

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.

CERTIFICATE OF NECESSITY IN SUPPORT OF TRUSTEE'S *EXPEDITED*
MOTION TO COMPEL EXECUTION OF RELEASES OF JUDGMENTS
IN ORDER TO ENABLE SALE OF PROPERTY OF THE ESTATE

1. I HEREBY CERTIFY, as a member of the Bar of the Court, that I have carefully examined the matter under consideration and to the best of my knowledge, information and belief formed after reasonable inquiry, all allegations are well grounded in fact and all contentions are warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law can be made, that the matter under consideration is not interposed for any improper purpose, such as to harass, to cause delay, or to increase the cost of litigation, and there is just cause to request consideration of the matter on an *expedited*; albeit, non-emergency basis.

2. I CERTIFY FURTHER that there is a true necessity for an *expedited*; albeit, non-emergency hearing; specifically, the Trustee has a serious concern that the pending sale of estate property – to wit, 6 North Main Street, Victor, Idaho 83455 (as well as the anticipated sale of other estate properties) – may fall through unless pre-petition judgments against the Debtors which have been identified as title defects are promptly released so that the Trustee may convey insurable fee simple title to the proposed purchaser(s) thereof. Notably, the pre-petition judgments should not have attached to the subject properties because the properties were never

titled in the names of the Debtors (either individually or collectively) and the judgment creditors would not be prejudiced by the release of the judgments in any event because any liens on the properties would be transferred, and would attach, to the sales proceeds according to their order of priority.

3. I CERTIFY FURTHER that the necessity of this *expedited*; albeit, non-emergency hearing has not been caused by a lack of due diligence on my part, but has been brought about only by circumstances beyond my control or that of my client. I further certify that this motion is filed with full understanding of F.R.B.P. 9011 and the consequences of noncompliance with same.

DATED this 27th day of September, 2011.

Respectfully submitted,

GENOVESE JOBLOVE & BATTISTA, P.A.
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By: /s/ Robert F. Elgidely
Robert F. Elgidely, Esq.
Florida Bar No. 111856

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Certificate Of Necessity In Support Of Trustee's *Expedited* Motion To Compel Execution Of Releases Of Judgments In Order To Enable Sale Of Property Of The Estate has been furnished to all creditors and/or interested parties registered on the Court's CM/ECF System (including JOHN L. URBAN, ESQ., Urban Their Federer & Jackson, P.A., 200 South Orange Avenue, Suite 2025, Orlando, Florida 32801) and was also posted on the website "englerbk.com" in accordance with

the Order Granting Trustee's Motion To Establish Certain Notice, Case Management And Administrative Procedures [C.P. 451], on the 29th day of September, 2011.

By: /s/ Robert F. Elgidely
Robert F. Elgidely, Esq.