

CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

In re:

FOCUS III, INC.,

Assignor,

To

LARRY S. HYMAN

Assignee.

Case No. 10-008018

Division: G

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APR 13 2010

CLERK OF CIRCUIT COURT  
HILLSBOROUGH COUNTY, FL

**EX-PARTE NOTICE OF AND MOTION TO LIMIT NOTICE  
PURSUANT TO FLORIDA STATUTE 727.111(6) et. seq.**

**PLEASE TAKE NOTICE**, all creditors and interested parties have 10 days from the date of service of this motion to object to the Assignee's *Ex-Parte* Notice of and Motion to Limit Notice pursuant to Florida Statute 727.111(6) et seq. in this assignment proceeding. You must file your objection to this Notice with Pat Frank, Clerk of the Court, Thirteenth Judicial Circuit, George E. Edgecomb Courthouse - 800 E. Twiggs Street, Tampa, FL 33602 and serve a copy on Susan H. Sharp, Esquire, Stichter Riedel Blain & Prosser, 110 E. Madison Street, Suite 200, Tampa, Florida 33602. If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified.

Larry S. Hyman, ("Assignee"), by and through his undersigned attorney, pursuant to Florida Statute 727.111(6), requests that the Court enter an order limiting the persons and entities to whom notice of certain matters be given or, in the event no objections are timely filed, the Assignee hereby advises that notice to creditors and parties in interest will be provided as set forth herein. If no objection is timely filed and served to this Notice, then creditors and other parties in interest have consented to notice on a limited basis and the Assignee shall have the authority to limit notice requested without the need of obtaining a court order (*see*, Florida statute 727.111(6) *et seq.*).

The primary purpose of limiting notice is to reduce the postage, copying and mail costs of the Estate. Accordingly, the Assignee hereby files its Motion and states that:

**PROCEDURAL AND FACTUAL BACKGROUND**

1. On April 12, 2010, a petition was filed with this Court initiating an assignment of the benefit of creditors for Focus III, Inc. (the "ABC").

2. Focus III, Inc is a direct marketing company that generates sales leads for businesses. They offer a complete turnkey solution from production to media placement to fulfillment.

3. Under the terms of the ABC, Larry Hyman became the assignee of all the assets of Focus III, Inc. (the "Assets"), subject to all valid liens.

#### **Basis for Motion**

4. Focus III, Inc. has a significant number of creditors and parties in interest and the Assignee and other interested parties will have numerous matters to bring before the Court, for which notice to all creditors would be unduly costly and burdensome to the Estate.

5. Specifically, the Schedules furnished by the Assignor reflect that there are approximately 250 unsecured creditors.

6. The Assignee believes that the designation of a list of creditors and interested parties for purposes of giving limited notices in this case will result in efficient administration and will not impair the rights of interested parties.

7. Pursuant to Florida Statute 727.111(6) the Court, without notice of hearing, may limit the parties to whom notice may be given.

8. The Assignee respectfully requests that all notices required be served as further outlined herein below.

#### **Relief Requested**

9. The Assignee has established three matrices for use during the course of this case. First, there is a matrix that is comprised of all secured creditors and parties in interest, and all unsecured creditors, as listed in the Assignor's Schedules; this matrix is hereinafter referred to as the "Matrix".

10. The Assignee has established a second matrix comprised of the Assignee, Assignor, Assignor's counsel, all secured creditors, any governmental and taxing authorities listed in the Schedules or which the Assignor determines should be listed in the matrix, the **twenty (20) largest** unsecured creditors as listed by Assignor, any creditor who has filed a proof of claim forwarding same to the address noted on the claim form, and all other interested parties who file with the clerk and serve on the undersigned a request that all notices be sent to them; this matrix is hereinafter referred to as the "**Limited Matrix**".

11. Finally, the Assignee will establish a matrix which will be comprised of all creditors listed on the Matrix and all creditors filing a proof of claim in this matter; this matrix is hereinafter referred to as to the "**Closing Matrix**".

12. The Assignee shall serve the Notice of Assignment for the Benefit of Creditors, together with a Proof of Claim form, on the Matrix, advising, among other things, of the filing of the ABC, that claims are to be filed no later than **August 10, 2010**, (the "**Claims Bar Date**") and providing a form of Proof of Claim for the filing of claims in this matter.

13. In addition, all creditors and parties in interest listed on the Matrix will be served with the Notice of Examination of Corporate Officer scheduling the examination to be conducted under Chapter 727 of the Florida Statutes for **April 28, 2010 at 1:30 p.m.**

14. This notice will further advise that all pleadings filed in the case will be posted on Assignee's counsel's website ([www.srbp.com](http://www.srbp.com)) so same can be accessed and reviewed by any creditor.

15. The Assignee respectfully requests that all notices required to be served pursuant to F.S. 727.111 be mailed only to the Limited Matrix. The Assignee will file the Limited Matrix with the Court and any creditor or party in interest may request a copy of the Limited Matrix from counsel for the Assignee.

16. The relief requested herein is in the best interest of the creditors and the Estate because the relief requested will reduce the expense of postage, copying, and mailing incurred in connection with serving notices.

17. In addition to this Notice, the Assignee has filed with the Court his Motion to Employ Attorney which seeks authority to employ the law firm of Stichter Riedel Blain & Prosser as his counsel in this matter and his Motion to Set Amount of Bond requesting that the bond posted in this case be in the amount of \$10,000. These Motions will be served only on the Limited Matrix.

18. At the conclusion of the case, notice of the case closing which will include a final report outlining distributions to be received by creditors pursuant to the priority scheme set forth in Chapter 727 of the Florida Statutes will be served on those listed on the Closing Matrix.

19. The relief requested herein is reasonable because a creditor can simply file and serve a notice of appearance to ensure receipt of future notices by being listed on the Limited Matrix.

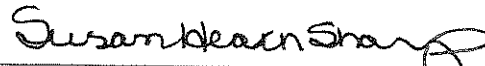
**20. Any objections to this action must be timely filed and served with the Clerk of the Court, Pat Frank, Thirteenth Judicial Circuit, George E. Edgecomb Courthouse - 800 E. Twiggs Street, Tampa, FL 33602, and serve a copy on Susan Heath Sharp, Esquire, Stichter Riedel Blain & Prosser, 110 E. Madison Street, Suite 200, Tampa, Florida 33602 by no later than five (5) days from the service of this notice and motion.**

21. If any objections are received, the undersigned shall set for hearing Objections and the foregoing Notice of and Motion to Limit Notice before the Court.

22. The failure of a party in interest to timely object to the Notice and relief requested herein shall definitively authorize the Assignee to limit notice as requested herein and same shall be deemed authorized and approved.

WHEREFORE, the Assignee gives notice that he will take the action described in the Notice and respectfully requests that this Court enter an order limiting notice as provided by F.S. 727.111(6) and that the Court grant such other and further relief as is just in the event an objection is timely filed.

DATED: April 13, 2010



Susan Heath Sharp (Fla Bar No. 0716421)  
STICHTER, RIEDEL, BLAIN & PROSSER, P.A.  
110 Madison Street - Suite 200  
Tampa, Florida 33602  
(813) 229-0144  
(813) 229-1811 FAX  
ATTORNEYS FOR ASSIGNEE

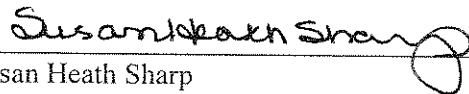
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **NOTICE OF AND MOTION TO LIMIT NOTICE PURSUANT TO FLORIDA STATUTE 727.111(6) et. seq.** has been sent by ELECTRONIC TRANSMISSION on the 13th day of April, 2010 to:

Larry S. Hyman, Assignee  
PO Box 18614  
Tampa, Florida 33679

for service on:

All parties listed on the Matrix. Upon service to such parties, a representative of the Assignee will file with the Court an affidavit of service.



Susan Heath Sharp  
[ssharp@srbp.com](mailto:ssharp@srbp.com)