

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

In re:

CBRM Realty Inc. *et al.*,

Debtors.¹

Chapter 11

Case No. 25–15343 (MBK)
(Jointly Administered)

**STIPULATION AND AGREED ORDER (I) ADJOURNING THE SCHEDULED
HEARING REGARDING THE DEBTORS' MOTION TO TRANSFER, AND (II)
RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through eight (8), is
ORDERED.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: CBRM Realty Inc. (2420), Crown Capital Holdings LLC (1411), Kelly Hamilton Apts LLC (9071), Kelly Hamilton Apts MM LLC (0765), RH Chenault Creek LLC (8987), RH Copper Creek LLC (0874), RH Lakewind East LLC (6963), RH Windrun LLC (0122), RH New Orleans Holdings LLC (7528), RH New Orleans Holdings MM LLC (1951), and Laguna Reserve Apts Investor LLC (N/A). The location of the Debtors' service address in these chapter 11 cases is: In re CBRM Realty Inc., et al., c/o White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020.



2515343251001000000000001

(Page 2)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: STIPULATION AND AGREED ORDER (I) ADJOURNING THE SCHEDULED HEARING REGARDING THE DEBTORS' MOTION TO TRANSFER, AND (II) RELATED RELIEF

The above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) and Moshe Silber (together with the Debtors, the “**Parties**”) hereby enter into this stipulation and agreed order (this “**Stipulation and Agreed Order**”) as follows:

RECITALS

WHEREAS, on May 19, 2025, the Debtors each filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the District of New Jersey (the “**Bankruptcy Court**”), which cases are being jointly administered pursuant to rule 1015(b) of the Federal Rules of Bankruptcy Procedure [Docket No. 51];

WHEREAS, on September 19, 2025, Moshe Silber filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (the “**New York Bankruptcy Court**”) in the case styled as *In re Moshe Silber*, Case No. 25-22890-shl (Bankr. S.D.N.Y., filed Sept. 19, 2025) (the “**Silber Bankruptcy Case**”);

WHEREAS, on September 25, 2025, the Debtors filed the *Debtors’ Motion for Entry of an Order (I) Pursuant to Bankruptcy Rule 1014(b) Transferring Venue of In re Moshe Silber, Case No. 25-22890-SHL (Bankr. S.D.N.Y.) to the District of New Jersey and (II) Related Relief* [Docket No. 579] (the “**Transfer Motion**”) in the Bankruptcy Court, seeking an order that the Silber Bankruptcy Case proceed in the District of New Jersey pursuant to Rule 1014(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”);

(Page 3)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: STIPULATION AND AGREED ORDER (I) ADJOURNING THE SCHEDULED HEARING REGARDING THE DEBTORS' MOTION TO TRANSFER, AND (II) RELATED RELIEF

WHEREAS, on September 25, 2025, the Debtors filed the *Debtors' Motion for Entry of an Order Pursuant to Bankruptcy Rule 1014(b) Staying Proceedings in In re Moshe Silber, Case No. 25-22890-shl (Bankr. S.D.N.Y.) Pending Resolution of Debtors' Motion to Transfer Venue* [Docket No. 580] (the "**Stay Motion**") in the Bankruptcy Court, seeking an order that the proceedings in the Silber Bankruptcy Case in the New York Bankruptcy Court is stayed pending the resolution of the Transfer Motion;

WHEREAS, on September 26, 2025, in connection with applications to shorten time filed by the Debtors in connection with the Transfer Motion and the Stay Motion [Docket Nos. 581, 582], the Court ordered that the hearing in connection with the Transfer Motion and the Stay Motion shall be for October 7, 2025, at 11:00 a.m. [Docket Nos. 583, 584];

WHEREAS, on October 1, 2025, the Parties entered into the *Stipulation and Agreed Order Staying In re Moshe Silber, Case No. 25-22890-shl (Bankr. S.D.N.Y.) Pending Resolution of the CBRM Debtors' Motion to Transfer Venue and Related Relief, In re Moshe Silber, Case No. 25-22890-shl, Dkt. No. 14 (Bankr. S.D.N.Y.)* (the "**New York Stipulation**"), agreeing to stay the Silber Bankruptcy Case in the New York Bankruptcy Court pending a ruling on the Transfer Motion from this Court, with certain agreed-upon exceptions; and

WHEREAS, following good-faith, arm's-length negotiations, and the New York Stipulation, the Parties have agreed to adjourn the scheduled hearing regarding the Transfer Motion to October 30, 2025, at 11:30 a.m. (prevailing Eastern time).

(Page 4)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: STIPULATION AND AGREED ORDER (I) ADJOURNING THE SCHEDULED HEARING REGARDING THE DEBTORS' MOTION TO TRANSFER, AND (II) RELATED RELIEF

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, AND UPON APPROVAL BY THE BANKRUPTCY COURT OF THIS STIPULATION, THE FOLLOWING IS SO ORDERED:

1. Pursuant to the New York Stipulation, the Stay Motion is withdrawn as moot. This withdrawal is without prejudice to the Debtors' ability to file any other motion requesting an order staying proceedings in the Silber Bankruptcy Case if the Debtors, in their sole discretion, determine it is necessary to protect their rights and remedies under the Bankruptcy Code or otherwise.

2. The scheduled hearing regarding the Transfer Motion will be adjourned from October 7, 2025, at 11:00 a.m. (prevailing Eastern time) to October 30, 2025, at 11:30 a.m. (prevailing Eastern time). The Parties will submit an adjournment request contemporaneously with the filing of the Stipulation and Agreed Order.

3. The response deadline to the Transfer Motion shall be **October 23, 2025, at 4:00 p.m.** (prevailing Eastern time). The reply deadline to any response to the Transfer Motion shall be **October 27, 2025** (prevailing Eastern time).

4. The provisions of this Order will survive (i) confirmation of any plan in the above-captioned bankruptcy cases; (ii) conversion of one or more of the above-captioned cases to a case under Chapter 7 of the Bankruptcy Code; and (iii) dismissal of one or more of the above-captioned cases. This Order shall be binding on any trustee appointed in any of these cases.

5. This Order is without prejudice to any parties to exercise their rights or remedies under the Bankruptcy Code or otherwise.

(Page 5)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: STIPULATION AND AGREED ORDER (I) ADJOURNING THE SCHEDULED HEARING REGARDING THE DEBTORS' MOTION TO TRANSFER, AND (II) RELATED RELIEF

6. The stay of this Order prescribed by Fed. R. Bankr. P. 4001(a)(3) is waived, and this Order is effective and enforceable immediately upon entry. This Court shall retain jurisdiction over the subject matter of this Order and to enforce the provisions set forth herein.

7. Each of the Parties shall bear its own costs, expenses, and attorneys' fees incurred in connection with the negotiation, execution, and performance of this Stipulation and Agreed Order and the matters addressed herein.

8. This Stipulation and Agreed Order shall only be effective and enforceable upon its approval and entry by the Bankruptcy Court on the docket for these chapter 11 cases, and shall become effective upon such approval.

9. The undersigned hereby represent and warrant that they have full authority to execute this Stipulation and Agreed Order on behalf of the respective Parties and that the respective Parties have full knowledge of and have consented to this Stipulation and Agreed Order.

10. The Parties agree that each of them, through their respective counsel, has had a full opportunity to participate in the drafting of this Stipulation and Agreed Order, and, accordingly, any claimed ambiguity shall be construed neither for nor against either of the Parties.

11. This Stipulation and Agreed Order constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior discussions, agreements, and understandings, both written and oral, among the Parties with respect thereto.

12. By entering into this Stipulation and Agreed Order, the Parties are not waiving and shall not be deemed to have waived any available claims or defenses, including at law, equity, or otherwise, except as otherwise provided in this Stipulation and Agreed Order.

(Page 6)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: STIPULATION AND AGREED ORDER (I) ADJOURNING THE SCHEDULED HEARING REGARDING THE DEBTORS' MOTION TO TRANSFER, AND (II) RELATED RELIEF

13. This Stipulation and Agreed Order shall not be modified, altered, amended, or vacated without written consent of all Parties hereto.

14. The Bankruptcy Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Stipulation and Agreed Order, and the Parties hereby consent to such jurisdiction to resolve any disputes or controversies arising from or related to this Stipulation and Agreed Order.

[Remainder of Page Intentionally Left Blank]

(Page 7)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: STIPULATION AND AGREED ORDER (I) ADJOURNING THE SCHEDULED HEARING REGARDING THE DEBTORS' MOTION TO TRANSFER, AND (II) RELATED RELIEF

AGREED TO:

/s/ Andrew Zatz

WHITE & CASE LLP

Gregory F. Pesce (admitted pro hac vice)

111 South Wacker Drive

Chicago, Illinois 60606

Telephone: (312) 881-5400

Email: gregory.pesce@whitecase.com

-and-

Andrew Zatz

Samuel P. Hershey (admitted pro hac vice)

Barrett Lingle (admitted pro hac vice)

1221 Avenue of the Americas

New York, New York 10020

Telephone: (212) 819-8200

Email: azatz@whitecase.com

sam.hershey@whitecase.com

barrett.lingle@whitecase.com

Co-Counsel to Debtors and Debtors-in-Possession

KEN ROSEN ADVISORS PC

Kenneth A. Rosen

80 Central Park West

New York, New York 10023

Telephone: (973) 493-4955

Email: ken@kenrosenadvisors.com

Co-Counsel to Debtors and Debtors-in-Possession

(Page 8)

Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: STIPULATION AND AGREED ORDER (I) ADJOURNING THE SCHEDULED HEARING REGARDING THE DEBTORS' MOTION TO TRANSFER, AND (II) RELATED RELIEF

/s/ Charles Wertman

Charles Wertman (*pro hac vice* forthcoming)

LAW OFFICES OF CHARLES WERTMAN P.C.

100 Merrick Road Suite 304W

Rockville Centre, NY 11570-4807

Telephone: (516) 359-1334

E-mail: charles@cwertmanlaw.com

Counsel to Moshe Silber