

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION

In Re:

ULRICH FELIX ANTON ENGLER

Case No. 9:08-bk-04360-MGW

Debtor.

**MOTION FOR AUTHORITY TO SELL PROPERTY
OF THE ESTATE FREE AND CLEAR OF LIENS**

COMES NOW the Trustee in the above-styled case, ROBERT E. TARDIF JR., and hereby moves this Court for authority to sell property of the estate free and clear of liens, and as grounds therefore states as follows:

1. Trustee proposes to sell the following property described below pursuant to 11 U.S.C. § 363: Lots 79 and 80, Block 926, Cape Coral Unit 26, according to the plat thereof as recorded in Plat Book 14, Pages 177 to 148, Inclusive Public Records of Lee County, Florida (430 SE 24th Street, Cape Coral, FL 33990), together with all furnishings and personal property located within the property.
2. The proposed purchasers are Bassam A. Mohtady and Kathleen R. Mohtady, assigns or designees.
3. The selling price is \$225,000.00. Trustee retained a real estate broker/agent to market.
4. Trustee is informed that the following creditors may have liens upon the property:

Creditor	Nature of Interest	Amount
Bayview Loan Servicing, LLC	Mortgage	Approx: \$160,000.00 Or Such Amount In A Written Payoff Letter

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection or other matter without further notice or hearing unless a party in interest files an objection within 21 days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at Sam M. Gibbons United States Courthouse, 801 N. Florida Avenue, Suite 555, Tampa, Florida 33602 and serve a copy on Robert E. Tardif Jr., Trustee, Post Office Box 2140, Fort Myers, FL 33902, and on the Assistant United States Trustee, 501 E. Polk Street, Suite 1200, 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. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper and will proceed to consider the paper without further notice or hearing and may grant the relief requested.

5. The Trustee proposes to pay the following liens and expenses from the proceeds of sale to enable him to sell the property free and clear of liens:

- a. Hal Leopard/ReMax Realty Team/Cooperating Broker, if any \$13,500.00
 - b. Other reasonable and customary closing costs to the Trustee, as Seller, including the following:
 - i. Title Insurance \$ 1,425.00
 - ii. Documentary Stamps \$ 1,575.00
 - iii. Past utility bills \$ 889.00
 - iv. Reasonable and customary closing costs not to exceed \$ 300.00
 - v. Prorated taxes, back taxes, assessments of approximately \$ 15,000.00
6. The Trustee intends that the purported liens of creditors and parties in interest not identified as being paid in Paragraph 5 shall be transferred to and shall have the same priority, if any, to the proceeds of the sale.
7. The Trustee will entertain any higher bids for the purchase of the property that the Trustee proposes to sell. **Such bids must be at least higher than \$235,000.00.** Such bids must be in writing and accompanied by a cashier's check payable to Robert E. Tardif Jr., Trustee in Bankruptcy in the Bankruptcy of ULRICH FELIX ANTON ENGLER and PRIVATE COMMERCIAL OFFICE, INC., in the amount of 10% of the proposed higher purchase price. **The Trustee must receive any higher bids no later than 5 p.m. on November 10, 2011.** Trustee will then call the three highest bidders (in addition to the original bidder named above), and make arrangements to conduct an auction with those parties, either telephonically, or in person, at the discretion of the Trustee. In the event the Trustee accepts a higher bid, the purchaser in the Order of Sale shall be the highest bidder at the price and terms accepted by the Trustee.

WHEREFORE the Trustee moves the Court for entry of an Order authorizing the sale of the above-described property free and clear of liens in accordance with the terms stated herein.

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished on October 18, 2011 electronically to the Assistant United States Trustee, by regular U.S. Mail to Ulrich Felix Anton Engler and Private Commercial Office, Inc., 1217 Cape Coral Parkway # 121, Cape Coral FL 33904, Internal Revenue Service, Insolvency Unit/Special Procedures, Post Office Box 17167, Stop 5760, Plantation, FL 33318, United States Attorney General, U.S. Dept. of Justice, Tax Division, Ben Franklin Station, Post Office Box 14198, Washington, DC 20044, District Counsel, Internal Revenue Service, 51 S.W. First Avenue, Room 1114, Miami, FL 33130, United States Attorney's Office, Attn: Civil Process Clerk, 400 North Tampa Street, Suite 3200, Tampa, FL 33602-4798, Michael J. Kearns, Dept of Justice, Tax Division, Post Office Box 14198, Washington, DC 20044, Internal Revenue Service, Atlanta Service Center, P. O. Box 47-421, Doraville, GA 30362 and Bassam A. Mohtady, 706 SW 35th Street, Cape Coral, FL 33914, Kathleen R. Mohtady, 706 SW 35th Street, Cape Coral, FL 33914 and by either regular U.S. Mail or electronic notice to all creditors and parties in interest according to the Motion to Limit Notice (Doc No. 418) and Court's Order Granting Trustee's Motion to Establish Certain Notice, Case Management and Administrative Procedures (Doc. 451).

/s/ Robert E. Tardif Jr.
 Robert E. Tardif Jr., Trustee
 P.O. Box 2140
 Fort Myers, Florida 33902
 Telephone: 239/362-2755
 Facsimile: 239/362-2756

