

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

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In Re:

CASE NO.: 00-27803-BKC-RBR

ACCUTEL COMMUNICATIONS, INC.,

CHAPTER 7

Debtor(s).

_____ /

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a hearing will be held in the above matter at

1:30 P.m. on March 13, 2001, at the following location:
(Date)

- () Claude Pepper Federal Bldg., 51 S.W. 1st Avenue, Courtroom _____, Miami, Florida 33130
- (X) U.S. Courthouse, Courtroom 308, 299 E. Broward Blvd., Ft. Lauderdale, Florida 33301
- () Paul G. Rogers Federal Building
[] Courtroom #6, Room 312 [] Courtroom #_____, Room _____
701 Clematis Street, West Palm Beach, Florida 33401

to consider the following: MOTION TO VACATE ORDER DISMISSING CASE

DATED: 02/20/01

KAREN EDDY
Clerk of Court

By: [Signature]
Courtroom Deputy

The movant, or movant's counsel, MARIO D. GERMAN, ESQ., shall serve a copy of this notice and, unless previously served, the above-described pleading, to all required parties and within the time frames required by the Federal Rules of Bankruptcy Procedure, Local Rules, or orders of the court, and shall file this original notice and completed certificate of service (printed on reverse) with the court.

All moving or objecting parties shall bring to the hearing, a proposed order, sustaining their position, with appropriate copies and envelopes.

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DOCUMENT NUMBER-DATE
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

IN RE: CASE NO.: 00-27803-BKC-RBR
ACCUTEL COMMUNICATIONS, INC., CHAPTER 7
Debtor.

MOTION TO VACATE ORDER DISMISSING CASE

COMES NOW, Debtor, ACCUTEL COMMUNICATIONS, INC., by and through the undersigned attorney and files this Motion to Vacate Order Dismissing Case and states as follows:

1. Debtor filed a Voluntary Petition for Bankruptcy under Chapter 7 on December 20, 2000.
2. An Order Dismissing Chapter 7 Bankruptcy Case was entered on February 6, 2001.
3. 341 Creditors Meeting was held on January 26, 2001.
4. The day before the 341 Creditors Meeting the undersigned contacted the Trustee's office requesting a continuance as the undersigned had to attend a seminar all day. A request to the Trustee for a continuance was denied
5. Our office was aware that the corporate representative, Donna Kim, who was to attend the 341 Meeting was ill the day before. Mrs. Kim was planning to be present at the 341 Meeting. However, Mrs. Kim failed to attend the 341 Creditors Meeting and we assumed it was because she was still ill.
6. Later that same day as the 341 Creditors Meeting we contacted Mrs. Kim and the undersigned was informed that Mrs. Kim's Uncle had a heart attached and died

the night before and she was heading to Hawaii to be with the family.

7. The undersigned promptly notified the Trustee with a request to reset the 341 Creditors Meeting. The request was denied. See attached exhibit "A".

WHEREFORE, Debtor respectfully request that the Court grant this Motion to Vacate the Order of Dimissal, for the above reasons.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail on this ____ day of February, 2001, to the following:

Sonya Salkin, Trustee
1776 N. Pine Island Road, #216
Plantation, Florida 33322

All interested parties

GERMAN & ASSOCIATES, P.A.
North Broward Professional Center
100 East Sample Road, Suite 320
Pompano Beach, Florida 33064
(954) 788-7979

BY: 

MARIO D. GERMAN, ESQ.
FBN: 949371

Law Offices of
GERMAN & ASSOCIATES, P.A.

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100 East Sample Road
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Telephone (954) 788-7979
Fax (954) 788-5211

VIA FAX (954) 423-4479

January 29, 2001

Sonya Salkin, Trustee
1776 N. Pine Island Road, #216
Plantation, Florida 33322

RE: Accutel Communications
Case No.: 00-27803- BKC RBR

Dear Ms. Salkin:

As you are aware, the undersigned represents the above referenced Debtor. Due to a mis calendared of the 341 creditors meeting, my assistant contacted your office to request a continuance for the 341 creditors meeting. Your assistant, Lisa, stated that continuance was not possible. As a result my assistant called the Debtor at work and was advised that she had gone home ill. The Debtor's representative, Donna Kim, was contacted at home and advised that she must attend the scheduled hearing. Mrs. Kim's intentions were to attend the hearing.

An associate, Mr. Kaufman, represented me at the 341 creditors meeting. When the client did not show, we assumed that she was still ill. As a result you dismissed the case with prejudice for one year. Due to your decision we attempted to contact our client. Later in the day our client returned our call stating that her uncle had died of a heart attack during the night. And as a result she was not able to attend the hearing. If you request, we can furnish document has to Mrs. Kim claim.

We respectfully request that continuance be granted due to the above information. The continuance will not prejudice the creditors as only one of many creditors appeared at the hearing. Please advise as to your decision.

Thank you for your cooperation in this matter.

Truly yours,


MARIO D. GERMAN, ESQ.

EXHIBIT "A"