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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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05 JAN 12 AM 9:29

COMMISSION
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In Re:

EPICUS, INC.,

Debtor,

CASE NO. 04-34916-BKC-PGH
CHAPTER 11

**LANDLORD CRT PROPERTIES, INC., F/K/A KOGER EQUITY, INC.'S OBJECTION
TO DEBTOR'S MOTION TO EXTEND TIME TO ASSUME NON-RESIDENTIAL
LEASE OF REAL PROPERTY**

Landlord, CRT Properties, Inc. f/k/a Koger Equity, Inc. ("CRT"), by and through its undersigned counsel, and pursuant to 11 U.S.C. § 365(d)(4), hereby objects to the debtor's motion to extend time to assume non-residential lease of real property, and states as follows:

1. The debtor filed its bankruptcy petition on October 25, 2004. On December 20, 2004, the debtor filed its motion to extend the time to assume or reject non-residential lease of real property (the "Motion"). The lease at issue is between CRT, as landlord, and the debtor, as tenant (the "CRT Lease").

2. Contrary to the allegations set forth in the Motion, the debtor is not current in

CMP _____ payment of its postpetition rent. Rent for December 2004, in the amount of \$20,802.67, plus

COM _____ sales tax, was due on December 1, 2004 and has not been paid. Therefore, the debtor has failed

ECR _____ to comply with its obligations under § 365(d)(3) to pay rent as it comes due.

GCL _____ 3. In determining whether a debtor's request to extend time to assume or reject a

OPC _____ non-residential lease of real property should be granted, important factors to be weighed by the

MMS _____

RCA _____

SCR _____

SEC 1

OTH Grant

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court include whether the debtor is complying with its postpetition rental obligations, and whether the case is exceptionally complex and involves a large number of leases. In re Victoria Station, Inc., 88 B.R. 231, 236 n.7 (9th Cir. BAP 1988), aff'd 875 F.2d 1380 (9th Cir. 1989). In the instant case: (1) the debtor has failed to pay its postpetition rent; (2) the case does appear to be a complex reorganization; and (3) it does not appear that the debtor has a significant number of non-residential real property leases.

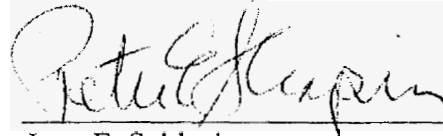
4. CRT would be amenable to a sixty (60) day extension of time to assume or reject the CRT Lease, provided that the debtor makes payment of the December 2004 rent, so as to be received by CRT on or before January 14, 2005, and that the debtor complies with all of its obligations under the CRT Lease during such sixty (60) day extension.

WHEREFORE, CRT respectfully requests that this Court limit any extension of time to assume or reject the CRT Lease to sixty (60) days, and condition such extension on the debtor making payment of December 2004 rent, so as to be received by CRT on or before January 14, 2005 and that the debtor complies with all of its obligations under the CRT Lease during such sixty (60) day extension.

Dated: January 14th, 2005

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By:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by facsimile and via U.S. Mail to Robert C. Furr, One Boca Place, #337W, 2255 Glades Road, Boca Raton, FL 33431; David C. Cimo, Genovese Joblove & Battista, P.A., 100 S.E. 2nd Street, 36th Floor, Miami, FL 33131; Office of the Assistant U.S. Trustee/Southern District of Florida, 12th Floor, 51 S.W. 1st Avenue, Miami, FL 33130; and Phil Landau, Akerman Senterfitt, 350 E. Las Olas Blvd., #1600, Ft. Lauderdale, FL 33301 and by U.S. Mail on this 7th day of January, 2005 to all parties on attached service list.



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~~Wall Street Journal~~

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