any value under the Plan, you are not entitled to vote on the Plan. Nevertheless, you will receive a ballot for the sole purpose of providing you with the opportunity to consent to or opt out of certain releases contained in the Plan and described in the Disclosure Statement.

Voting Deadline: The deadline to submit a ballot voting to accept or reject the Plan is March 15, 2019 (the "Voting Deadline"). The Voting Deadline is also the deadline to submit a Ballot for the sole purpose of consenting to certain releases contained in the Plan and described in the Disclosure Statement. For a Ballot to be counted, it must be filed with the Clerk of Bankruptcy Court at:

299 E. Broward Blvd., Room 112 Ft. Lauderdale, FL 33301.

A copy of the executed Ballot should also be mailed to counsel for the Debtor:

Edelboim Lieberman Revah Oshinsky PLLC,
20200 W. Dixie Highway, Suite 905, Miami, FL 33180

And the notice agent:

Daymark co BMC Group Inc.
PO Box 90100
Los Angeles, CA 90009

Objection Deadline: Any objection to Confirmation must conform with the Local Rules of the United States Bankruptcy Court for the Southern District of Florida, and the Bankruptcy Rules. Copies must be served on the debtor, the trustee, the proponent of the plan, so that such objection is received by the Bankruptcy Court and served on or before March 15, 2019. Any untimely or non-compliant objections to Confirmation of the Plan may be summarily stricken or overruled by the Bankruptcy Court.

Respectfully submitted,

EDELBOIM LIEBERMAN
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/s/ Brett D. Lieberman
Brett D. Lieberman
Florida Bar No. 69583

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov

Exhibit B

In re:	Chapter 11
In re: DAYMARK REALTY ADVISORS, INC.,	Case No. 18-23750-RBR
In re: DAYMARK PROPERTIES REALTY, INC.,	Case No. 18-23751-RBR
In re: DAYMARK RESIDENTIAL MANGEMENT, INC.	Case No. 18-23752-RBR
Debtors.	(substantively consolidated)

_____/

BALLOT AND DEADLINE FOR FILING BALLOT ACCEPTING OR REJECTING AMENDED JOINT PLAN OF LIQUIDATION

TO HAVE YOUR VOTE COUNT YOU MUST COMPLETE AND RETURN THIS BALLOT BY THE DEADLINE INDICATED BELOW

The Chapter 11 Plan for Consolidated Debtors Substantively Consolidated Debtors Daymark Realty Advisors, Inc., Daymark Properties Realty, Inc., and Daymark Residential Management, Inc. on March 15, 2019 can be confirmed by the court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class and the holders of two-thirds in amount of equity security interests in each class voting on the plan. In the event the requisite acceptances are not obtained, the court may nevertheless confirm the plan if the court finds that the plan accords fair and equitable treatment to the class rejecting it.

This ballot is for creditor (insert name)_____for the following type of claim placed in the indicated class in the indicated amount:

TYPE OF CLAIM	*CLASS IN PLAN*	*AMOUNT OF CLAIM*
□ General Unsecured Claims	Class 1	$_____
□ Bernstein Related Claims	Class 2	$_____
		$ _____
□ Equity Interests	Class 3	$_____

The undersigned [Check One Box] ☐ Accepts ☐ Rejects the *The Chapter 11 Plan for Consolidated Debtors Substantively Consolidated Daymark Realty Advisors, Inc., Daymark Properties Realty, Inc., and Daymark Residential Management, Inc.*

Signed:_____ Print Name: _____ Address: _____ Phone: _____ Date: _____ ****FILE THIS BALLOT ON OR BEFORE March 15, 2019****	File ballot with: Clerk of Bankruptcy Court 299 E. Broward Blvd., Room 112 Ft. Lauderdale, FL 33301 A copy of the executed Ballot should also be mailed to (i) counsel for the Debtor, Edelboim Lieberman Revah Oshinsky PLLC, 20200 W. Dixie Highway, Suite 905, Miami, FL 33180; and (ii) BMC Group, Inc. PO Box 90100 Los Angeles, CA 90009 **If you have more than one type of claim against this debtor, separate ballots must be filed and you should receive a ballot for each type of claim eligible to vote. Contact the plan proponent regarding incorrect or insufficient ballot(s).**