



ORDERED in the Southern District of Florida on July 29, 2015.

Erik P. Kimball, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
www.flsb.uscourts.gov

IN RE: Case No.: 12-30081-BKC-EPK
CLSF III IV, Inc., *et al.*, Chapter 7
Debtor. (Substantively Consolidated)

AMENDED¹ ORDER GRANTING TRUSTEE’S MOTION FOR SUBSTANTIVE CONSOLIDATION OF ADDITIONAL NON-DEBTOR TRUST ENTITIES WITH DEBTORS AND MEMORANDUM OF LAW IN SUPPORT

THIS MATTER came before the Court on June 25, 2015, July 9, 2015 and July 16, 2015, upon the *Trustee’s Motion for Substantive Consolidation of Additional Non-Debtor Trust Entities With Debtors and Memorandum of Law in Support* [ECF No. 1078] (the “Motion”) filed by Deborah C. Menotte, Chapter 7 trustee of the estates of CLSF III IV, Inc., *et al.* The Court, having considered (i) the Motion; (ii) *Parcside Equity, LLC and Phillip Lian’s Joint Response*

¹ Amended solely to include Exhibit “A”, which was inadvertently omitted from the *Order Granting Trustee’s Motion for Substantive Consolidation of Additional Non-Debtor Trust Entities With Debtors and Memorandum of Law in Support* dated July 27, 2015 [ECF No. 1115].

and Limited Objection to Trustee's Motion for Substantive Consolidation of Additional Non-Debtor Trust Entities With Debtors and Memorandum of Law in Support [ECF No. 1078] (the "Parcside/Lian Response"); and (iii) the *Trustee's (A) Response to Parcside's Objection to Trustee's Motion for Substantive Consolidation of Additional Non-Debtor Trust Entities With Debtors [ECF No. 1089], (B) Objection to Parcside's Proposed Order Language [ECF No. 1093], and (C) Memorandum in Support of Trustee's Motion [ECF No. 1098]*, having considered argument of counsel and the record in these bankruptcy cases and the Court being otherwise fully advised in the premises, does thereupon

ORDER as follows:

1. The Motion is **GRANTED**.

2. Nothing in this Order shall constitute a finding that any funds held in any bank or investment account in the name of or on behalf of any debtor or any entity substantively consolidated as a result of this Order, as of any date prior to the effective date of substantive consolidation, were property of such entity at that time. The retroactive effect of this Order shall not toll any statute of limitations or repose applicable to any claims the Trustee or any entity substantively consolidated as a result of this Order could assert against Parcside Equity, LLC and/or Phillip Lian.

3. The trust entities set forth in the Motion, which are attached hereto as Exhibit A to this Order (the "SubCon Trusts") are substantively consolidated with the following previously substantively consolidated parties: (i) Debtor, CLSF III IV, Inc. (the "Debtor"); (ii) Affiliated Debtors²; and (iii) Non-debtor Entities, which were substantively consolidated pursuant to the Court's *Order Granting Trustee's Second Amended Motion for Substantive Consolidation of the Jointly Administered Bankruptcy Estates* [ECF No. 561], which was amended pursuant to the

² Capitalized terms used but not defined herein shall have the meanings ascribed in the Motion.

Court's Order dated October 15, 2013 [ECF No. 579], to include Joher Family Insurance Trust UA DTD 9/10/2010 and Joher Family Insurance Trust; (iv) Debtor, Deborah Catherine Peck ("Peck"), debtor in Case No. 14-14507-BKC-EPK, and (v) non-debtor, Deborah C. Peck, Esq., P.A. ("Peck P.A.").

4. Substantive consolidation pursuant to this Order shall be effective as of September 25, 2012 for the SubCon Trusts.

5. Subject to the provisions of paragraph 2, above, the right of the Trustee to pursue avoidance actions and/or any other causes of action on behalf of the Debtor, the Affiliated Debtors, the Non-debtor Entities, Peck, Peck P.A. and the SubCon Trusts (collectively, the "Substantively Consolidated Entities" and/or any subgroup or subgroups of the Substantively Consolidated Entities, against third parties is fully preserved and shall not be affected by entry of this Order.

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Submitted by:

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Copy furnished to:

Leslie Gern Cloyd, Esq.
(Attorney Cloyd is directed to serve a conformed copy of this Order upon all interested parties, and to file a Certificate of Service with the Court).

Exhibit A

Trust Name
BGI FUND 3 UA DTD 9/29/2008
BGI FUND 4 UA DTD 11/25/2008
BGI TR 4 UA DTD 11/25/2008
BGI FUND 5 UA DTD 1/23/2009
BGI FUND II UA DTD 5/1/2008
BGIF 10 UA DTD 7/15/2009
BGIF 14 UA DTD 11/5/2009
BGIF 16 UA DTD 12/9/2009
BGIF 17 UA DTD 12/11/2009
BGIF 20 UA DTD 3/19/2010
BGIF 21 UA DTD 4/27/2010
BGI 22 UA DTD 5/5/2010
BGIF 23 UA DTD 6/30/2010

Trust Name
BGIF 24 UA DTD 10/06/2010
BGIF 6 UA DTD 1/28/2009
BGIF 7 UA DTD 3/2/2009
BGIF 8 UA DTD 9/1/2010
BGIF TRUST 12 UA DTD 10/15/2009
BGIF TRUST 15 UA DTD 11/18/2009
BGIF TRUST 25 UA DTD 10/20/2010
BGIF 12
The Behl Trust UA DTD 4/10/2009
THE CLSF TRUST I STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 3/13/2008
THE CLSF TRUST III/IV STICHTING CLOSED LIFE SETTLEMENT FUND III/IV UA DTD 7/9/2007

Trust Name
THE CLSF TRUST IX STICHTING CLOSED LIDE SETTLEMENT FUND UA DTD 05/01/2008 a/k/a THE CLSF TRUST IX STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 05/01/2008 ¹
THE CLSF TRUST VII STICHTING CLOSED LIFR SETTLEMENT FUND UA DTD 3/282008 a/k/a THE CLSF TRUST VII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 3/28/2008 ²
THE CLSF TRUST VIII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 9/19/2007
THE CLSF TRUST XII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 1/22/2008
THE CLSF TRUST XIV STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 9/19/2007
THE CLSF TRUST XL STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 2/1/2010
THE CLSF TRUST XLI STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 3/17/2010
THE CLSF TRUST XLII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 03/19/2010
THE CLSF TRUST XLIII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 5/7/2010
THE CLSF TRUST XV STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 2/15/2008

¹ There appears to be scrivener's errors in the name of the trust instrument for this particular trust. For purposes of convenience, the Trustee has also listed what she believes to be the correct name of this trust without such errors.

² There appears to be scrivener's errors in the name of the trust instrument for this particular trust. For purposes of convenience, the Trustee has also listed what she believes to be the correct name of this trust without such errors.

Trust Name
THE CLSF TRUST XVI STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 02/20/2008
THE CLSF TRUST XVII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 04/10/2008
THE CLSF TRUST XVIII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 04/22/2008
THE CLSF TRUST XX STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 4/15/2008
THE CLSF TRUST XXI STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 04/22/2008
THE CLSF TRUST XXII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 6/16/2008 a/k/a THE CLSF TRUST XXII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 6/16/2008 ³
THE CLSF TRUST XXIII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 08/08/2008
THE CLSF TRUST XXIX STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 3/27/2009
THE CLSF TRUST XXV STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 10/29/2008
THE CLSF TRUST XXX STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 8/21/2009

³ There appears to be scrivener's errors in the name of the trust instrument for this particular trust. For purposes of convenience, the Trustee has also listed what she believes to be the correct name of the trust without such errors.

Trust Name
THE CLSF TRUST XXXI STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 9/1/2009
THE CLSF TRUST XXXII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 11/5/2009
THE CLSF TRUST XXXIV STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 12/9/2009
THE CLSF TRUST XXXV STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 12/11/2009
THE CLSF TRUST XXXVII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 1/21/2010
THE CLSF TRUST XXXVIII STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 2/1/2010
THE CLSF XXXIX STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 2/1/2010
THE CLSF XXXVI STICHTING CLOSED LIFE SETTLEMENT FUND UA DTD 12/11/2009
The Gluck Trust UA DTD 11/5/2009
The Lip Trust II UA DTD 10/25/2010
The Lip Trust UA DTD 10/05/2010

Trust Name
THE MP TRUST XXVI DTD 11/28/08
The RPM Trust UA DTD 3/2/2009
CLSF 6 Trust
The Teichman Trust UA DTD 4/27/2010
The Guberman Trust
The Ferga Darmanyans Ins. Trust UA DTD 10-07-10
CLSF MP XXXVI DTD 11/24/2008
The Friedman Trust UA DTD 8/26/2009