

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re

CASE NO. 9:08-bk-04360-MGW

ULRICH FELIX ANTON ENGLER,  
PRIVATE COMMERCIAL OFFICE, INC.,  
and PCO CLIENT MANAGEMENT, INC.,

CHAPTER 7  
(Substantively Consolidated)

Debtors.

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**TRUSTEE'S NINTH OMNIBUS OBJECTION TO CLAIMS  
(CLAIMANT NAMES BEGINNING WITH "S")**

**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 a response within sixty (60) days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida 33602-3899, and serve a copy on counsel for the Trustee at Heather L. Harmon, Esq., Genovese Joblove & Battista, P.A., 200 East Broward Boulevard, Suite 1110, Fort Lauderdale, FL 33301, hharmon@gjb-law.com, and any other appropriate persons within the time allowed.

If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

**For additional information regarding these Chapter 7 cases or to  
submit an inquiry regarding this Objection, please visit  
[www.englerbk.com](http://www.englerbk.com)**

ROBERT E. TARDIF, JR. (the "Trustee"), as Chapter 7 Trustee for the substantively consolidated bankruptcy estates of Ulrich Felix Anton Engler ("Engler"), Private Commercial

Office, Inc. (“PCO”), and PCO Client Management, Inc. (“PCOM”) (collectively, the “Debtors”), pursuant to 11 U.S.C. §502(b), Federal Rule of Bankruptcy Procedure 3007 and Local Rule 3007-1, hereby files this objection (the “Objection”) to the claims listed on the attached **Exhibit A** for one or more of the reasons described below:

***Duplicate:*** This claim is duplicative of another claim filed in the substantively consolidated bankruptcy cases of Engler and/or PCO. As a result, the duplicative claim should be stricken and disallowed in its entirety. Exhibit “A” specifies claimant’s remaining claim against the Debtors’ consolidated estate. The remaining claim may be subject to further objection for additional reasons set forth herein.

***Claim Includes Interest:*** The Claim includes a component for interest which is not permitted under applicable state and bankruptcy law. The Debtors were engaged in a Ponzi scheme and interest or “false profits” are not permissible as claims against the Debtors’ consolidated estate. As a result, such claim should be reduced and allowed in the amount indicated on the Exhibit, to the extent the Trustee does not seek to strike and disallow, or further reduce, such claim for additional reasons set forth herein.

***Claim Exceeds Net Investment:*** The amount of the claim exceeds the net investment set forth in the Debtors’ books and records including, but not limited to, the Debtors’ bank records. A “net investment” is the principal of the investment, less any amounts received from the Debtors as either return of principal or interest payments. As a result, such claims should be reduced to the amount indicated on the Exhibit, to the extent the Trustee does not seek to strike and disallow such claim for additional reasons set forth herein.

***Claimant is Net Profiteer:*** The Debtors’ books and records including, but not limited to, the Debtors’ bank records, show that claimant is a “net profiteer” in the Debtors’ Ponzi scheme. A net profiteer is an individual or entity who received return of principal or interest payments in excess of the principal amount invested with the Debtors. Because the claimant’s principal was returned in full prior to the petition date, claimant is not entitled to any further claim against the Debtors’ consolidated estate. As a result, the claim should be stricken and disallowed in its entirety.

***Late-Filed:*** The Claim was filed after the Bar Date of November 3, 2008. As a result, the claim should be disallowed as a general unsecured claim and allowed as a late-filed claim pursuant to Section 726(a)(3) of the Bankruptcy Code.

***Claim Improperly Classified:*** Claim was improperly filed as a priority or a secured claim and claimant has no basis for either a priority claim pursuant to any subsection of 11 U.S.C. §507 or a security interest in any property of the Debtors' consolidated estate. As a result, such claim should be reclassified and allowed in the amount indicated on the Exhibit, to the extent the Trustee does not seek to strike and disallow, or further reduce, such claim for additional reasons set forth herein.

***Claim Filed With No Amount:*** The proof of claim form does not specify a claim amount or lists the claim amount as "Unknown." The documentation attached to the proof of claim does not indicate the claimant's intent with respect to the claim amount. As a result, the claim should be stricken and disallowed in its entirety.

1. The Exhibit attached hereto is a schedule of claims being objected to by the Trustee, with the specific grounds and reasons for the objection, and the requested disposition of such claims, as set forth above.

2. The Trustee reserves the right to amend any objection to any claim set forth on the Exhibit, to object on additional grounds not set forth in the Exhibit and/or to object to any further claims not presently set forth on the Exhibit. By filing this Objection, the Trustee does not waive the right to file further objections or to pursue avoidance actions or other causes of action.

**WHEREFORE**, the Trustee respectfully requests that the Court enter an Order: (i) disposing of the claims set forth on the Exhibit, as recommended by the Trustee, on the grounds set forth in this Objection and on the attached Exhibit, without prejudice to the rights of the Trustee or other interested party to file further objections or to pursue avoidance actions or other causes of action, and (ii) granting such other and further relief as is just and appropriate.

Dated this 19<sup>th</sup> day of August, 2015.

Respectfully submitted,  
GENOVESE JOBLOVE & BATTISTA, P.A.  
*Special Counsel to the Trustee*  
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By: /s/ Robert F. Elgidely

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**Omnibus Objection to Claims  
EXHIBIT "A"**

Claim Number	Case	Claimant Name (alphabetical by last name)	Total Claim	Amount Received as Return of Principal or Interest Payment	Objections					Proposed Allowed Claim (general unsecured)	Duplicate Claim #
					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
1234	4360-Engler	Sailer, Ernst	\$ 84,737.93	\$ -	-	19,962.93	-	-		\$ 64,775.00	
1089	4360-Engler	Sauermoser, Elmar	\$ 12,960.00	\$ -	-	3,360.00	-	-		\$ 9,600.00	
1090	4360-Engler	Sauermoser, Elmar	\$ 16,875.00	\$ -	-	4,375.00	-	-		\$ 12,500.00	
1129	4360-Engler	Sauermoser, Elmar	\$ 16,310.00	\$ 3,510.00	-	5,710.00	3,510.00	-		\$ 7,090.00	
850	4360-Engler	Sauter, Rainer	\$ 6,077.53	\$ -	-	1,077.53	-	-		\$ 5,000.00	
851	4360-Engler	Sauter, Rainer	\$ 10,000.00	\$ 1,000.00	-	-	1,000.00	-		\$ 9,000.00	
1156	4360-Engler	Sauter, Rainer	\$ 10,000.00	\$ -	10,000.00	-	-	-		\$ -	851
1157	4360-Engler	Sauter, Rainer	\$ 6,077.53	\$ -	6,077.53	-	-	-		\$ -	850
934	4360-Engler	Schadeck, Peter & Theresia	\$ 26,532.97	\$ -	-	16,532.97	-	-	X	\$ 10,000.00	
45	4360-Engler	Schaer, Brigitte	\$ 15,000.00	\$ -	-	-	-	-		\$ 15,000.00	
289	4360-Engler	Schano, Anna Maria	\$ 1,204,991.00	\$ 105,000.00	-	796,456.00	105,000.00	-		\$ 303,535.00	
282	4360-Engler	Schano, Guido	\$ 582,693.00	\$ 243,776.15	-	322,767.00	243,776.15	-		\$ 16,149.85	
131	4360-Engler	Scharrer, Dr. Hans	\$ 70,355.00	\$ -	-	20,355.00	-	-		\$ 50,000.00	
1122	4360-Engler	Scharrer, Dr. Hans	\$ 70,355.00	\$ -	70,355.00	-	-	-		\$ -	131
884	4360-Engler	Scheidbach, Helmut	\$ 26,000.00	\$ 16,627.49	-	-	16,627.49	-		\$ 9,372.51	
885	4360-Engler	Scheidbach, Helmut	\$ 18,793.00	\$ -	-	-	-	-		\$ 18,793.00	
886	4360-Engler	Scheidbach, Helmut	\$ 18,793.00	\$ -	-	-	-	-		\$ 18,793.00	
47	4360-Engler	Schickinger, Helga	\$ 100,000.00	\$ 24,000.00	-	-	24,000.00	-		\$ 76,000.00	
1042	4360-Engler	Schirmeyer, Susanne	\$ 12,484.34	\$ -	-	7,484.34	-	-	X	\$ 5,000.00	

Case No. 08-bk-04360-ALP  
United States Bankruptcy Court

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Claim Number	Case	Claimant Name (alphabetical by last name)	Total Claim	Amount Received as Return of Principal or Interest Payment	Objections					Proposed Allowed Claim (general unsecured)	Duplicate Claim #
					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
674	4360-Engler	Schlager, Sylvia	\$ 60,697.53	\$ 9,900.00	-	30,697.53	9,900.00	-		\$ 20,100.00	
75	4360-Engler	Schmid, Dr. Alfred	\$ 186,723.58	\$ 15,000.00	-	87,023.58	15,000.00	-		\$ 84,700.00	
155	4360-Engler	Schmid, Ulrike	\$ 37,836.00		-	12,836.00	-	-		\$ 25,000.00	
632	4360-Engler	Schmidlauer, Daniel	\$ 1,266,000.00	\$ 52,984.40	-	5,017.50	52,984.40	-		\$ 1,207,998.10	
144	4360-Engler	Schmidt, Sonja	\$ 39,750.00	\$ 2,140.10	-	-	2,140.10	-	X	\$ 37,609.90	
46	4360-Engler	Schmitt, Anneliese	\$ 5,000.00	\$ -	-	-	-	-		\$ 5,000.00	
163	4360-Engler	Schneider, Carmen & Joachim	\$ 68,871.12	\$ -	-	32,844.73	-	-		\$ 36,026.39	
52	4360-Engler	Schneider, Francis	\$ 30,000.00	\$ -	-	-	-	-		\$ 30,000.00	
118	4360-Engler	Schneider, Marie Madeleine	\$ 10,000.00	\$ -	-	-	-	-		\$ 10,000.00	
395	4360-Engler	Schneider, Norbert	\$ 5,187.50	\$ -	-	187.50	-	-		\$ 5,000.00	
400	4360-Engler	Schneider, Norbert	\$ 5,150.00	\$ -	-	150.00	-	-		\$ 5,000.00	
1004	4360-Engler	Schneider, Norbert	\$ 5,187.50	\$ -	5,187.50	-	-	-		\$ -	395
1005	4360-Engler	Schneider, Norbert	\$ 5,150.00	\$ -	5,150.00	-	-	-		\$ -	400
164	4360-Engler	Schneider, Stefanie	\$ 18,729.81	\$ -	-	8,729.81	-	-		\$ 10,000.00	
394	4360-Engler	Schoder, Erna	\$ 5,187.50	\$ -	-	187.50	-	-		\$ 5,000.00	
990	4360-Engler	Schoder, Erna	\$ 5,187.50	\$ -	5,187.50	-	-	-		\$ -	394
393	4360-Engler	Schoder, Jurgen	\$ 10,250.00	\$ -	-	250.00	-	-		\$ 10,000.00	

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Claim Number	Case	Claimant Name (alphabetical by last name)	Total Claim	Amount Received as Return of Principal or Interest Payment	Objections					Proposed Allowed Claim (general unsecured)	Duplicate Claim #
					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
1003	4360-Engler	Schoder, Jurgen	\$ 10,250.00	\$ -	10,250.00	-	-	-	-	\$ -	393
141	4360-Engler	Schoepke, Guenter	\$ 172,702.87	\$ 11,250.00	-	10,202.87	11,250.00	-	-	\$ 151,250.00	
1222	4360-Engler	Schoerpf, Robert	\$ 102,913.00	\$ 8,255.17	-	-	8,255.17	-	-	\$ 94,657.83	
53	4360-Engler	Schopp, Markus	\$ 128,000.00	\$ -	128,000.00	-	-	-	-	\$ -	
488	4360-Engler	Schopp, Markus	\$ 5,000.00	\$ 5,106.93	-	-	5,106.93	-	-	\$ -	484, 486, 488, 489
489	4360-Engler	Schopp, Michael	\$ 70,000.00	\$ 2,444.73	-	-	2,444.73	-	-	\$ 67,555.27	
681	4360-Engler	Schoppe, Sabine & Rainer	\$ 160,022.30	\$ 32,358.45	-	44,042.30	32,358.45	-	-	\$ 83,621.55	
422	4360-Engler	Schork, Alfred	\$ 5,125.00	\$ -	-	125.00	-	-	-	\$ 5,000.00	
953	4360-Engler	Schork, Alfred	\$ 5,125.00	\$ -	5,125.00	-	-	-	-	\$ -	422
427	4360-Engler	Schork, Friedbert	\$ 5,250.00	\$ -	-	250.00	-	-	-	\$ 5,000.00	
951	4360-Engler	Schork, Friedbert	\$ 5,250.00	\$ -	5,250.00	-	-	-	-	\$ -	427
1031	4360-Engler	Schroeder-Peters, Petra	\$ 16,229.66	\$ -	-	9,729.66	-	-	X	\$ 6,500.00	
408	4360-Engler	Schuessler, Hermann	\$ 11,576.25	\$ -	-	1,576.25	-	-	-	\$ 10,000.00	
409	4360-Engler	Schuessler, Hermann	\$ 11,248.64	\$ -	-	1,248.64	-	-	-	\$ 10,000.00	
962	4360-Engler	Schuessler, Hermann	\$ 11,248.64	\$ -	11,248.64	-	-	-	-	\$ -	409
964	4360-Engler	Schuessler, Hermann	\$ 11,576.25	\$ -	11,576.25	-	-	-	-	\$ -	409
410	4360-Engler	Schuessler, Karl	\$ 11,576.25	\$ -	-	1,576.25	-	-	-	\$ 10,000.00	
411	4360-Engler	Schuessler, Karl	\$ 11,248.64	\$ -	-	1,248.64	-	-	-	\$ 10,000.00	

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					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
958	4360-Engler	Schuessler, Karl	\$ 11,576.25	\$ -	11,576.25	-	-	-	-	\$ -	410
961	4360-Engler	Schuessler, Karl	\$ 11,248.64	\$ -	11,248.64	-	-	-	-	\$ -	411
412	4360-Engler	Schuessler, Maria	\$ 11,438.44	\$ -	-	1,438.44	-	-	-	\$ 10,000.00	
413	4360-Engler	Schuessler, Maria	\$ 11,140.48	\$ -	-	1,140.48	-	-	-	\$ 10,000.00	
959	4360-Engler	Schuessler, Maria	\$ 11,438.44	\$ -	11,438.44	-	-	-	-	\$ -	412
960	4360-Engler	Schuessler, Maria	\$ 11,140.48	\$ -	11,140.48	-	-	-	-	\$ -	413
414	4360-Engler	Schuessler, Matthias	\$ 12,155.06	\$ -	-	2,155.06	-	-	-	\$ 10,000.00	
416	4360-Engler	Schuessler, Matthias	\$ 11,248.64	\$ -	-	1,248.64	-	-	-	\$ 10,000.00	
956	4360-Engler	Schuessler, Matthias	\$ 11,248.64	\$ -	11,248.64	-	-	-	-	\$ -	416
957	4360-Engler	Schuessler, Matthias	\$ 12,155.06	\$ -	12,155.06	-	-	-	-	\$ -	414
405	4360-Engler	Schuessler, Rita	\$ 11,576.25	\$ -	-	1,576.25	-	-	-	\$ 10,000.00	
406	4360-Engler	Schuessler, Rita	\$ 11,248.64	\$ -	-	1,248.64	-	-	-	\$ 10,000.00	
963	4360-Engler	Schuessler, Rita	\$ 11,576.25	\$ -	11,576.25	-	-	-	-	\$ -	405
965	4360-Engler	Schuessler, Rita	\$ 11,248.64	\$ -	11,248.64	-	-	-	-	\$ -	406
419	4360-Engler	Schuessler, Stefan	\$ 11,576.25	\$ -	-	1,576.25	-	-	-	\$ 10,000.00	
420	4360-Engler	Schuessler, Stefan	\$ 11,248.64	\$ -	-	1,248.64	-	-	-	\$ 10,000.00	
954	4360-Engler	Schuessler, Stefan	\$ 11,248.64	\$ -	11,248.64	-	-	-	-	\$ -	420
955	4360-Engler	Schuessler, Stefan	\$ 11,576.25	\$ -	11,576.25	-	-	-	-	\$ -	419
346	4360-Engler	Schultz, Bernd	\$ 140,351.29	\$ 118,665.37	-	80,351.29	Net Profiteer	-	X	\$ -	
425	4360-Engler	Schulz, Rainer	\$ 5,000.00	\$ -	-	-	-	-	-	\$ 5,000.00	
952	4360-Engler	Schulz, Rainer	\$ 5,000.00	\$ -	5,000.00	-	-	-	-	\$ -	425



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					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
1058	4360-Engler	Schulz, Volker	\$ 24,367.02	\$ -	-	14,367.02	-	-		\$ 10,000.00	
397	4360-Engler	Schwab, Ursula	\$ 5,000.00	\$ -	-	-	-	-		\$ 5,000.00	
991	4360-Engler	Schwab, Ursula	\$ 5,000.00	\$ -	5,000.00	-	-	-		\$ -	397
119	4360-Engler	Schwartz, Rudi	\$ 70,000.00	\$ 13,825.00	-	-	13,825.00	-		\$ 56,175.00	
1059	4360-Engler	Scraback, Karin	\$ 11,460.11	\$ -	-	6,460.11	-	-	X	\$ 5,000.00	
1055	4360-Engler	Scraback, Tino	\$ 60,025.00	\$ 60,007.64	-	-	60,007.64	-	X	\$ -	
1048	4360-Engler	Scraback, Winfried	\$ 93,813.71	\$ 100,507.55	-	-	Net Profiteer	-	X	\$ -	
1032	4360-Engler	Seeger, Barbara	\$ 27,196.30	\$ -	-	10,789.28	-	-	X	\$ 16,407.02	
1065	4360-Engler	Seeger, Daniel	\$ 20,789.28	\$ -	-	10,789.28	-	-	X	\$ 10,000.00	
120	4360-Engler	Seiler, Claudia	\$ 10,000.00	\$ 533.61	-	-	-	-		\$ 10,000.00	
1043	4360-Engler	Siegert, Marc	\$ 58,104.15	\$ -	-	43,104.15	-	-	X	\$ 15,000.00	
504	4360-Engler	Siegrist, Klaus & Kornelia	\$ 25,000.00	\$ 28,046.97	-	-	Net Profiteer	-		\$ -	
803	4360-Engler	Socchi, Corina	\$ 30,507.97			30,507.97	-	-		\$ -	804
804	4360-Engler	Socchi, Corina	\$ 30,507.97	\$ 2,160.00	-	13,548.97	2,160.00	-		\$ 14,799.00	
805	4360-Engler	Socchi, Daniel	\$ 72,757.77	\$ 2,285.05	-	29,320.05	2,285.05	-		\$ 41,152.67	
882	4360-Engler	Socchi, Helga	\$ 479,455.68	\$ 55,194.07	-	259,145.98	55,194.07	-		\$ 165,115.63	
802	4360-Engler	Socchi, Michael	\$ 65,814.92	\$ 4,500.00	-	20,639.98	4,500.00	-		\$ 40,674.94	
775	4360-Engler	Spescha, Elisabeth	\$ 102,105.84	\$ 7,558.11	-	30,123.34	7,558.11	-		\$ 64,424.39	
797	4360-Engler	Spitaler, Maximilian	\$ 42,618.03	\$ -	-	22,618.03	-	-		\$ 20,000.00	

**Omnibus Objection to Claims  
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					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
794	4360-Engler	Spitaler, Netzer	\$ 44,748.93	\$ 4,296.35	-	24,748.93	4,296.35	-		\$ 15,703.65	
795	4360-Engler	Spitaler, Netzer	\$ 11,187.23	\$ -	-	6,187.23	-	-		\$ 5,000.00	
796	4360-Engler	Spitaler, Netzer	\$ 73,873.53	\$ -	-	23,873.53	-	-		\$ 50,000.00	
391	4360-Engler	Spitzer, Berthold	\$ 5,187.50	\$ -	-	187.50	-	-		\$ 5,000.00	
989	4360-Engler	Spitzer, Berthold	\$ 5,187.50	\$ -	5,187.50	-	-	-		\$ -	391
55	4360-Engler	Spori, Siegfried	\$ 60,000.00	\$ 6,000.00	-	-	6,000.00	-		\$ 54,000.00	
388	4360-Engler	Steck, Christian	\$ 5,250.00	\$ -	-	250.00	-	-		\$ 5,000.00	
1001	4360-Engler	Steck, Christian	\$ 5,250.00	\$ -	5,250.00	-	-	-		\$ -	388
384	4360-Engler	Steck, Marianne	\$ 5,000.00	\$ -	-	-	-	-		\$ 5,000.00	
1002	4360-Engler	Steck, Marianne	\$ 5,000.00	\$ -	5,000.00	-	-	-		\$ -	384
56	4360-Engler	Steffen, Christian	\$ 21,000.00	\$ 185,723.86	-	-	Net Profiteer	-		\$ -	
1038	4360-Engler	Steffen, Kunibert	\$ 33,973.56	\$ 9,628.58	-	18,973.56	9,628.58	-	X	\$ 5,371.42	
445	4360-Engler	Steininger, Helmut	\$ 5,000.00	\$ -	-	-	-	-		\$ 5,000.00	
881	4360-Engler	Stichler, Marga	\$ 5,000.00	\$ -	-	-	-	-		\$ 5,000.00	
1161	4360-Engler	Stichler, Marga	\$ 5,000.00	\$ -	5,000.00	-	-	-		\$ -	
10	4360-Engler	Stiftung, Elac	\$ 1,140,000.00	\$ 473,715.60	-	-	473,715.60	-		\$ 666,284.40	
76	4360-Engler	Stiftung, Satir	\$ 119,828.54	\$ -	-	69,828.54	-	-		\$ 50,000.00	
568	4360-Engler	Stockinger, Marianne	\$ 10,000.00	\$ 2,000.00	10,000.00	-	-	-		\$ -	65

**Omnibus Objection to Claims  
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					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
594	4360-Engler	Stockinger, Marianne	\$ 29,458.56	\$ 4,500.00	29,458.56	-	-	-		\$ -	65
591	4360-Engler	Stoecher, Anna	\$ 92,500.00	\$ 50,100.00	-	7,500.00	50,100.00	-		\$ 34,900.00	
712	4360-Engler	Stoecklein, Andreas	\$ 15,000.00	\$ -	-	-	-	-		\$ 15,000.00	
688	4360-Engler	Stommer, Hans	\$ 5,000.00	\$ -	-	-	-	-		\$ 5,000.00	
695	4360-Engler	Stommer, Hans	\$ 5,000.00	\$ -	5,000.00	-	-	-		\$ -	688
1023	4360-Engler	Stutz, Uwe	\$ 21,196.30	\$ -	-	11,196.30	-	-	X	\$ 10,000.00	
611	4360-Engler	Sumper, Josef	\$ 236,060.53	\$ -	-	176,060.53	-	-		\$ 60,000.00	