

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In re: CASE NO. 9:08-bk-04360-ALP
ULRICH FELIX ANTON ENGLER and CHAPTER 7
PRIVATE COMMERCIAL OFFICE, INC., (Substantively Consolidated)
Debtors.

EX-PARTE ORDER GRANTING FIRST INTERIM APPLICATION FOR ALLOWANCE AND PAYMENT OF COMPENSATION AND REIMBURSEMENT OF EXPENSES TO ROBERT F. ELGIDELY, ESQ. AND THE LAW FIRM OF GENOVESE JOBLOVE & BATTISTA, P.A., AS SPECIAL COUNSEL FOR CHAPTER 7 TRUSTEE, ROBERT E. TARDIF, JR.

THIS CAUSE came before the Court on the *First Interim Application for Allowance and Payment of Compensation and Reimbursement of Expenses to Robert F. Elgidely, Esq. and the Law Firm of Genovese Joblove & Battista, P.A. as Special Counsel for Chapter 7 Trustee, Robert E. Tardif, Jr.* [D.E. #147] (the GJB Application). In the Application, GJB seeks fees for the period of December 21, 2008 through October 15, 2009 in the amount of \$45,027.50 and reimbursement of expenses in the amount of \$2,888.22. As a result, GJB seeks an interim award of \$45,027.50 for fees and \$2,888.22 for reimbursement of expenses.

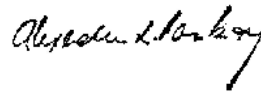
The Court, having reviewed the Application, having reviewed the pleadings in this case and being otherwise duly advised in the premises, does hereby

ORDER AND ADJUDGE as follows:

1. GJB is awarded: (a) interim fees in the amount of \$ 45,027.50 and (b) interim expenses in the amount of \$ 2,888.22.

2. In allowing the foregoing fees, the Court has considered the criteria in 11 U.S.C. §§ 330 and 331 and the requirements of Bankruptcy Rule 2016 in light of principles stated in *Norman v. Housing Authority of Montgomery*, 836 F.2d 1292, 1299 (11th Cir. 1988); *Pennsylvania v. Delaware Valley Citizen's Council for Clean Air*, 478 U.S. 546 (1986); *Blum v. Stenson*, 465 U.S. 886, 897 (1984); *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); each of the factors that govern the reasonableness of fees as set forth in *Matter of First Colonial Corp. of America*, (5 Cir. 1977), 544 F.2d. 1291 and *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). Specific findings and a statement of the facts and considerations supporting each of these conclusions have been omitted in the interest of brevity but will be prepared and filed at the request of any party if received by this Court within ten (10) days after the entry of this Order.

DONE AND ORDERED in the Middle District of Florida on November 05, 2009.



ALEXANDER L. PASKAY
CHIEF BANKRUPTCY JUDGE EMERITUS

Copies furnished to:

Robert E. Tardif, Jr., Trustee, 2430 Shadowlawn Drive, Suite 18, Naples, Florida 34112
Assistant United States Trustee, 501 East Polk Street, Suite 1200, Tampa, Florida 33602
Robert F. Elgidely, Esq., 200 East Broward Boulevard, Suite 1110, Fort Lauderdale, Florida 33301

All Parties on the 1007(d) Parties in Interest Service List

CERTIFICATE OF NOTICEDistrict/off: 113A-9
Case: 08-04360User: mallows
Form ID: pdfdocPage 1 of 2
Total Noticed: 43

Date Rcvd: Nov 05, 2009

The following entities were noticed by first class mail on Nov 07, 2009.

db +Ulrich Felix Anton Engler, Private Commercial Office, Inc.(08-4365), (Consolidated),
1217 Cape Coral Parkway, Apartment 121, Cape Coral, FL 33904-9604

aty +Amy W Potter, Moulton Law Office, Post Office Box 631, 60 East Wallace,
Driggs, ID 83422-0631

aty Annerose Tashiro, Attorney for Trustee, Schultze & Braun, Eisenbahnstr. 19-23, 77855 Achern,
GERMANY

aty +Daniel K Astin, Ciardi Ciardi & Astin, 919 N. Market St., Suite 700,
Willmington, DE 19801-3044

aty +Gregory Crockett, Attorney for Trustee, Post Office Box 51219, Idaho Falls, ID 83405-1219

aty +Helge Naber, Naber PC, 300 Central Avenue, Suite 320, Great Falls, MT 59401-3127

aty +Ronald G. Neiwirth, Fowler White Burnett, P.A., Espirito Santo Plaza-14th Floor,
1395 Brickell Avenue, Miami, FL 33131-3353

cr +ALVION AG, C/O Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +ANDREA HAMMERLE, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +Advisa Management AG, c/o Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

ptcrd Anneliese Schmitt, Trankseeweg 1, 96135 STEGAURACH, GERMANY

cr +Artlon AG, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +BEATE BOHLER, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +BRIGITTE TAMPE, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +CHRISTIAN CUKROWICZ, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +CORNELIA CHIESOLA, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +Congro Finanz AG, Urban Thier Federer & Jackson, P.A., 200 S. Orange Avenue, Suite 2025,
Orlando, FL 32801-3439

cr +DR. ALFRED SCHMID, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +DR. GERHARD TITTELBAACH, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +DR. KARL HASCHKA, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +EVELINE URSELLA, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

unk +Fidelity National Ranch Property, c/o Steven M. Berman, Esq., 101 E. Kennedy Blvd.,
Ste. 2800, Tampa, FL 33602-5150

cr +GERHARD LAMPERT, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +GERHARD LLEK, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +GLOBAL GEOTHERM FAC, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +GUNTER GSTOHL, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +Gernot Jager, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +KLAUS WINTERSPERGER, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

ptcrd Klaus Wolfschmidt, Sandstrasse 84, 96135 STEGAURACH, GERMANY

cr +LEO PARDELLER, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +Markus Hermanek, c/o Baker & McKenzie LLP, 2001 Ross Ave., Ste. 2300,
ATTN: Elliot D. Schuler, Dallas, TX 75201-2984

cr +NORBERT WINKLER, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +Primus GmbH, Urban Thier Federer & Jackson, P.A., 200 S. Orange Avenue, Suite 2025,
Orlando, FL 32801-3439

intp +Private Commercial Office, Inc., 1217 Cape Coral Parkway, Apartment 121,
Cape Coral, FL 33904-9604

cr +RUDOLF KUNG, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

ptcrd Reinhard Muller, Kirchstrasse 7, 95359 KASENDORF, GERMANY

cr +STIFTUNG BLUEGATE, NORMAN L. SCHROEDER, II, ESQUIRE, 6801 LAKE WORTH ROAD, SUITE 120,
LAKE WORTH, FL 33467-2965

cr +STIFTUNG SATIR, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

acc +Soneet R Kapila, Kapila & Company, 1000 S. Federal Highway, Suite 200, Ft. Lauderdale,
FL, FL 33316-1237

cr +TOBIAS WOLF, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +VERITEX AG, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +WERNER GREUSSING, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

cr +WOLFGANG FASSNACHT, Norman L. Schroeder, II, Esquire, 6801 Lake Worth Road, Suite 120,
Lake Worth, FL 33467-2965

District/off: 113A-9
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User: mallows
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Page 2 of 2
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The following entities were noticed by electronic transmission (continued)

The following entities were noticed by electronic transmission.

NONE. TOTAL: 0

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Douglas Investments, LLC
cr JPMorgan Chase Bank, N.A.
cr Renate ZINK
cr Sabine Michalk

TOTALS: 4, * 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 07, 2009

Signature:

