

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-ALP

Debtor.

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**APPLICATION TO EMPLOY COUNSEL**

COMES NOW the Trustee, ROBERT E. TARDIF JR., and respectfully represents to the Court:

That because of the complicated legal problems involved in the administration of this estate and actions that may arise in this bankruptcy case, the Trustee requests the Court allow him to employ an attorney to assist him. The Trustee suggests to the Court that Dr. Annerose Tashiro, whose normal hourly rate is \$350.00 Euro be employed. A verified statement is included in this Application to Employ Counsel.

WHEREFORE the Trustee moves the Court to enter an Order authorizing the Trustee to employ the attorneys and firm referenced above and to pay them a reasonable fee for their services from the estate, subject to further application and order of this Court prior to payment of any fees.

*Certificate of Service*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically to the Assistant United States Trustee, 501 E. Polk Street, Suite 1200, Tampa, Florida 33602 on March 13, 2009.

/s/ Robert E. Tardif Jr.  
Robert E. Tardif Jr., Trustee  
2430 Shadowlawn Drive, Suite 18  
Naples, Florida 34112  
Telephone: 239/334-0068  
Facsimile: 239/775-7953

**EXHIBIT "B"**

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

**In re:**

**Case No. 9:08-bk-04360-ALP  
Case No. 9:08-bk-04365-ALP  
Chapter 7**

**ULRICH FELIX ANTON ENGLER  
AND PRIVATE COMMERCIAL  
OFFICE, INC.**

**Debtors.** /

**AFFIDAVIT OF DR. ANNEROSE TASHIRO, ESQUIRE  
ON BEHALF OF SCHULTZE & BRAUN PURSUANT TO  
SECTIONS 327, 328 AND 504 OF THE BANKRUPTCY CODE  
AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 2014**

BEFORE ME, the undersigned authority, on this day personally appeared Dr. Annerose Tashiro, who, pursuant to the provisions of 28 U.S.C. § 1746, 11 U.S.C. §§ 327, 328, and 504, and Fed. R. Bankr. P. 2014, upon being first duly sworn, declares under penalty of perjury that the following is true and correct:

1. I am attorney admitted to practice in Germany.
2. I am an attorney with the firm of Schultze & Braun GmbH Rechtsanwaltsgesellschaft Wirtschaftsprüfungsgesellschaft ("S&B"), a law firm comprising over 50 attorneys, which maintains an office for the practice of law at Eisenbahnstr. 19-23, 77855 Achern Germany, as well as offices in London, Great Britain, Strasbourg, France and thirty other offices throughout Germany. I am personally familiar with the facts hereinafter stated, and make this affidavit in support of the application (the "Application") seeking entry of an order authorizing the retention of S&B as counsel to Robert E. Tardif Jr., as Chapter 7

Trustee (the "Trustee"). If this Court approves the Application, I, along with Frank Tschentscher and Stella Kleine will be primarily responsible for the representations of the Trustee in this case.

3. By the Application, the Trustee seeks to employ and retain S&B effective as of ....., the date upon which he was appointed as the Chapter 7 Trustee in this case.

4. Insofar as I have been able to ascertain, after due inquiry, and except as otherwise described herein, the partners and associates of S&B (i) are "disinterested persons" as that phrase is defined in Section 101(14) of the Bankruptcy Code, (ii) neither represent nor hold an interest adverse to the interest of the estate with respect to the matter on which S&B is to be employed, and (iii) have no connections with the United States trustee, or any person employed in the office of the United States trustee. Although the I currently represent several general unsecured creditors in these bankruptcy proceedings, they do not represent any interest adverse to the representation of the Trustee or the bankruptcy estates in the matter upon which they are to be employed.

5. Due to the fact that this case was commenced by the filing of an Involuntary Petition and no Schedules or Statement of Financial Affairs have been filed, there may be additional creditors which are unknown to S&B at this time. As additional creditors are made known to S&B, S&B will search its client records, and if any further disclosure is necessary, S&B will make such disclosure to the Court.

6. Should S&B: (i) become notified of any conflicts asserted by a party with which S&B has a relationship; or (ii) become aware of the existence of other relationships with creditors, the estate's professionals or other parties in interest that will require

supplemental and/or amended disclosures, S&B will notify this Court immediately and amend and/or supplement this affidavit accordingly.

7. S&B will not represent any entity other than the Trustee in this case.
8. S&B has not agreed to share (a) any compensation it may receive with another party or person, other than with the members, counsel and associates of S&B, or (b) any compensation another person or party has received or may receive.

9. S&B's current hourly rates are as follows:


|                  |               |
|------------------|---------------|
| Senior Partners: | € 450         |
| Partners:        | € 350         |
| Associates:      | € 250 - € 350 |

My current hourly rate is 350.00 Euro per hour. ...

These hourly rates and those set forth above are subject to periodic adjustments to reflect economic and other conditions.

10. The hourly rates set forth above are S&B's standard hourly rates for work of this nature and for this type of matter. These rates are set at a level designed to fairly compensate S&B for the work of its attorneys and paralegals and to cover fixed and routine overhead expenses. It is S&B's policy to charge its clients in all areas of practice for all other expenses incurred in connection with the client's case. The expenses charged to clients include, among other things, telephone tolls, telecopier charges, mail, express and overnight mail charges, special or hand delivery charges, photocopying charges, travel expenses, expenses for "working meals" and "committee meetings", computerized research, transcription costs, and non-ordinary overhead expenses such as secretarial and other overtime. S&B will charge the estate for these expenses in a manner and at rates consistent

with charges made generally to S&B's other clients. S&B believes that it is fair to charge these expenses to the client incurring them rather than to increase the hourly rates and spread the expense among all clients. S&B will seek reimbursement of its expenses as allowed pursuant to the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy rules and orders of this Court.

Aden 18/2/2007 

1 UR 317 / 2009

**Unterschriftsbeglaubigung**

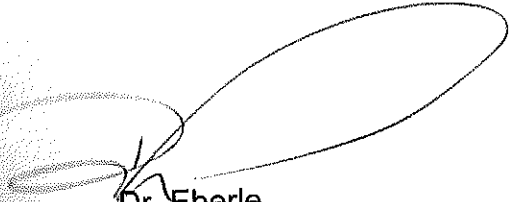
Frau Dr. Annerose Tashiro geb. Hauke,  
geb. am 10.11.1974,  
geschäftsmässig in 77855 Achern, Eisenbahnstr. 19-23,  
persönlich bekannt,

hat die vorstehende Unterschrift heute vor mir eigenhändig vollzogen.

Ihre Echtheit wird hiermit öffentlich beglaubigt.

Achern, 18.02.2009

Notariat 1 Achern



Dr. Eberle  
Oberjustizrat als Notar

Die Kosten sind angesetzt.  
Der Einzug ist veranlasst.

