

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.

**ORDER GRANTING TRUSTEE'S MOTION FOR AUTHORITY
TO SELL PROPERTY OF THE ESTATE FREE AND CLEAR OF LIENS**

THIS CAUSE came before the Court for an expedited hearing on December 20, 2010 upon the Motion To Set Hearing [D.E. 538] on the Motion For Authority To Sell Property Of The Estate Free And Clear Of Liens [D.E. 528] (the "Motion To Sell") filed by ROBERT E. TARDIF, JR., as the Chapter 7 Trustee for the substantively consolidated bankruptcy estates of Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (hereinafter the "Trustee"). The Court, having reviewed the motions, having heard argument by counsel for the parties, being otherwise duly advised in the premises, and for the reasons stated orally and recorded in open Court, which shall constitute the decision of this Court, does hereby

ORDER as follows:


1. The Motion to Sell the subject property to the highest and best bidder is GRANTED.
2. The Trustee is hereby authorized to conduct a telephonic auction between the Jonathan S. Fenn Revocable Trust (which submitted an offer to purchase the subject property for \$2,188,200.00), Russell Schwendiman (who submitted a competing offer to purchase the subject property for \$2,334,450.00), and any other party who makes an earnest money deposit in the

amount of \$233,445.00 (equivalent to ten percent (10%) of the minimum bid amount of \$2,334,450.00) with a title company located in Madison County, Idaho **no later than December 27, 2010** and who wishes to participate in such auction.

3. The telephonic auction will be conducted on **December 30, 2010 at 10:30 a.m. (E.S.T.)** and **shall conclude at 11:30 a.m. (E.S.T.) or at such earlier or later time in the Trustee's discretion.** The Dial-in instructions for the telephonic auction are Telephone No. 1-877-286-8009; Passcode: 743814.

4. The Trustee shall accept the highest and best offer made during the telephonic auction that equals or exceeds \$2,334,450.00 and such offeror shall be deemed the approved purchaser of the subject property provided such offeror executes a contract containing the terms and conditions of sale and supplements, if necessary, the amount of his/her/its escrow deposit within forty eight (48) hours of the conclusion of the auction (the "Contract and Escrow Requirements"). Any party participating in the telephonic auction that is not deemed the approved purchaser will have the right to a refund of his/her/its earnest money deposit but, in the event such party is given the opportunity to close the purchase of the subject property as a back-up offeror, such party would be required to re-deposit the earnest money deposit (as supplemented if necessary) within forty eight (48) hours of notification by the Trustee.

5. In the event the highest and best bidder fails to satisfy the Contract and Escrow Requirements within forty eight (48) hours of the conclusion of the telephonic auction or fails to close the transaction for any reason other than a material breach by the Trustee, the Trustee shall immediately notify the next succeeding highest and best bidder of his/her/its right to be deemed the approved purchaser of the subject property by satisfying the Contract and Escrow Requirements within forty eight (48) hours of such notification. In the event no bidder satisfies

the Contract and Escrow Requirements or closes the transaction for any reason other than a material breach by the Trustee, all offers ^{received} ~~receiving~~  during the telephonic auction shall be deemed null, void, and of no further force and effect.

6. If the purchaser of the subject property fails to close the transaction for any reason other than a material breach by the Trustee, the earnest money deposit paid in connection with such contract shall be immediately due and payable to the Debtors' bankruptcy estate as and for liquidated damages and not as a penalty.

DONE AND ORDERED at Tampa, Florida on December 28, 2010.



Michael G. Williamson
United States Bankruptcy Judge

Copies furnished to:

Robert F. Elgidely, Esq.
Genovese, Joblove & Battista, P.A.
200 East Broward Boulevard, Suite 1110
Fort Lauderdale, FL 33301

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CERTIFICATE OF NOTICE

District/off: 113A-9
Case: 08-04360

User: djohnson
Form ID: pdfdoc

Page 1 of 1
Total Noticed: 2

Date Rcvd: Dec 28, 2010

The following entities were noticed by first class mail on Dec 30, 2010.

db +Ulrich Felix Anton Engler, Private Commercial Office, Inc.(08-4365),
PCO Client Management, Inc (Non-Debtor), (Substantively Consolidated),
1217 Cape Coral Parkway, Apt. 121, Cape Coral, FL 33904-9604
+Keith T Appleby, Esquire, 501 E Kennedy Blvd, Suite 1700, Tampa, FL 33602-5239

The following entities were noticed by electronic transmission.

NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 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: Dec 30, 2010

Signature:

