

EM

FILED VIA MAIL

OCT 20 2015

CLERK OF COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

1 Helmut Beier
2 Robert Koch St. 45
3 77815 Buhl
4 Germany

7 IN THE UNITED STATES BANKRUPTCY COURT
8 FOR THE MIDDLE DISTRICT OF FLORIDA
9 FT. MYERS DIVISION

10 In re:

11 ULRICH FELIX ANTON ENGLER,
12 Debtor

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

**RESPONSE TO TRUSTEE'S
OBJECTION (DOC. 1130) TO
PROOF OF CLAIM NUMBER 628
FILED IN THE ULRICH ENGLER
BANKRUPTCY CASE**

17 I Helmut Beier (claim number 628) hereby file this Response to Trustee's Omnibus Objections A & B
18 filed with this Court on 8/19/2015 to claim number 628 in the Ulrich Engler Case and state in support
19 thereof as follows:
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21 On 10/30/2008 I filed a proof of claim with the claim number 628.

22 On 8/19/2015 the Trustee filed an Objection to claim number 628 proposing an allowed claim of
23 \$76,000.00. I herewith respectfully object to the proposed allowed claim and request that the proposed
24 allowed claim for claim number 628 be \$122,000.00
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26 The total sum of my payments to Ulrich Engler as is evidenced in my proof of claim (claim #628),
27 attached hereto as EXHIBIT A and incorporated herein by reference, is \$200,000.00 .
28

I received a total of \$78,000.00 back from Ulrich Engler.

1 Therefore the proposed allowed claim for Claim number 628 should be \$122,000.00.

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Relief Requested,

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I respectfully request an order directing the Trustee to review proof of claim #628 and adjust the

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proposed allowed claim with an amended Objection to Proof of Claim #628 or grant relief as deemed

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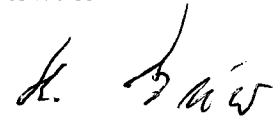
appropriate.

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RESPECTFULLY SUBMITTED this 13 day of October 2015

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Helmut Beier

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CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that a true and correct copy of the foregoing *RESPONSE TO TRUSTEE'S OBJECTIONS (DOC. 1130) TO PROOF OF CLAIM NUMBER 628 FILED IN THE ENGLER BANKRUPTCY CASE* has been furnished to counsel for the Trustee at Heather L. Harmon, Esq., Genovese Joblove & Battista, P.A., 200 East Broward Boulevard, Suite 1110, Fort Lauderdale, FL 33301.

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RESPECTFULLY SUBMITTED this 13 day of October 2015

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Helmut Beier

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EXHIBIT A

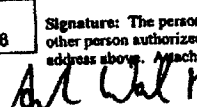
PROF OF CLAIM HELMUT BEIER

Please file the Attached Response and Exhibit in this case

FILED VIA MAIL

OCT 30 2008

B 10 (Official Form 10) (2/07)

UNITED STATES BANKRUPTCY COURT Middle District of Florida CLEARING HOUSE COURT, TAMPA, FLORIDA		PROOF OF CLAIM Case Number: 9:08-bk-4360-ALP
Name of Debtor: Ulrich Felix Anton Engler		NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.
Name of Creditor (the person or other entity to whom the debtor owes money or property): Helmut Beler		
Name and address where notices should be sent: Steven M. Sherman, Sherman Law Offices, 220 Montgomery St., 15th Fl., San Francisco, CA 94104		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (if known) Filed on: _____
Telephone number: (415) 403-1680		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Name and address where payment should be sent (if different from above): Stefan Winheller, Esq. Winheller Attorneys at Law, Corneliusstr, 34, D-60325 Frankfurt am Main, Germany [Tel: 49 0 69 76 75 77 80]		
Telephone number: (415) 403-1680		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim.
1. Amount of Claim as of Date Case Filed: \$ <u>338,473.24</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(): _____ Amount entitled to priority: \$ _____
2. Basis for Claim: <u>Loans/Promissory Notes</u> (See instruction #2 on reverse side.)		*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
3. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate % _____ Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____		FOR COURT USE ONLY
Date: 10/27/2008	Signature: The person filing this claim must sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address above. Attach copy of power of attorney, if any.  STEFAN WINHELLER RECHTSANWÄLTE FRANKFURT AM MAIN — KARLSRUHE Bismarckstr. 10, 60325 Frankfurt am Main Tel.: +49 (0)69 76757780 Fax: +49 (0)69 76757780 info@winheller.com http://www.winheller.com	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both, 18 U.S.C. §§ 152 and 3571.

Creditor <u>Helmut Beier</u> - Statement of Charges/Interest	
Outstanding principal	\$122,000.00
Outstanding interest	\$216,473.24
Total	\$338,473.24



PROMISSORY NOTE

Borrower: PRIVATE COMMERCIAL OFFICE, Inc.
Ulrich Engler
1217 Cape Coral Pkwy., # 121
Cape Coral, Florida 33904
Phone: 001-754-214-4954
Fax: 001-720-284-0438

Principal Amount: US \$ 100,000.-

1. For value received, Ulrich Engler promises to pay to

Mr. / Mrs. Helmut Beier

Address Robert-Koch-Str. 45

City 77815 Rühl

Phone/Fax/email 07223/24476 // Fax: 07223/250123 // e-mail: Helmut.Beier@t-online.de

at such address as may be provided in writing to Ulrich Engler, the principal sum
of US \$ 100,000.- with interest payable on the unpaid principal at the rate of
7 1/2 % per annum calculated monthly not in advance.

2. This promissory note will be repaid in 12 consecutive monthly installments of interest only on the
anniversary date of the execution of this promissory note commencing this year with the balance
owning under this note being paid at the end of this term which will be 09/2010.

3. Notwithstanding anything to the contrary in this note, if Ulrich Engler defaults in the
performance of any obligation under this note, then Mr. / Mrs. Helmut Beier
may be declare the principal amount owing under this note at that time to be immediately due and
payable.

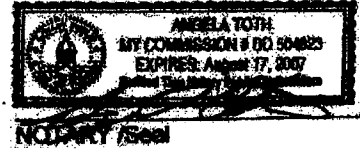
4. All costs, expenses and expenditures including and without limitation, the complete legal costs
incurred by Mr. / Mrs. Helmut Beier in enforcing this promissory note as a
result of any default by Ulrich Engler will be added to the principal then outstanding and will be
paid immediately by Ulrich Engler

5. This note will be construed in accordance with and governed by the laws of the State of Florida,
USA.

In witness hereof Ulrich Engler has duly affixed its signature by a duly authorized officer under the
seal on this 8. day of 9. 2006.

H. Beier
LENDER

[Signature]
Ulrich Engler





LOAN - AGREEMENT

Borrower: PRIVATE COMMERCIAL OFFICE, Inc.
Ulrich Engler
1217 Cape Coral Pkwy., # 121
Cape Coral, Florida 33904
Phone: 001-754-214-4954
Fax: 001-720-294-0438

Lender: Mr./Mrs. Helmut Beier
Address Robert-Koch-Str. 45
City Zürich
Phone/Fax/email 07223/24476 Fax: 07223/250123 // e-mail: Helmut.Beier@donline.de
Loan amount: US \$ 100.000.-
(in words) one hundred thousand

Interest: 6% monthly

Term: 4 year and 1 day

Guarantee: Promissory Note

Loan payable to:

Private Commercial Office, Inc., Ulrich Engler
1217 Cape Coral Pkwy., # 121
Cape Coral, Florida 33904
SWIFT: SNTRUS 3 A
ABA-Number: 061 000 104
Account-No.: 01568 1000 4251

In witness hereof Ulrich Engler has duly affixed its signature by a duly authorized officer under the seal on this 8. day of 9. 2006.

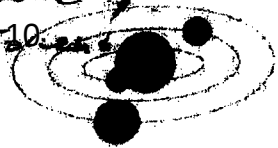
H. Müller
LENDER

Ulrich Engler
Ulrich Engler



NOTARY Seal

Beater: JÜRGEN KUPRATH / D. Schickinger



LOAN - AGREEMENT

Borrower: PRIVATE COMMERCIAL OFFICE, Inc.
Ulrich Engler
1217 Cape Coral Pkwy., # 121
Cape Coral, Florida 33904
Phone: 001-754-214-4854
Fax: 001-720-294-0438

Lender: Mr. / Mrs. Helmut Beier
Address Robert-Koch-Str. 45
City 77815 Biele
Phone/Fax/email 07223 / 24476 Fax 07223 / 250123 Helmut Beier D.L. Online.
Loan amount: US \$ 700 000,-
(in words) One hundred thousand

Interest: 6% monthly

Term: 4 year and 1 day

Guarantee: Promissory Note

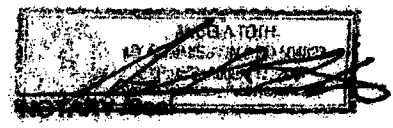
Loan payable to:

Private Commercial Office, Inc., Ulrich Engler
1217 Cape Coral Pkwy., # 121
Cape Coral, Florida 33904
SWIFT: SNTRUS 3 A
ABA-Number: 061 000 104
Account-No.: 01568 1000 4251

In witness hereof Ulrich Engler has duly affixed its signature by a duly authorized officer under the seal on this 15 day of JUNE, 2007.

H. Beier
LENDER

Ulrich Engler
Ulrich Engler



BR. SCHICKINGER, REN
Berater: GIM WEINBARTEN 7 785.07 Ubersetzung am 28.5.07
78567 MINDEN

Clerk of Court

Sam:M.Gibbons United States Courthouse

801 North Florida Avenue

Tampa, Florida 33602-3889

USA

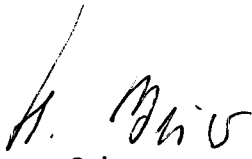
Beier,Helmut./PCO (Insolvenz)

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

Dear Sir or Madam:

On behalf of Mr. Helmut Beier please find enclosed the response to the Trustee's Objection in the Ulrich Engler bankruptcy case for your kind information and further handling.

Kind regards


Helmut Beier

EXPRESS EASY

XED



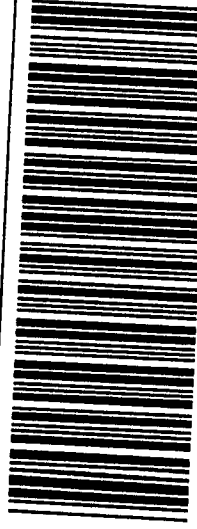
33602, United States

Origin: QFB

020 US - ALE -

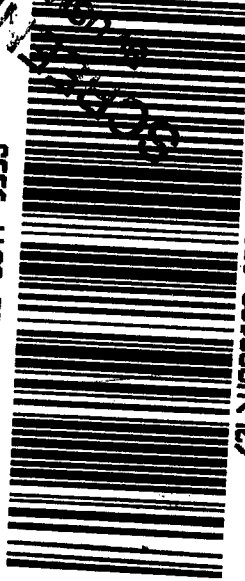
Day Time

Account No. 142442025 Date: Pce/Shpt Weight Piece Ref Co: / 0.20 1/1

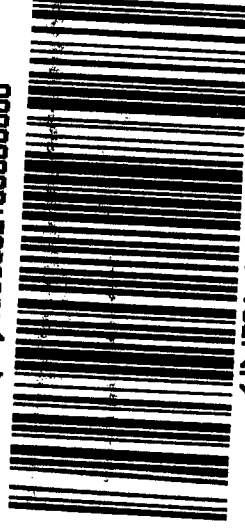


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Content description:



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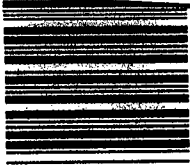


(J)J001 4600 0023 9989 9354

Shipment Waybill (Non negotiable)



653 Quote this sh



1 From (Sender)

142442025 - DHL Servicepoint

Sender's name

Helmut Bieou

Robert-Koch-Str 45

Bühl

Postcode

77815

Phone (requested)

07423 / 24426

2 To (Receiver)

Clerk of Court

M. Gibbons United States Courthouse
2280 North Florida Avenue
Tampa Florida

Postcode

33602-3899

USA

Contact person

Phone (requested)

+1 972 23 24426

3 Shipment details

No. of pieces

1

4 Full description of C

Doc

5 Shipment is not sealed

The Shipper is responsible for the status of their notification of damage and delay. In order to file a claim, the shipper must provide a copy of the notification of damage and delay.

UNACCEPTED