

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

BAHRAM BENARESH aka GILBERT
BENARESH,

Chapter 11

Case No. 24-12341

Debtor.
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**DECLARATION OF BAHRAM BENARESH PURSUANT TO LOCAL BANKRUPTCY
RULE 1007-2 OF THE LOCAL BANKRUPTCY RULES FOR THE UNITED STATES
BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

I, Bahram Benaresh, declare, pursuant to section 1746 of title 28 of the United States
Code, that:

1. I am the debtor herein (the “Debtor”) and submit this declaration pursuant to Rule
1007-2 of the local rules of this Court. I intend to file a Chapter 11 petition with the Clerk of this
Court on December 16, 2024.

2. There is no other or prior bankruptcy case filed by or against me other than I filed
a Chapter 7 in this Court in 1994 under case no. 94-43059. There has not been a committee of
unsecured creditors organized prior to the order for relief.

**EVENTS LEADING TO MY BANKRUPTCY FILING AND ADDITIONAL
INFROMATION REQUIRED BY LOCAL BANKRUPTCY RULE 1007-2**

3. My business is generally one of acquiring, managing and developing real estate in
Manhattan. Substantially, all of my assets are owned by limited liability companies or
corporations. I am the sole owner of Bexin Realty Corp. which recently filed a Chapter 11
petition which is pending before the Honorable Martin Glenn. I do not own any real estate in my
individual name. My primary residence located at 175 Franklin Street, New York, New York is

owned by Franklin 175 LLC (“Franklin 175”). I am the sole member of this limited liability company.

4. The filing of this petition was precipitated by the actions taken by DF Franklin Lender LLC (“DC Franklin”), the holder of the first mortgage on the property known as and located at 175 Franklin Street, New York, NY, Block 181, Lot 19 (the “Property”). DC Franklin, aside from holding a mortgage, holds a pledge of my membership interest in Franklin 175 which owns the fee ownership in the Property. DC Franklin has called a maturity default on its loan which was purchased from a prior lender. A UCC sale of my membership interest has been scheduled for December 17, 2024. I have had extensive negotiations and discussions with DC Franklin, but they have declined to further postpone the UCC sale. I believe that I have equity in the Property and intend to utilize the Chapter 11 process and to restructure the loan.¹

5. My assets and liabilities can be summarized as follows:

Total Assets:	\$45,000,000.00 ²
Unsecured Debt:	Unknown
Secured Debt:	\$30,000,000.00 ³

6. Attached hereto as **Exhibit “A”** is a list of my twenty (20) largest unsecured creditors, excluding insiders. I, personally, have no secured debt other than the fact the entities which own real estate of which I am the sole member/shareholder, are obligated on

¹ It may be necessary for me to file Franklin 175 in a Chapter 11 also.

² Includes gross value on a going concern basis of all real estate owned by limited liability companies or corporations of which I am the sole shareholder/member.

³ Includes mortgages against assets owned by a limited liability company or corporation of which I am the sole member/shareholder. I have also personally guaranteed these loans.

various mortgages secured by such real estate. In addition, DC Franklin is secured by both the Property and my pledge of membership interest in Franklin 175.⁴

7. None of my property is in the possession or custody of any custodian, public officer, mortgagee, pledgee, assignee of rents or secured creditors other than the pledge of my membership interest granted to DC Franklin.

8. A complete list of lawsuits which I am named a party shall be filed with the statement of financial affairs.

9. I intend to continue in the control of my assets and propose a plan of reorganization, which deals fairly with all of my creditors.

10. My books and records are located at 118 East 28th Street, #1005, New York, New York.

11. I do not have any assets located outside the territorial limits of the United States other than real estate and a car in Dominican Republic.

12. I do not expect to obtain any income from the operation of my business in the next thirty (30) days. I expect to have cash disbursements of approximately \$3,000.00 to pay necessary business expenses and ordinary living expenses.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 16th day of December 2024

/s/ Bahram Benaresh
BAHRAM BENARESH

⁴ I have been advised this lending arrangement, where the mortgagee obtains both the mortgage on the real estate and a pledge of the membership interest, may run afoul of the doctrine of redemption and constitutes an improper clog on the equity of redemption.

EXHIBIT A

Fill in this information to identify your case:

Debtor 1 Bahram Benaresh
First Name Middle Name Last Name

Debtor 2 _____
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number 24-12341
(if known)

Check if this is an amended filing

B 104

For Individual Chapter 11 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders

12/15

If you are an individual filing for bankruptcy under Chapter 11, you must fill out this form. If you are filing under Chapter 7, Chapter 12, or Chapter 13, do not fill out this form. Do not include claims by anyone who is an insider. Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20 percent or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Also, do not include claims by secured creditors unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1: List the 20 Unsecured Claims in Order from Largest to Smallest. Do Not Include Claims by Insiders.

Unsecured claim	
<p>1 Cathay Bank 45 E Broadway New York, NY 10002</p> <p>Contact _____ Contact phone _____</p>	<p>What is the nature of the claim? Guaranty of Mortgage Loan \$0.00</p> <p>As of the date you file, the claim is: Check all that apply</p> <p><input type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply</p> <p>Does the creditor have a lien on your property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Total claim (secured and unsecured) _____ Value of security: _____ Unsecured claim _____</p>

Part 2: Sign Below

Under penalty of perjury, I declare that the information provided in this form is true and correct.

X /s/ Bahram Benaresh
Bahram Benaresh
 Signature of Debtor 1

X _____
 Signature of Debtor 2

Date December 16, 2024

Date _____