

M. 5, # 2 & other

EX PARTE MOTION OFFICE

APPROVED  
FOR THE PAYMENT  
OF MOTION FEE  
ONLY

At IAS Part 21 of the Supreme  
Court of the State of New York,  
County of New York, at the  
Courthouse, 80 Centre Street, in the  
County, City and State of New  
York, on the 5 day of  
June, 2015.

**FILED**

JUN 04 2015

NEW YORK  
COUNTY CLERK'S OFFICE

PRESENT:

HON. MICHAEL D. STALLMAN, J.S.C.

Index No.: 401168/12

In the Matter of

the Liquidation of

CHEVRA BNEI SOLOMON JEZIERNER.

**ORDER TO SHOW CAUSE**

Based on the affirmation ("Affirmation") of Jack A. Franceschetti, an attorney with the New York Liquidation Bureau, the organization that carries out the duties of Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York as liquidator (the "Liquidator") of Chevra Bnei Solomon Jezierner a/k/a Congregation Sons of Solomon of the City of Yezierna a/k/a Chevra Bnei Shlomo Yezierner Kranken Unterstutzungs Verein a/k/a Chevra Beni Solomon, Jezierner K.U. Verein a/k/a Chevra Bnei Solomon Jerierner a/k/a Cong. Sons of Solomon Jezierner a/k/a Cong. Sons of Solomon City of Jezierna S.B. Ass'n a/k/a The Chevra Shloime Jezierna K.U.V. a/k/a Cong. Sons of Solomon Jezierner K.U.V. a/k/a Congregation Sons of Solomon Jezernia Sick and Ben. Association a/k/a Sons Solomon of Jezernia a/k/a The Chebre Bnaie Shloime Jezierna Kranken Unterstuetzungs Verein ("Chevra Bnei") and the exhibits attached thereto, upon all other papers previously submitted and all proceedings heretofore had herein, and it appearing that the relief sought should be granted;

**NO FEE**

NOW, on motion of John Pearson Kelly, attorney for the Liquidator, and after due deliberation having been had thereon,

SOLOMON JEZIERNE

LET all claimants and persons or entities interested in the affairs of Chevra Bnei show cause before this Court at IAS Part 21, thereof, at the Courthouse located at 60 Centre Street, New York, New York, on the 17<sup>th</sup> day of September, 2015 ("Return Date") at 9:30 o'clock a.m., or as soon thereafter as counsel can be heard, why an order should not be made, pursuant to Article 74 of the New York Insurance Law ("Insurance Law"), *inter alia*: (i) approving the Liquidator's report ("Report") on the status of and request to close Chevra Bnei's liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated therein; (ii) approving the distribution of surplus assets to any creditors and eligible members of Chevra Bnei according to the priorities set forth in New York Insurance Law Section 7434; (iii) authorizing the Liquidator, without further application to the Court, to continue to receive assets, if any, of Chevra Bnei, and to use such assets, first, to pay any unpaid administrative costs of this Liquidation Proceeding, and then, if any assets remain, distribute them to any unpaid creditors and eligible members of Chevra Bnei; (iv) barring and foreclosing all persons who have not filed claims in the Liquidation Proceeding from hereafter filing claims; (v) authorizing and directing the Liquidator to destroy or otherwise dispose of any and all books, files, records and other property of Chevra Bnei when he deems them no longer required in connection with the Liquidation Proceeding, without further order of this Court; (vi) releasing and discharging the Liquidator, his predecessors and successors in office, their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the Liquidation Proceeding; (vii) terminating and closing the Liquidation Proceeding; and (viii) providing for such other and further relief as this Court may deem just and proper.

AND sufficient cause having been shown therefor and the Court having found the form and method of notice specified herein to be the best notice practicable, it is hereby

ORDERED, that a copy of this Order to Show Cause and Affirmation shall be served by *first class mail to the creditors and eligible members of Chevra Bnei Solomon Jezierner at their previous addresses in the books of the Clerk or in the files of the Supreme Court if that address is more recent.* within four weeks of issuance of this order to show cause; and it is further

ORDERED, that the form and methods of service of this Order to Show Cause and Affirmation specified herein are hereby approved as in accordance with the law and as the best notice practicable and shall therefore constitute due and sufficient notice of this Order to Show Cause and scheduled Return Date herein and the Affirmation and the relief sought therein to all persons and entities entitled to receive such notice; and it is further

ORDERED, that all answering papers and supporting documentation ("Answering Papers") be served on the Liquidator so as to be received at least seven days prior to the Return Date, and that service on the Liquidator shall be made by first class mail at the following address:

Superintendent of Financial Services of the State of New York  
as Liquidator of Chevra Bnei Solomon Jezierner  
110 William Street  
New York, New York 10038  
Attention: John Pearson Kelly  
General Counsel

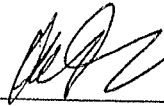
and by submitting copies of the Answering Papers, with affidavit of service on the Liquidator as above, to this Court at *Motion submitted Part 21* at the Courthouse located at 80 Centre Street, New York, New York, *seven days before* the Return Date; and it is further

ORDERED, that in the absence of Answering Papers filed pursuant to the previous paragraph on or prior to the date specified, the Court may enter relief without hearing and no party shall be entitled to be heard thereon; and it is further

ORDERED, that any person or entity that fails to serve Answering Papers as provided herein shall be deemed to have waived any objections to the relief sought in the Affirmation and shall be barred from raising any objection in this or any other proceeding concerning the matters set forth herein; and it is further

ORDERED, that any person or entity that has served Answering Papers as provided herein shall be deemed to have waived any objection that is not set forth in the Answering Papers. *and it is further ORDER that the Defendant shall submit an affidavit of service to the Clerk of the Court by the return date.*

ENTER:

  
\_\_\_\_\_  
J.S.C.

**HON. MICHAEL D. STALLMAN**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of  
the Liquidation of

Index No.: 4001168/12

**AFFIRMATION**

CHEVRA BNEI SOLOMON JEZIERNER.  
-----X

Jack A. Franceschetti, an attorney at law, duly admitted to practice before the Courts of the State of New York, hereby affirms the following to be true under the penalties of perjury:

1. I am an attorney with the New York Liquidation Bureau ("NYLB"), the organization that carries out the duties of the Superintendent of Financial Services of the State of New York ("Superintendent") as liquidator ("Liquidator") of Chevra Bnei Solomon Jezierner a/k/a Congregation Sons of Solomon of the City of Yezierna a/k/a Chevra Bnei Shlomo Yezierner Kranken Unterstutzungs Verein a/k/a Chevra Beni Solomon, Jezierner K.U. Verein a/k/a Chevra Bnei Solomon Jerierner a/k/a Cong. Sons of Solomon Jezierner a/k/a Cong. Sons of Solomon City of Jezierna S.B. Ass'n a/k/a The Chevra Shloime Jezierna K.U.V. a/k/a Cong. Sons of Solomon Jezierner K.U.V. a/k/a Congregation Sons of Solomon Jezernia Sick and Ben. Association a/k/a Sons Solomon of Jezernia a/k/a The Chebre Bnaie Shloime Jezierna Kranken Unterstuetzungs Verein ("Chevra Bnei"). I make this affirmation upon information and belief, the sources of which are the files maintained by the NYLB and communications made to the affirmant employees of the Liquidator.

2. I submit this affirmation in support of the Liquidator's motion for an order approving the report ("Report") on the status of the liquidation proceeding of Chevra Bnei ("Liquidation Proceeding"), a copy of which is attached hereto as Exhibit 1, and granting the relief requested in connection with the closing of the Liquidation Proceeding as follows:

- a. Approving this Report and the financial transactions delineated therein;
- b. Approving the distribution of surplus assets to any creditors and eligible members of Chevra Bnei according to the priorities set forth in New York Insurance Law Section 7434;
- c. Authorizing the Liquidator, without further application to the Court, to continue to receive assets, if any, of Chevra Bnei, and to use such assets, first, to pay any unpaid administrative costs of the Liquidation Proceeding, and then, if any assets remain, distribute them to any unpaid creditors and eligible members of Chevra Bnei;
- d. Barring and foreclosing all persons who have not filed claims in the Liquidation Proceeding from hereafter filing claims;
- e. Authorizing and directing the Liquidator to destroy or otherwise dispose of any and all books, files, records and other property of Chevra Bnei when he deems them no longer required in connection with the Liquidation Proceeding, without further order of this Court;
- f. Releasing and discharging the Liquidator, his predecessors and successors in office, their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the Liquidation Proceeding;
- g. Terminating and closing the Liquidation Proceeding; and
- h. Providing for such other and further relief as this Court may deem just and proper.

3. By order of this Court filed on July 18, 2012 (“Liquidation Order”), the Liquidator and his successors in office were directed to take possession of the property of Chevra Bnei and liquidate its business and affairs pursuant to Article 74 of the New York Insurance Law (“Insurance Law”). *See* Report, Exhibit A.

4. As set forth in the Report, which sets forth a history of Chevra Bnei, a summary of the Liquidator’s activities pursuant to the Liquidation Order and Insurance Law Article 74, the financial status of Chevra Bnei and the bases for the Liquidator’s recommendations, the Liquidator has complied with the directives of the Liquidation Order.

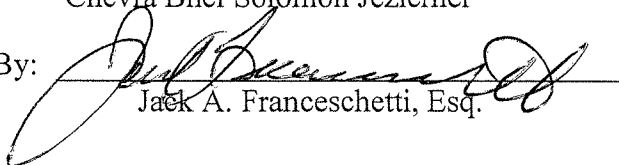
5. The Liquidation Proceeding has been completed and the Liquidator has fulfilled the purposes for which the Liquidation Proceeding was commenced. Therefore, the Liquidation Proceeding may be closed and the Liquidator, his predecessors and successors in office, and their agents, attorneys, clerks, assistants and employees should be released and discharged from any and all liability arising from or relating to their acts or omissions in connection with the Liquidation Proceeding.

6. No previous application has been made for the relief requested herein.

Dated: New York, New York  
June 2, 2015

JOHN PEARSON KELLY, ESQ  
Attorney for Benjamin M. Lawskey,  
Superintendent of Financial Services of  
the State of New York as Liquidator of  
Chevra Bnei Solomon Jezierner

By:

  
Jack A. Franceschetti, Esq.

# EXHIBIT 1



Index No.: 401168/12

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of  
  
the Liquidation of

CHEVRA BNEI SOLOMON JEZIERNER.

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**REPORT AND REQUEST TO DISTRIBUTE ASSETS  
AND CLOSE LIQUIDATION PROCEEDING**

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## INTRODUCTION

Benjamin M. Lawsky, Superintendent of Financial Services of the State of New York ("Superintendent") as liquidator ("Liquidator") of Chevra Bnei Solomon Jezierner a/k/a Congregation Sons of Solomon of the City of Yezierna a/k/a Chevra Bnei Shlomo Yezierner Kranken Unterstutzungs Verein a/k/a Chevra Beni Solomon, Jezierner K.U. Verein a/k/a Chevra Bnei Solomon Jerierner a/k/a Cong. Sons of Solomon Jezierner a/k/a Cong. Sons of Solomon City of Jezierna S.B. Ass'n a/k/a The Chevra Shloime Jezierna K.U.V. a/k/a Cong. Sons of Solomon Jezierner K.U.V. a/k/a Congregation Sons of Solomon Jezernia Sick and Ben. Association a/k/a Sons Solomon of Jezernia a/k/a The Chebre Bnaie Shloime Jezierna Kranken Unterstuetzungs Verein ("Chevra Bnei"), has appointed John Pearson Kelly as Assistant Special Deputy Superintendent and agent of the Liquidator ("Assistant Special Deputy") to carry out, through the New York Liquidation Bureau, the responsibilities of the Liquidator. The Liquidator, by the Assistant Special Deputy, hereby submits the Liquidator's report ("Report") on the status of the liquidation proceeding of Chevra Bnei ("Liquidation Proceeding") and requests specific relief in connection with the closing of the Liquidation Proceeding.

This Court entered an order ("Liquidation Order") on July 18, 2012 ("Liquidation Date"), pursuant to which the Superintendent of Financial Services of the State of New York and his successors in office were appointed as Liquidator of Chevra Bnei. A copy of the Liquidation Order is attached hereto as Exhibit A.

Under the Liquidation Order, the corporate charter of Chevra Bnei was dissolved, and the Liquidator became vested with title to all the property, contracts and rights of action of Chevra Bnei. Furthermore, the Liquidator was authorized and directed to:

- a. Take possession of the property and assets of Chevra Bnei;
- b. Liquidate Chevra Bnei's business and affairs;
- c. Notify each member of Chevra Bnei and all persons interested in Chevra Bnei's assets to present their claims; and
- d. Otherwise liquidate Chevra Bnei's business pursuant to Article 74 of the New York Insurance Law ("Insurance Law").

The Liquidator has been discharging his responsibilities since the Liquidation Date. This Report sets forth a history of Chevra Bnei, a summary of the Liquidator's activities pursuant to the Liquidation Order and Insurance Law Article 74, the financial status of Chevra Bnei and the bases for the Liquidator's recommendations to: (i) approve this Report and the financial transactions delineated herein; (ii) approve the distribution of surplus assets to any creditors and eligible members of Chevra Bnei according to the priorities set forth in Insurance Law 7434; (iii) authorize the Liquidator without further application to the Court, to continue to receive assets, if any, of Chevra Bnei, and to use such assets, first, to pay any unpaid administrative costs of this liquidation proceeding, and then if any assets remain, distribute them to any unpaid creditors and eligible members of Chevra Bnei; (iv) bar and foreclose all persons who have not filed claims in the Liquidation Proceeding from hereafter filing claims; (v) authorize and direct the Liquidator to destroy or otherwise dispose of any and all books, files, records and other property of Chevra Bnei when he deems them no longer required in connection with the Liquidation Proceeding, without further order of this Court; (vi) release and discharge the Liquidator, his predecessors and successors in office, their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the Liquidation Proceeding; (vii) terminate and close the Liquidation Proceeding; and (viii) provide for such other and further relief as this Court may deem just and proper.

## **BACKGROUND**

Chevra Bnei was organized in or about 1902, under the laws of the State of New York as a fraternal benefit society to provide, among other things, burial plots for its members and families.

Chevra Bnei had ceased to function as an active organization and the Superintendent petitioned for the Liquidation Order.

In accordance with Insurance Law Section 7432(b), all claims against Chevra Bnei were required to have been presented to the Liquidator within four months of entry of the Liquidation Order. Pursuant to the Liquidation Order, a notice of liquidation ("Notice") providing notice of the last day for filing claims was mailed to each known creditor of Chevra Bnei, as disclosed by Chevra Bnei's books and records in the Liquidator's possession, and to New Montefiore Cemetery, Mount Hebron Cemetery and Mount Zion Cemetery, where Chevra Bnei owned graves. Copies of the affidavits of service and the Notice are attached hereto as Exhibit B.

No proofs of claim were filed with the Liquidator during the prescribed period. The eleven eligible members of Chevra Bnei, listed on the schedule attached hereto as Exhibit C, are deemed to have filed proofs of claim pursuant to Insurance Law Section 7433(b).

Upon entry of the Liquidation Order, the Liquidator took possession of the assets and property of Chevra Bnei and proceeded to liquidate its affairs. The Liquidator collected interest income on the liquid assets of Chevra Bnei and sold surplus graves that were owned by Chevra Bnei. The Liquidator also issued deeds for 35 graves to those individuals who were entitled to them according to the books and records of Chevra Bnei, as set forth in the schedule attached hereto as Exhibit D.

Pursuant to this Court's orders and the priorities set forth in Insurance Law Section 7434, the Liquidator shall distribute Chevra Bnei's assets to those creditors of Chevra Bnei with allowed claims to the extent that, in the Liquidator's discretion, sufficient funds are available.

The Liquidator completed all activities related to the Liquidation Proceeding of Chevra Bnei by March 31, 2015, and therefore selected that date for closing its books ("Closing Date").

### **FINANCIAL REPORT**

Chevra Bnei's comparative statement of assets, liabilities and reserves as of the Liquidation Date and the Closing Date, which includes the Schedule I of cash in the bank as of the Closing Date and the Schedule II of graves owned as of the Closing Date, is attached hereto as Exhibit E. Chevra Bnei's statement of income and expenses for the period extending from the Liquidation Date to the Closing Date is attached hereto as Exhibit F.

#### **A. As of the Liquidation Date**

The Liquidator conducted a review of Chevra Bnei's financial position as of the Liquidation Date and found that Chevra Bnei had total assets in the amount of \$20,121.22, which consisted of cash in the bank in the amount of \$14,552.51 and the book value (*i.e.*, cost basis plus statutory interest) of surplus graves owned by Chevra Bnei in the amount of \$5,568.71. *See* Exhibit E.

#### **As of the Closing Date**

##### **1. Collection of Assets**

From the Liquidation Date through the Closing Date, the Liquidator collected interest on a money market account in the amount of \$17.71 and a gain on the sale of surplus graves in the amount of \$4,764.83, for a total of \$4,782.54. As of the Closing Date, Chevra Bnei had total assets in the amount of \$24,903.76. *See* Exhibit F.

## **2. Liabilities**

From the Liquidation Date through the Closing Date, the Liquidator has incurred liabilities in the amount of \$11,034.76 which consists of salaries in the amount of \$8,054.52, other administrative expenses in the amount of \$280.52 and anticipated closing costs in the amount of \$2,699.72.

## **3. Distributable Assets**

As of the Closing Date, Chevra Bnei has \$13,519.00 in distributable assets.

### **RECOMMENDATION FOR ALLOWANCE OF CLAIMS**

#### **A. Funeral Expense**

According to the books and records of Chevra Bnei, a \$350.00 death benefit was payable upon the death of a member. There is one estate or beneficiary entitled to a death benefit from Chevra Bnei. The schedule of the claim recommended for allowance is attached hereto as Exhibit G

#### **B. Eligible Members of Chevra Bnei**

As reflected by the Chevra Bnei's financial statements, after application of all of Chevra Bnei's assets to the administrative expenses of the Liquidation Proceeding and the payment of the general creditor claim there will be \$13,519.00 assets remaining for a distribution to Chevra Bnei's eleven eligible members.

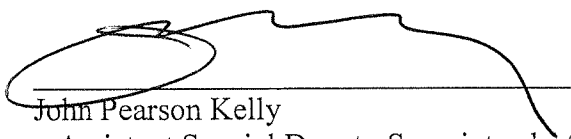
### **RELIEF SOUGHT**

The Liquidator submits this Report in order to describe to this Court the status of the Liquidation Proceeding. In support of the Liquidator's recommendations stated herein, the Liquidator will submit to this Court the Attorney's Affirmation in Support of Motion to Approve the Report and Request to Distribute Assets and Close the Liquidation Proceeding. Based on the

facts set forth therein and in accordance with the Liquidation Order and Insurance Law Article 74, the Liquidator requests that this Court issue an order, which:

1. Approves this Report and the financial transactions delineated herein;
2. Approves the distribution of surplus assets to any creditors and eligible members of Chevra Bnei according to the priorities set forth in Insurance Law Section 7434;
3. Authorizes the Liquidator without further application to the Court, to continue to receive assets, if any, of Chevra Bnei, and to use such assets, first, to pay any unpaid administrative costs of this liquidation proceeding, and then, if any assets remain, distribute them to any unpaid creditors and eligible members of Chevra Bnei;
4. Bars and forecloses all persons who have not filed claims in the Liquidation Proceeding from hereafter filing claims;
5. Authorizes and directs the Liquidator to destroy or otherwise dispose of any and all books, files, records and other property of Chevra Bnei when he deems them no longer required in connection with the Liquidation Proceeding, without further order of this Court;
6. Releases and discharges the Liquidator, his predecessors and successors in office, their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the Liquidation Proceeding;
7. Terminates and closes the Liquidation Proceeding; and
8. Provides for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
June 2, 2015



John Pearson Kelly

Assistant Special Deputy Superintendent  
and Agent of Benjamin M. Lawskey,  
Superintendent of Financial Services of  
the State of New York as Liquidator of  
Chevra Bnei Solomon Jezierner

# EXHIBIT A



SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: STALLMAN  
Justice

PART 21

LAWSKY, BENJAMIN M.,  
ETAL.

INDEX NO.

401168/12

MOTION DATE

MOTION SEQ. NO.

01

MOTION CAL. NO.

- v -

CHEURA BRIE SULLIVAN JERBAUER,  
ETA

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for \_\_\_\_\_

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED

Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion

*special procedure*  
*for an order of liquidation is granted without further*  
*Order of Liquidation signed.*

**FILED**

JUL 18 2012

NEW YORK  
COUNTY CLERK'S OFFICE

Dated: 7/12/12

[Signature]  
J.S.C.

Check one: ☐ FINAL DISPOSITION ☐ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE

☐ SUBMIT ORDER/ JUDG.

☐ SETTLE ORDER/ JUDG.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE  
FOR THE FOLLOWING REASON(S):

At IAS Part 21 of the Supreme Court  
of the State of New York, County of  
New York at the Courthouse, 80  
Centre Street, in the County, City and  
State of New York, on the 12 day of  
July, 2012.

P R E S E N T :

HON. MICHAEL D. STALLMAN, J.S.C.

In the Matter of

Index No.: 401168/12

the Application of

ORDER OF LIQUIDATION

BENJAMIN M. LAWSKY, Superintendent of Financial  
Services of the State of New York, for an order to take  
possession of, liquidate the business and affairs of and  
dissolve the corporate charter of

**FILED**

JUL 18 2012

NEW YORK  
COUNTY CLERK'S OFFICE

CHEVRA BNEI SOLOMON JEZIERNER a/k/a  
CONGREGATION SONS OF SOLOMON OF THE  
CITY OF YEZIERNA a/k/a CHEVRA BNEI SHLOMO  
YEZIERNER KRANKEN UNTERSTITZUNGS VEREIN  
a/k/a CHEVRA BENI SOLOMON, JEZIERNER K.U.  
VEREIN a/k/a CHEVRA BNEI SOLOMON JERIERNER  
a/k/a CONG. SONS OF SOLOMON JEZIERNER a/k/a  
CONG. SONS OF SOLOMON CITY OF JEZIERNA S. B.  
ASS'N a/k/a THE CHEVRA SHLOIME JEZIERNA K.U.V.  
a/k/a CONG. SONS OF SOLOMON JEZIERNER K.U.V.  
a/k/a CONGREGATION SONS OF SOLOMON JEZERNIA  
SICK AND BEN. ASSOCIATION a/k/a SONS SOLOMON  
OF JEZERNIA a/k/a THE CHEBRE BNAIE SHLOIME  
JEZIERNA KRANKEN UNTERSTUETZUNGS VEREIN.

-----X

Benjamin M. Lawsky, Superintendent of Financial Services of the State of New York  
(the "Superintendent"), by Robert H. Easton, Executive Deputy Superintendent, Insurance  
Division, having moved this Court for an order to take possession of the property of Chevra Bnei  
Solomon Jezierner a/k/a Congregation Sons of Solomon of the City of Yezierna a/k/a Chevra Bnei  
Shlomo Yezierner Kranken Unterstutzungs Verein a/k/a Chevra Beni Solomon, Jezierner K.U.  
Verein a/k/a Chevra Bnei Solomon Jerierner a/k/a Cong. Sons of Solomon Jezierner a/k/a Cong.

Sons of Solomon City of Jezierna S.B.Ass'n a/k/a The Chevra Shloime Jezierna K.U.V. a/k/a Cong. Sons of Solomon Jezierner K.U.V. a/k/a Congregation Sons of Solomon Jezernia Sick and Ben. Association a/k/a Sons Solomon of Jezernia a/k/a The Chebre Bnaie Shloime Jezierna Kranken Unterstuetzungs Verein ("Chevra Bnei"), liquidate its business and affairs and dissolve its corporate charter, and upon filing the petition of the Superintendent, duly verified on 11<sup>th</sup> day of April 2012, the affidavit of Robin Kraus, dated March 15, 2012, the affidavit of Hank Miller, President of Chevra Bnei, dated January 26, 2012, and the exhibits attached thereto, this Court finds that:

- a. Chevra Bnei was organized under the laws of the State of New York as a fraternal benefit society;
- b. Chevra Bnei has its principal office in New York County;
- c. Chevra Bnei has ceased to function as an active organization;
- d. Chevra Bnei has consented to the entry of an order of liquidation;
- e. Chevra Bnei is subject to the New York Insurance Law ("Insurance Law") and, particularly, to Article 74 thereof;
- f. Chevra Bnei should be dissolved and its corporate charter annulled and forfeited; and
- g. It is in the best interest of all persons concerned that, based upon Article 74 of the Insurance Law, the Superintendent should be appointed Liquidator and be authorized and directed to take possession of the property of Chevra Bnei, to liquidate its business and affairs, and to dissolve its corporate charter;

NOW, on motion of the Honorable Eric T. Schneiderman, Attorney General of the State of New York, it is hereby

ORDERED as follows:

1. The relief requested in the petition is granted;
2. The Superintendent is appointed Liquidator of Chevra Bnei and is:  
(i) vested with all powers and authority expressed or implied under Article 74 of the Insurance Law, in addition to the powers and authority set forth in this Order of Liquidation ("Order"); (ii) authorized and directed to immediately take possession of Chevra Bnei's property; (iii) vested with title to Chevra Bnei's property, contracts and rights of action; and (iv) directed to liquidate Chevra Bnei's business and affairs and dissolve its corporate charter in accordance with Article 74 of the Insurance Law;
3. The Liquidator may deal with the property and business of Chevra Bnei in its name or in the name of the Liquidator;
4. All persons are permanently enjoined and restrained from wasting the assets of Chevra Bnei and permanently enjoined and restrained, except as authorized by the Liquidator, from disposing the property of Chevra Bnei;
5. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons other than the Liquidator and his agents are permanently enjoined and restrained from: (i) transacting Chevra Bnei's business, except as authorized by the Liquidator; and (ii) interfering with this proceeding or the Liquidator in the possession, control and management of Chevra Bnei's property or in the discharge of his duties;
6. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons are permanently enjoined and restrained from commencing or prosecuting any actions or proceedings against Chevra Bnei, the Liquidator or the New York Liquidation Bureau, or their present or former its employees, attorneys or agents with respect to any claims against Chevra Bnei;
7. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons are permanently enjoined and restrained from obtaining preferences, judgments, attachments or other liens, or making any levy, against Chevra Bnei's assets or any part thereof;
8. Any bank, savings and loan association, other financial institution or any other entity or person, which has on deposit or in its possession, custody or control any of Chevra Bnei's funds, accounts or assets shall immediately, upon the Liquidator's request and direction: (i) turn over custody and control of such funds, accounts or assets to the Liquidator; (ii) transfer title of such funds, accounts or assets to the Liquidator; (iii) change the name of such accounts to the name of the Liquidator; (iv) withdraw funds from such bank, savings and loan association or other financial institution; or (v) take any lesser action necessary for the proper conduct of the liquidation proceeding;

9. The Liquidator is authorized, permitted and allowed to sell, assign or transfer any and all stocks, bonds, securities and any real or other property of Chevra Bnei, other than cemetery plots owned by Chevra Bnei, at market price or, if no market price is available, at the best price obtainable at private sale at such times and upon such terms and conditions as, in his discretion, he deems is in the best interest of the creditors of Chevra Bnei, subject to the approval of this Court, and to take such steps as may be necessary to effect and carry out such sales, transfers and assignments;
10. The Liquidator is authorized, permitted and allowed to sell and convey any cemetery plots owned by Chevra Bnei to members and others in accordance with Section 1513(c) of the Not-for-Profit Corporation Law and to take such actions and to make and execute such agreements and other papers which he in his discretion shall deem necessary and expedient to effectuate the conveyance, transfer and sale of the cemetery plots;
11. In accordance with Insurance Law Section 7405, all contracts and agreements shall terminate and all liability thereunder shall cease and be fixed as of the date of entry of the Order, unless expressly assumed in writing by the Liquidator;
12. Chevra Bnei, its officers, directors, depositories, trustees, agents, servants, employees and attorneys and all other persons having any property and/or information, including, but not limited to, business records, software programs and/or bank records owned by, belonging to or relating to Chevra Bnei, shall preserve such property and/or information, and are directed immediately, upon the Liquidator's request, to assign, transfer, turn over and deliver all such property and/or information to the Liquidator or his designees;
13. In accordance with Insurance Law Section 7432(b), all claims against the Chevra Bnei must be presented to the Liquidator within four months of the date of entry of the Order. In accordance with Insurance Law Section 7433(b)(2), all persons who appear on Chevra Bnei's books and records as claimants as of the date of entry of the Order shall be deemed to have duly filed proofs of claim prior to the last day set for filing claims;
14. Any distribution of assets shall be in accordance with the priorities set forth in Article 74 of the Insurance Law;
15. The corporate charter of Chevra Bnei is relinquished, forfeited, surrendered and annulled and Chevra Bnei is dissolved;
16. The Liquidator shall provide notice of the entry of the Order upon all persons who may have claims against Chevra Bnei as disclosed by Chevra Bnei's books and records;
17. Notice shall be given by mailing a copy of the Order by regular mail to the members of Chevra Bnei and the cemeteries where Chevra Bnei owned cemetery plots at their last known addresses, as same are disclosed by the records of Chevra Bnei in the possession of the Liquidator;

18. The notice described in paragraphs 17 and 18 is sufficient notice to all persons who, according to the books and records of Chevra Bnei, may have an interest in the assets of Chevra Bnei;
19. The Liquidator may at any time make further application to this Court for such further and different relief as he sees fit;
20. The caption for this proceeding is hereby amended as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of

the Liquidation of

CHEVRA BNEI ~~YERIN~~ SOLOMON JEZERNER  
-----X

21. All further papers in this proceeding shall bear the above amended caption; and
22. The Liquidator shall serve a copy of this order upon the Clerk of the Court and the Clerk of the Trial Support Office, who are directed to mark their records to reflect the amended caption.

**FILED**

ENTER

JUL 18 2012

J.S. C

NEW YORK  
COUNTY CLERK'S OFFICE

L10351/MB

# EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----  
In the Matter of

the Liquidation of

Index No. 401168/12

CHEVRA BNEI SOLOMON JEZIERNER

AFFIDAVIT OF SERVICE

-----  
STATE OF NEW YORK )


SS:

COUNTY OF NEW YORK)

Alice Jenkins, being duly sworn, deposes and says:

That he is over the age of twenty-one years, is not a party to this action,  
and is employed by the New York Liquidation Bureau, at 110 William Street, Borough of  
Manhattan, City and State of New York.

That on July 23, 2012, deponent mailed a true copy of the annexed Order  
of Liquidation and Notice of Liquidation, in the above proceeding upon all persons  
whose names and addresses appear on the attached list by enclosing a true copy thereof in  
a postpaid wrapper addressed in accordance with the list and depositing same in a letter  
box at 110 William Street, borough of Manhattan, City and State of New York,  
maintained and exclusively controlled by the United States Government.

  
\_\_\_\_\_  
Alice Jenkins

Sworn to before me this  
23rd day of July, 2012

  
\_\_\_\_\_  
Notary Public

**ROBIN KRAUS**  
Notary Public, State of New York  
No. 42-8010055  
Qualified in Richmond County  
Certificate Filed in Richmond County  
Commission Expires March 22, 2015



LIST  
NOTICE OF LIQUIDATION  
CHEVRA BNEI SOLOMON JEZIERNER  
TO EACH OF THE FOLLOWING-JULY 23, 2012

Michael Barad  
2545 S. Ocean Blvd  
Palm Beach, FL 33450

David & Patricia Bergrin  
7270 Hearth Stone Ave  
Boyton Beach, FL 33437

Ida Bernstein  
4850 NW 29th Ct  
Lauderdale Lakes, FL 33313

Zenith & Doris Eldeg  
7 Lodge Road  
Briarcliff Manor, NY 10510

Regina Fox  
1221 Old Camdry Lane  
Lakewood, NJ 08701

Marilyn Frederica Cury Frix  
219 West 81st Street  
New York, NY 10024

Mendel & Dora Izower  
2200 North Central Road  
Fort Lee, NJ 07024

Caryl Jacobson  
2427 East 29th Street Apt 5P  
Brooklyn, NY 11235

Alina Lechowicz  
1702 W Tuckey Lane Apt 50  
Phoenix, AZ 85015

Henry Miller  
6103 Lilac Court  
Lansdale, PA 19446

David Podwal  
161-55 Jewel Ave  
Flushing, NY 11365

David & Tamar Schwalb  
c/o Eugene Schwalb  
174 Forest Drive  
Jericho, NY 11753

Mr & Mrs Eugene Schwalb  
174 Forest Drive  
Jericho, NY 11753

Marion Wishnik  
c/o Nicole Cirillio  
885 East 65th Street  
Brooklyn, NY 11234

Sally Cohen Wolfe  
25 Linford Road  
Great Neck, NY 11021

Mount Hebron Cemetery  
P.O. Box #228  
Flushing, NY 11352

Mount Zion Cemetery  
P.O. Box #780355  
Maspeth, NY 11378

New Montefiore Cemetery  
P.O. Box #130  
Farmingdale, NY 11735

NEW YORK LIQUIDATION BUREAU  
110 WILLIAM STREET  
NEW YORK, NEW YORK 10038  
(212) 341-6755

To all persons or entities  
interested in the affairs of

CHEVRA BNEI SOLOMON JEZIERNER

Notice is Hereby Given:

I. Benjamin M. Lawsky, Superintendent of Financial Services of the State of New York, has been appointed by an order of the Supreme Court of the State of New York, New York County, entered on, July 18, 2012 ("Liquidation Order"), as the liquidator ("Liquidator") of Chevra Bnei Solomon Jezierner ("Chevra Bnei") and, as such, has been directed to take possession of Chevra Bnei's property, liquidate its business and affairs, and dissolve its corporate charter pursuant to Article 74 of the New York Insurance Law ("Insurance Law"). The Liquidator has, pursuant to Insurance Law Article 74, appointed Jonathan L. Bing, Special Deputy Superintendent of Financial Services of the State of New York ("Special Deputy") as his agent to liquidate the business of Chevra Bnei. The Special Deputy carries out his duties through the New York Liquidation Bureau, 110 William Street, New York, New York 10038.

II. All persons are permanently enjoined and restrained from wasting the assets of Chevra Bnei and permanently enjoined and restrained, except as authorized by the Liquidator, from disposing the property of Chevra Bnei.

III. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons other than the Liquidator and his agents are permanently enjoined and restrained from: (i) transacting Chevra Bnei's business, except as authorized by the Liquidator; and (ii) interfering with this proceeding or the Liquidator in the possession, control and management of Chevra Bnei's property or in the discharge of his duties.

IV. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons are permanently enjoined and restrained from commencing or prosecuting any actions or proceedings against Chevra Bnei, the Liquidator or the New York Liquidation Bureau, or their present or former its employees, attorneys or agents with respect to any claims against Chevra Bnei.

V. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons are permanently enjoined and restrained from obtaining preferences, judgments, attachments or other liens, or making any levy, against Chevra Bnei's assets or any part thereof.

VI. Any bank, savings and loan association, other financial institution or any other entity or person, which has on deposit or in its possession, custody or control any of Chevra Bnei's funds, accounts or assets shall immediately, upon the Liquidator's request and direction: (i) turn over custody and control of such funds, accounts or assets to the Liquidator; (ii) transfer title of such funds, accounts or assets to the Liquidator; (iii) change the name of such accounts to the name of the Liquidator; (iv) withdraw funds from such bank, savings and loan association or other financial institution; or (v) take any lesser action necessary for the proper conduct of the liquidation proceeding.

VII. The Liquidator is authorized, permitted and allowed to sell, assign or transfer any and all stocks, bonds or securities and any real or other property of Chevra Bnei, other than cemetery plots owned by Chevra Bnei, at market price or, if no market price is available, at the best price obtainable at private sale at such times and upon such terms and conditions as, in his discretion, he deems is in the best interest of the creditors of Chevra Bnei, subject to the approval of this Court, and to take such steps as may be necessary to effect and carry out such sales, transfers and assignments.

VIII. The Liquidator is authorized, permitted and allowed to sell and convey any cemetery plots owned by Chevra Bnei to members and others in accordance with Section 1513(c) of the Not-for-Profit Corporation Law and to take such actions and to make and execute such agreements and other papers which he in his discretion shall deem necessary and expedient to effectuate the conveyance, transfer and sale of the cemetery plots.

IX. In accordance with Insurance Law Section 7405, all contracts and agreements shall terminate and all liability thereunder shall cease and be fixed as of the date of entry of the Liquidation Order, unless expressly assumed in writing by the Liquidator.

X. Chevra Bnei, its officers, directors, depositories, trustees, agents, servants, employees and attorneys and all other persons having any property and/or information, including, but not limited to, business records, software programs and/or bank records owned by, belonging to or relating to Chevra Bnei, shall preserve such property and/or information and are directed immediately, upon the Liquidator's request, to assign, transfer, turn over and deliver all such property and/or information to the Liquidator or his designees.

XI. In accordance with Insurance Law Section 7432(b), all claims against Chevra Bnei must be presented to the Liquidator within four months of the date of entry of the Liquidation Order. In accordance with Insurance Law Section 7433(b)(2), all persons who appear on Chevra Bnei's books and records as claimants as of the date of entry of the Liquidation Order shall be deemed to have duly filed proofs of claim prior to the last day set for filing claims.

XII. Any distribution of assets shall be in accordance with the priorities set forth in Article 74 of the Insurance Law.

XIII. The corporate charter of Chevra Bnei is relinquished, forfeited, surrendered and annulled and Chevra Bnei is dissolved.

XIV. All communications relating to Chevra Bnei and to the liquidation thereof should be addressed to:

Ms. Robin Kraus  
New York Liquidation Bureau  
110 William Street  
New York, New York 10038  
(212) 341-6684

BENJAMIN M. LAWSKY  
Superintendent of Financial Services of the State  
of New York as Liquidator of Chevra Bnei  
Solomon Jezierner

JONATHAN L. BING  
Special Deputy Superintendent and Agent  
of the Superintendent of Financial Services  
of the State of New York as Liquidator of  
Chevra Bnei Solomon Jezierner

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: STALLMAN  
Justice

PART 21

LAWSKY, BENJAMIN M.,  
ETAL

INDEX NO.

401168/12

MOTION DATE

MOTION SEQ. NO.

01

MOTION CAL. NO.

- v -

CHEURA BRIE SOLUTION JERISVER,  
ETAL

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for \_\_\_\_\_

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this ~~motion~~ *special proceeding*  
*for an order of liquidation is granted without further*  
*Order of Liquidation signed.*

**FILED**

JUL 18 2012

NEW YORK  
COUNTY CLERK'S OFFICE

Dated: 7/12/12

[Signature]  
J.S.C.

Check one: ☐ FINAL DISPOSITION ☐ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE

☐ SUBMIT ORDER/ JUDG.

☐ SETTLE ORDER/ JUDG.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE  
FOR THE FOLLOWING REASON(S):

At IAS Part 21 of the Supreme Court  
of the State of New York, County of  
New York at the Courthouse, 80  
Centre Street, in the County, City and  
State of New York, on the 12 day of  
July, 2012.

P R E S E N T :

HON. MICHAEL D. STALLMAN, J.S.C.

-----X

In the Matter of

Index No.: 401168/12

the Application of

ORDER OF LIQUIDATION

BENJAMIN M. LAWSKY, Superintendent of Financial  
Services of the State of New York, for an order to take  
possession of, liquidate the business and affairs of and  
dissolve the corporate charter of

**FILED**

JUL 18 2012

NEW YORK  
COUNTY CLERK'S OFFICE

CHEVRA BNEI SOLOMON JEZIERNER a/k/a  
CONGREGATION SONS OF SOLOMON OF THE  
CITY OF YEZIerna a/k/a CHEVRA BNEI SHLOMO  
YEZIERNER KRANKEN UNTERSTITZUNGS VEREIN  
a/k/a CHEVRA BENI SOLOMON, JEZIERNER K.U.  
VEREIN a/k/a CHEVRA BNEI SOLOMON JERIERNER  
a/k/a CONG. SONS OF SOLOMON JEZIERNER a/k/a  
CONG. SONS OF SOLOMON CITY OF JEZIERNA S. B.  
ASS'N a/k/a THE CHEVRA SHLOIME JEZIERNA K.U.V.  
a/k/a CONG. SONS OF SOLOMON JEZIERNER K.U.V.  
a/k/a CONGREGATION SONS OF SOLOMON JEZERNIA  
SICK AND BEN. ASSOCIATION a/k/a SONS SOLOMON  
OF JEZERNIA a/k/a THE CHEBRE BNAIE SHLOIME  
JEZIERNA KRANKEN UNTERSTUETZUNGS VEREIN.

-----X

Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York  
(the "Superintendent"), by Robert H. Easton, Executive Deputy Superintendent, Insurance  
Division, having moved this Court for an order to take possession of the property of Chevra Bnei  
Solomon Jezierner a/k/a Congregation Sons of Solomon of the City of Yezierna a/k/a Chevra Bnei  
Shlomo Yezierner Kranken Unterstutzungs Verein a/k/a Chevra Beni Solomon, Jezierner K.U.  
Verein a/k/a Chevra Bnei Solomon Jerierner a/k/a Cong. Sons of Solomon Jezierner a/k/a Cong.

Sons of Solomon City of Jezierna S.B.Ass'n a/k/a The Chevra Shloime Jezierna K.U.V. a/k/a Cong. Sons of Solomon Jezierner K.U.V. a/k/a Congregation Sons of Solomon Jezernia Sick and Ben. Association a/k/a Sons Solomon of Jezernia a/k/a The Chebre Bnaie Shloime Jezierna Kranken Unterstuetzungs Verein ("Chevra Bnei"), liquidate its business and affairs and dissolve its corporate charter, and upon filing the petition of the Superintendent, duly verified on 11<sup>th</sup> day of April 2012, the affidavit of Robin Kraus, dated March 15, 2012, the affidavit of Hank Miller, President of Chevra Bnei, dated January 26, 2012, and the exhibits attached thereto, this Court finds that:

- a. Chevra Bnei was organized under the laws of the State of New York as a fraternal benefit society;
- b. Chevra Bnei has its principal office in New York County;
- c. Chevra Bnei has ceased to function as an active organization;
- d. Chevra Bnei has consented to the entry of an order of liquidation;
- e. Chevra Bnei is subject to the New York Insurance Law ("Insurance Law") and, particularly, to Article 74 thereof;
- f. Chevra Bnei should be dissolved and its corporate charter annulled and forfeited; and
- g. It is in the best interest of all persons concerned that, based upon Article 74 of the Insurance Law, the Superintendent should be appointed Liquidator and be authorized and directed to take possession of the property of Chevra Bnei, to liquidate its business and affairs, and to dissolve its corporate charter;

NOW, on motion of the Honorable Eric T. Schneiderman, Attorney General of the State of New York, it is hereby

ORDERED as follows:

1. The relief requested in the petition is granted;
2. The Superintendent is appointed Liquidator of Chevra Bnei and is:  
(i) vested with all powers and authority expressed or implied under Article 74 of the Insurance Law, in addition to the powers and authority set forth in this Order of Liquidation ("Order"); (ii) authorized and directed to immediately take possession of Chevra Bnei's property; (iii) vested with title to Chevra Bnei's property, contracts and rights of action; and (iv) directed to liquidate Chevra Bnei's business and affairs and dissolve its corporate charter in accordance with Article 74 of the Insurance Law;
3. The Liquidator may deal with the property and business of Chevra Bnei in its name or in the name of the Liquidator;
4. All persons are permanently enjoined and restrained from wasting the assets of Chevra Bnei and permanently enjoined and restrained, except as authorized by the Liquidator, from disposing the property of Chevra Bnei;
5. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons other than the Liquidator and his agents are permanently enjoined and restrained from: (i) transacting Chevra Bnei's business, except as authorized by the Liquidator; and (ii) interfering with this proceeding or the Liquidator in the possession, control and management of Chevra Bnei's property or in the discharge of his duties;
6. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons are permanently enjoined and restrained from commencing or prosecuting any actions or proceedings against Chevra Bnei, the Liquidator or the New York Liquidation Bureau, or their present or former its employees, attorneys or agents with respect to any claims against Chevra Bnei;
7. The officers, directors, shareholders, members, depositories, trustees, agents, servants, employees, attorneys, managers and affiliates of Chevra Bnei and all other persons are permanently enjoined and restrained from obtaining preferences, judgments, attachments or other liens, or making any levy, against Chevra Bnei's assets or any part thereof;
8. Any bank, savings and loan association, other financial institution or any other entity or person, which has on deposit or in its possession, custody or control any of Chevra Bnei's funds, accounts or assets shall immediately, upon the Liquidator's request and direction: (i) turn over custody and control of such funds, accounts or assets to the Liquidator; (ii) transfer title of such funds, accounts or assets to the Liquidator; (iii) change the name of such accounts to the name of the Liquidator; (iv) withdraw funds from such bank, savings and loan association or other financial institution; or (v) take any lesser action necessary for the proper conduct of the liquidation proceeding;

9. The Liquidator is authorized, permitted and allowed to sell, assign or transfer any and all stocks, bonds, securities and any real or other property of Chevra Bnei, other than cemetery plots owned by Chevra Bnei, at market price or, if no market price is available, at the best price obtainable at private sale at such times and upon such terms and conditions as, in his discretion, he deems is in the best interest of the creditors of Chevra Bnei, subject to the approval of this Court, and to take such steps as may be necessary to effect and carry out such sales, transfers and assignments;
10. The Liquidator is authorized, permitted and allowed to sell and convey any cemetery plots owned by Chevra Bnei to members and others in accordance with Section 1513(c) of the Not-for-Profit Corporation Law and to take such actions and to make and execute such agreements and other papers which he in his discretion shall deem necessary and expedient to effectuate the conveyance, transfer and sale of the cemetery plots;
11. In accordance with Insurance Law Section 7405, all contracts and agreements shall terminate and all liability thereunder shall cease and be fixed as of the date of entry of the Order, unless expressly assumed in writing by the Liquidator;
12. Chevra Bnei, its officers, directors, depositories, trustees, agents, servants, employees and attorneys and all other persons having any property and/or information, including, but not limited to, business records, software programs and/or bank records owned by, belonging to or relating to Chevra Bnei, shall preserve such property and/or information, and are directed immediately, upon the Liquidator's request, to assign, transfer, turn over and deliver all such property and/or information to the Liquidator or his designees;
13. In accordance with Insurance Law Section 7432(b), all claims against the Chevra Bnei must be presented to the Liquidator within four months of the date of entry of the Order. In accordance with Insurance Law Section 7433(b)(2), all persons who appear on Chevra Bnei's books and records as claimants as of the date of entry of the Order shall be deemed to have duly filed proofs of claim prior to the last day set for filing claims;
14. Any distribution of assets shall be in accordance with the priorities set forth in Article 74 of the Insurance Law;
15. The corporate charter of Chevra Bnei is relinquished, forfeited, surrendered and annulled and Chevra Bnei is dissolved;
16. The Liquidator shall provide notice of the entry of the Order upon all persons who may have claims against Chevra Bnei as disclosed by Chevra Bnei's books and records;
17. Notice shall be given by mailing a copy of the Order by regular mail to the members of Chevra Bnei and the cemeteries where Chevra Bnei owned cemetery plots at their last known addresses, as same are disclosed by the records of Chevra Bnei in the possession of the Liquidator;



18. The notice described in paragraphs 17 and 18 is sufficient notice to all persons who, according to the books and records of Chevra Bnei, may have an interest in the assets of Chevra Bnei;
19. The Liquidator may at any time make further application to this Court for such further and different relief as he sees fit;
20. The caption for this proceeding is hereby amended as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of

the Liquidation of

CHEVRA BNEI ~~YONIS~~ SOLOMON JEZIERNER  
-----X

21. All further papers in this proceeding shall bear the above amended caption; and
22. The Liquidator shall serve a copy of this order upon the Clerk of the Court and the Clerk of the Trial Support Office, who are directed to mark their records to reflect the amended caption.

**FILED**

ENTER

JUL 18 2012

NEW YORK  
COUNTY CLERK'S OFFICE

J. S. C.

L10351/MB

# EXHIBIT C

## EXHIBIT

### CHEVRA BNEI SOLOMON JEZIERNER

#### A DISTRIBUTION OF THE ASSETS WILL BE MADE AS FOLLOWS:

<b>Name of Claimant Address <u>Claim No.</u></b>	<b>Number of <u>Units</u></b>
Michael Barad 2545 S. Ocean Blvd Apt 214 Palm Beach, FL 33480-5414 CBN-M-1	1
David & Patricia Bergrin 7270 Hearth Stone Ave Boyton Beach, FL 33472-2919 CBN-M-2	1
Zeneth & Doris Eidel 7 Lodge Road Briarcliff Manor, NY 10510 CBN-M-4	1
Dora Izower 2200 North Central Road Fort Lee, NJ 07024 CBN-M-7	1
Caryl Jacobson 2427 East 29th Street Apt 5P Brooklyn, NY 11235 CBN-M-8	1
Alina Lechowicz 1702 W Tuckey Lane Apt 50 Phoenix, AZ 85015 CBN-M-9	1

## EXHIBIT

### CHEVRA BNEI SOLOMON JEZIERNER

#### A DISTRIBUTION OF THE ASSETS WILL BE MADE AS FOLLOWS:

<b>Name of Claimant Address <u>Claim No.</u></b>	<b>Number of <u>Units</u></b>
Henry Miller 6103 Lilac Court Lansdale, PA 19446 CBN-M-10	1
David Podwal 161-55 Jewel Ave Apt 1H Fresh Meadows, NY 11365 CBN-M-11	1
Eugene & Rita Schwalb 8 Richard Street Passaic, NJ 07055-2632 CBN-M-13	1
Marion Wischik c/o Phyllis Cirillo 39 Geyser Drive Staten Island, NY 10312 CBN-M-14	1
Sally Cohen 25 Linford Road Great Neck, NY 11021 CBN-M-15	1

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Total	11
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# EXHIBIT D

**Exhibit**  
**Chevra Bnei Solomon Jezierner**  
**Mount Hebron Cemetery- Block 23, Section 1**

<b><u>Name, Address &amp; Claim Number:</u></b>	<b><u>Row:</u></b>	<b><u>Grave(s):</u></b>
Michael Barad 2545 S. Ocean Blvd Palm Beach, FL 33450 CBN M-1	7	13
David & Patricia Bergrin 7270 Hearth Stone Ave Boyton Beach, FL 33437 CBN M-2	9	3, 4
Ida Bernstein 4850 NW 29th Ct Lauderdale Lakes, FL 33313 CBN M-3	4	15
Zeneth & Doris Eidel 7 Lodge Road Briarcliff Manor, NY 10510 CBN M-4	7	11, 12
Regina Fox 1221 Old Camdry Lane Lakewood, NJ 08701 CBN M-5	9	11, 12
Marilyn Frederica Cury Frix 219 West 81st Street New York, NY 10024 CBN M-6	10	9
Mendel & Dora Izower 2200 North Central Road Fort Lee, NJ 07024 CBN M-7	10	4, 5

**Exhibit**  
**Chevra Bnei Solomon Jezierner**  
**Mount Hebron Cemetery- Block 23, Section 1**

<b><u>Name, Address &amp; Claim Number:</u></b>	<b><u>Row:</u></b>	<b><u>Grave(s):</u></b>
Caryl Jacobson 2427 East 29th Street Apt 5P Brooklyn, NY 11235 CBN M-8	9	5
Alina Lechowicz 1702 W Tuckey Lane Apt 50 Phoenix, AZ 85015 CBN M-9	11	13
Henry Miller 6103 Lilac Court Lansdale, PA 19446 CBN M-10	7	9
David Podwal 161-55 Jewel Ave Flushing, NY 11365 CBN M-11	11	5
David & Tamar Schwalb c/o Eugene Schwalb 174 Forest Drive Jericho, NY 11753 CBN M-12	9	15, 16
Mr & Mrs Eugene Schwalb 174 Forest Drive Jericho, NY 11753 CBN M-13	10	15, 16
Marion Wishnik c/o Nicole Cirillio 885 East 65th Street Brooklyn, NY 11234 CBN M-14	5	12

**Exhibit**  
**Chevra Bnei Solomon Jezierner**  
**Mount Hebron Cemetery- Block 23, Section 1**

<b><u>Name, Address &amp; Claim Number:</u></b>	<b><u>Row:</u></b>	<b><u>Grave(s):</u></b>
Sally Cohen 25 Linford Road Great Neck, NY 11021 CBN M-15	A/B	14
Estate of Rose Barad Address Unknown CBN M-16	5	3
Evevlyn Charap Address Unknown CBN M-17	7	14
Murray Charap Address Unknown CBN M-18	6	6,7
Clara Hirschhorn Address Unknown CBN M-19	8	1
Jay Nathan Charap Address Unknown CBN M-20	7	1
Lillian Wisnik Address Unknown CBN M-22	6	12
Eleonore Spitzer 211-35 23rd Ave Apt 1C Bayside, NY 11360 CBN M-25	7	5



**Exhibit**  
**Chevra Bnei Solomon Jezierner**  
**Mount Zion Cemetery-Path 16**

**Name, Address**  
**& Claim Number:**

**Grave(s):**

Regina Fox  
1221 Old Camdry Lane  
Lakewood, NJ 08701  
CBN M-5

35, 36

Mr & Mrs J Katz  
Address Unknown  
CBN M-24

44, 45

Mr. & Mrs. Henry Fox  
Address Unknown  
CBN M-23

41, 42

# EXHIBIT E

CHEVRA BNEI SOLOMON JEZIERNER  
COMPARATIVE STATEMENT OF ASSETS  
LIABILITIES AND RESERVES

<u>ASSETS</u>	MARCH 31, 2015	JULY 18, 2012
Cash in Bank – Schedule I	\$17,115.67	\$14,552.51
Graves Owned - Schedule II	<u>0.00</u>	<u>5,568.71</u>
<u>TOTAL ASSETS</u>	<u>\$17,115.67</u>	<u>\$20,121.22</u>
<u>LIABILITIES AND RESERVES</u>		
Administrative Costs Payable	\$3,246.67	\$0.00
Claims Allowed – General Creditors	350.00	0.00
Assets Distribution Payable	<u>13,519.00</u>	<u>0.00</u>
<u>TOTAL LIABILITIES AND RESERVES</u>	<u>\$17,115.67</u>	<u>\$0.00</u>
Excess/(Deficit) Assets over Liabilities and Reserves	<u>\$0.00</u>	<u>\$20,121.22</u>

CHEVRA BNEI SOLOMON JEZIERNER  
CASH IN BANK – MARCH 31, 2015  
SCHEDULE I

DEPOSITORY AND ADDRESS

AMOUNT

*MONEY MARKET SAVINGS ACCOUNT*

J.P. Morgan Chase Bank  
Public Sector Banking  
1 Chase Manhattan Plaza  
21<sup>st</sup> Floor  
New York, NY 10081

\$17,115.67

*CASH IN BANK*

\$17,115.67

**CHEVRA BNEI SOLOMON JEZIERNER  
GRAVES OWNED  
SCHEDULE II**

CEMETERY AND ADDRESS	NUMBER OF GRAVES	COST PER GRAVE	BOOK VALUE
<b>New Montefiore Cemetery</b>			
Block # 5, Section 3			
Wellwood Avenue			
East Farmingdale, N.Y. 11735	129	\$40.21	\$5,187.09
<b>Mount Zion Cemetery</b>			
Path 16L			
59-63 54 <sup>th</sup> Avenue			
Maspeth, N.Y. 11378	8	22.14	177.12
<b>Mount Hebron Cemetery</b>			
Block # 23			
130-04 Horace Harding Expy.			
Flushing, N.Y. 11352	<u>5</u>	40.90	<u>204.50</u>
<b>TOTAL AS OF JULY 18, 2012</b>	<u>142</u>		<u>\$5,568.71</u>
<b>DEDUCTIONS</b>			
New Montefiore Cemetery repurchased 129 graves for \$9,867.21	129	\$40.21	\$5,187.09
Mount Zion Cemetery repurchased 8 graves for \$178.56	8	22.14	177.12
Mount Hebron Cemetery repurchased 5 graves for \$287.77	<u>5</u>	40.90	<u>204.50</u>
<b>TOTAL DEDUCTIONS</b>	<u>142</u>		<u>\$5,568.71</u>
<b>BALANCE AS OF MARCH 31, 2015</b>	<u>0</u>		<u>\$0.00</u>

# EXHIBIT F

**CHEVRA BNEI SOLOMON JEZIERNER  
STATEMENT OF INCOME AND EXPENSES  
FOR PERIOD EXTENDING FROM  
JULY 18, 2012 TO MARCH 31, 2015**

<i>Excess/(Deficit) Assets over Liabilities and Reserves As of Liquidation July 18, 2012</i>			\$20,121.22
<b>INCOME</b>			
Interest Received on Money Market Account			17.71
Received From Sale of Graves	\$10,333.54		
Less: Book Value of Graves	<u>5,568.71</u>		
Gain on Sale of Graves			<u>4,764.83</u>
<b>ASSETS BEFORE EXPENSES &amp; DISTRIBUTIONS</b>			<u><b>\$24,903.76</b></u>
<b>LESS EXPENSES</b>			
Salaries	\$8,054.52		
General & Administrative Expenses	280.52		
Closing Cost	<u>2,699.72</u>		
<b>TOTAL EXPENSES</b>			11,034.76
<b>CLAIMS ALLOWED</b>			350.00
<b>DISTRIBUTABLE SURPLUS</b>			<u>13,519.00</u>
<b>TOTAL DISBURSEMENTS</b>			<u><b>\$24,903.76</b></u>
<i>Excess/(Deficit) Assets over Liabilities and Reserves</i>			<u><b>\$0.00</b></u>

# EXHIBIT G



**EXHIBIT:**

**CHEVRA BNEI SOLOMON JEZIERNER**

**CLAIM RECOMMENDED FOR ALLOWANCE**

**Name of Claimant**

**Address**

**Claim No.**

**Amount**

**Allowed**

Estate of Hilda Hirschl  
c/o Eleonore Spitzer  
211-35 23<sup>rd</sup> Ave Apt 1C  
Bayside, NY 11360  
CBN-GC-4

\$350.00

Index No. 401168/12

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

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In the Matter of  
the Liquidation of

CHEVRA BNEI SOLOMON JEZIERNER.

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**ORDER TO SHOW CAUSE  
AND AFFIRMATION TO APPROVE REPORT  
AND TO CLOSE LIQUIDATION PROCEEDING**

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**JOHN PEARSON KELLY**

Attorney for the Superintendent of Financial Services of the State of New York as Liquidator

*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street  
New York, NY 10038  
(212) 341-6755  
Fax (212) 608-3398

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**ATTORNEY CERTIFICATION**

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information, belief and reasonable inquiry, the contentions in the above referenced document(s) are not frivolous.

Dated: June , 2015  
New York, New York



Jack A. Franceschetti

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☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a

duly entered in the office of the clerk of the within named court on the      day of      20

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.

of which the within is a true copy will be presented for  
one of the judges of the within named court, at  
20      at

Dated:

, on

Yours, etc.

**JOHN PEARSON KELLY**

Attorney for the Superintendent of Financial Services  
of the State of New York as Liquidator

*Office and Post Office Address, Telephone*

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