

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF FLORIDA  
 WEST PALM BEACH DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
 PALM BEACH FINANCE II, L.P.<sup>1</sup>

Case No. 09-36379-PGH  
 Case No. 09-36396-PGH  
 (Jointly Administered)

Debtors.

**JOHN H. GENOVESE AND GENOVESE JOBLOVE & BATTISTA, P.A.'S  
SIXTH INTERIM POST CONFIRMATION FEE APPLICATION**

|                |   |  |
|----------------|---|--|
| 1.             | Name of Applicant:  | <i>Genovese Joblove &amp; Battista, P.A.</i>                             |
| 2.             | Role of Applicant:  | <i>Liquidating Trustee's Expert</i>                                      |
| 3.             | Name of Certifying Professional:                              | <i>John H. Genovese</i>  |
| 4.             | Date cases filed:   | <i>November 30, 2009</i>   |
| 5.             | Date of application for employment:                           | <i>March 28, 2012 [ECF No. 1155]</i>                                     |
| 6.             | Date of order approving employment:                           | <i>September 12, 2002 [ECF No. 1406] nunc pro tunc to March 27, 2012</i> |
| 7.             | If debtor's counsel, date of Disclosure of Compensation form: | <i>N/A</i>   |
| 8.             | Date of this application:                                     | <i>April 25, 2014</i>  |
| 9.             | Dates of services covered:                                    | <i>November 1, 2013 - February 28, 2014</i>                              |
| <b>Fees...</b> |   |  |
| 10.            | Total fee requested for this period (from Exhibit 1):         | \$ 4,272.00  |
| 11.            | Balance remaining in fee retainer account, not yet awarded:   | \$ 0.00  |
| 12.            | Fees paid or advanced for this period, by other sources:      | \$ 0.00  |
| 13.            | <b>Net amount of fee requested for this period:</b>           | <b>\$ 4,272.00</b>   |

<sup>1</sup>The address and last four digits of the taxpayer identification number for each of the Debtors are as follows: (i) Palm Beach Finance Partners, L.P., 3601 PGA Blvd., Suite 301, Palm Beach Gardens, FL 33410, TIN 9943; and (ii) Palm Beach Finance II, L.P., 3601 PGA Blvd., Suite 301, Palm Beach Gardens, FL 33410, TIN 0680.

| <b>Expenses...</b>  |             |
|---|-------------|
| 14. Total expense reimbursement requested for this period:                | \$ 60.78    |
| 15. Balance remaining in expense retainer account, not yet received:      | \$ 0.00     |
| 16. Expenses paid or advanced for this period, by other sources:          | \$ 0.00     |
| 17. <b>Net amount of expense reimbursements requested for this period</b> | \$ 60.78    |
| 18. Gross award requested for this period (#10 + #14)                     | \$ 4,332.78 |
| 19. <b>Net award requested for this period (#13 + #17)</b>                | \$ 4,332.78 |

## History of Fees and Expenses

|  |         |                                      |                    |
|--|---------|--------------------------------------|--------------------|
| 1. Dates, sources, and amounts of retainers received:            |         |                                      |                    |
| Dates  | Sources | Amounts                              | For fees or costs? |
| N/A  |         |                                      |                    |
| 2. Dates, sources, and amounts of third party payments received: |         |                                      |                    |
| Dates  | Sources | Amounts                              | For fees or costs? |
| N/A  |         |                                      |                    |
| 3. Prior fee and expense awards...                               |         |                                      |                    |
| <b>First interim application [ECF No. 1375]</b>                  |         |                                      |                    |
| Dates covered by first application:                              |         | March 27, 2012 through June 30, 2012 |                    |
| Amount of fees requested:  |         | \$ 5,348.00                          |                    |
| Amount of expenses requested:                                    |         | \$ 30.85                             |                    |
| Amount of fees awarded:  |         | \$ 5,348.00                          |                    |
| Amount of expenses awarded:                                      |         | \$ 30.85                             |                    |
| Amount of fee retainer authorized to be used:                    |         | \$ 0.00                              |                    |
| Amount of expense retainer authorized to be used:                |         | \$ 0.00                              |                    |
| Fee award, net of retainer:                                      |         | \$ 0.00                              |                    |
| Expense award, net of retainer:                                  |         | \$ 0.00                              |                    |
| Date of first award:   |         | September 26, 2012 [ECF No. 1427]    |                    |
| Amount of fees actually paid:                                    |         | \$ 5,348.00                          |                    |
| Amount of expense reimbursement actually paid:                   |         | \$ 30.85                             |                    |

|  |   |
|--|---|
| Portion of fees requested but not awarded, which applicant wishes to defer to final fee application:     | \$ 0.00                                 |
| Portion of expenses requested but not awarded, which applicant wishes to defer to final fee application: | \$ 0.00                                 |
| <b>Second interim application [ECF No. 1580]</b>   |   |
| Dates covered by second application:   | July 1, 2012 through October 31, 2012   |
| Amount of fees requested:  | \$ 2,167.50                             |
| Amount of expenses requested:  | \$ 60.75                                |
| Amount of fees awarded:  | \$ 2,167.50                             |
| Amount of expenses awarded:  | \$ 60.75                                |
| Amount of fee retainer authorized to be used:  | \$ 0.00                                 |
| Amount of expense retainer authorized to be used:  | \$ 0.00                                 |
| Fee award, net of retainer:  | \$ 0.00                                 |
| Expense award, net of retainer:  | \$ 0.00                                 |
| Date of second award:  | January 31, 2013 [ECF No. 1694]         |
| Amount of fees actually paid:  | \$ 2,167.50                             |
| Amount of expense reimbursement actually paid:   | \$ 60.75                                |
| Portion of fees requested but not awarded, which applicant wishes to defer to final fee application:     | \$ 0.00                                 |
| Portion of expenses requested but not awarded, which applicant wishes to defer to final fee application: | \$ 0.00                                 |
| <b>Third interim application [ECF No. 1817]</b>  |   |
| Dates covered by third application:  | November 1, 2012 thru February 28, 2013 |
| Amount of fees requested:  | \$ 3,644.00                             |
| Amount of expenses requested:  | \$ 115.36                               |
| Amount of fees awarded:  | \$ 3,644.00                             |
| Amount of expenses awarded:  | \$ 115.36                               |
| Amount of fee retainer authorized to be used:  | \$ 0.00                                 |
| Amount of expense retainer authorized to be used:  | \$ 0.00                                 |
| Fee award, net of retainer:  | \$ 0.00                                 |
| Expense award, net of retainer:  | \$ 0.00                                 |

|  |   |
|--|---|
| Date of third award:   | June 5, 2013 [ECF No. 1872]             |
| Amount of fees actually paid:  | \$ 3,644.00                             |
| Amount of expense reimbursement actually paid:   | \$ 115.36                               |
| Portion of fees requested but not awarded, which applicant wishes to defer to final fee application:     | \$ 0.00                                 |
| Portion of expenses requested but not awarded, which applicant wishes to defer to final fee application: | \$ 0.00                                 |
| <b>Fourth interim application [ECF No. 1939]</b>   |   |
| Dates covered by fourth application:   | March 1, 2013 thru October 31, 2013     |
| Amount of fees requested:  | \$ 1,675.00                             |
| Amount of expenses requested:  | \$ 49.80                                |
| Amount of fees awarded:  | \$ 1,675.00                             |
| Amount of expenses awarded:  | \$ 49.80                                |
| Amount of fee retainer authorized to be used:  | \$ 0.00                                 |
| Amount of expense retainer authorized to be used:  | \$ 0.00                                 |
| Fee award, net of retainer:  | \$ 0.00                                 |
| Expense award, net of retainer:  | \$ 0.00                                 |
| Date of fourth award:  | October 7, 2013 [ECF No. 1986]          |
| Amount of fees actually paid:  | \$ 1,675.00                             |
| Amount of expense reimbursement actually paid:   | \$ 49.80                                |
| Portion of fees requested but not awarded, which applicant wishes to defer to final fee application:     | \$ 0.00                                 |
| Portion of expenses requested but not awarded, which applicant wishes to defer to final fee application: | \$ 0.00                                 |
| <b>Fifth interim application [ECF No. 2068]</b>  |   |
| Dates covered by fourth application:   | November 1, 2013 thru February 28, 2014 |
| Amount of fees requested:  | \$ 11,214.50                            |
| Amount of expenses requested:  | \$ 66.10                                |
| Amount of fees awarded:  | \$ 11,214.50                            |
| Amount of expenses awarded:  | \$ 66.10                                |
| Amount of fee retainer authorized to be used:  | \$ 0.00                                 |

|  |                                 |
|--|---------------------------------|
| Amount of expense retainer authorized to be used:  | \$ 0.00                         |
| Fee award, net of retainer:  | \$ 0.00                         |
| Expense award, net of retainer:  | \$ 0.00                         |
| Date of fifth award:   | January 29, 2014 [ECF No. 2143] |
| Amount of fees actually paid:  | \$ 11,214.50                    |
| Amount of expense reimbursement actually paid:   | \$ 66.10                        |
| Portion of fees requested but not awarded, which applicant wishes to defer to final fee application:     | \$ 0.00                         |
| Portion of expenses requested but not awarded, which applicant wishes to defer to final fee application: | \$ 0.00                         |

| <b>Summary of All Prior Applications and Awards</b>                                       |              |
|---|--------------|
| Total fees requested:   | \$ 24,049.00 |
| Total fees awarded:   | \$ 24,049.00 |
| Prior fees awarded but not yet paid, if any (do not include holdbacks in this number)     | \$ 0.00      |
| Total prior fees requested but not awarded, deferred to final fee application             | \$ 0.00      |
| Total expenses requested:   | \$ 322.86    |
| Total expenses awarded:   | \$ 322.86    |
| Prior expenses awarded but not yet paid, if any (do not include holdbacks in this number) | \$ 0.00      |
| Total prior expenses requested but not awarded, deferred to final fee application         | \$ 0.00      |

| <b>Monthly <i>POST CONFIRMATION</i> invoicing dated August 7, 2012</b>  |                                      |
|---|--------------------------------------|
| Dates covered by invoicing:   | March 27, 2012 through June 30, 2012 |
| Amount of fees and expenses requested:                                  | \$ 5,378.85                          |
| Amount of fees and expenses paid absent objection:                      | \$ 5,378.85                          |
| <b>Monthly <i>POST CONFIRMATION</i> invoicing dated August 14, 2012</b> |                                      |
| Dates covered by invoicing:   | July 1, 2012 through July 31, 2012   |
| Amount of fees and expenses requested:                                  | \$ 616.50                            |

|   |  |
|---|--|
| Amount of fees and expenses paid absent objection:                  | \$ 616.50                                  |
| <b>Monthly POST CONFIRMATION invoicing dated September 26, 2012</b> |  |
| Dates covered by invoicing:   | August 1, 2012 through August 31, 2012     |
| Amount of fees and expenses requested:                              | \$ 120.00                                  |
| Amount of fees and expenses paid absent objection:                  | \$ 120.00                                  |
| <b>Monthly POST CONFIRMATION invoicing dated November 20, 2012</b>  |  |
| Dates covered by invoicing:   | September 1, 2012 through October 31, 2012 |
| Amount of fees and expenses requested:                              | \$ 1,491.75                                |
| Amount of fees and expenses paid absent objection:                  | \$ 1,491.75                                |
| <b>Monthly POST CONFIRMATION invoicing dated December 20, 2012</b>  |  |
| Dates covered by invoicing:   | November 1, 2012 through November 30, 2012 |
| Amount of fees and expenses requested:                              | \$ 1,339.50                                |
| Amount of fees and expenses paid absent objection:                  | \$ 1,339.50                                |
| <b>Monthly POST CONFIRMATION invoicing dated January 24, 2013</b>   |  |
| Dates covered by invoicing:   | December 1, 2012 through December 31, 2012 |
| Amount of fees and expenses requested:                              | \$ 502.00                                  |
| Amount of fees and expenses paid absent objection:                  | \$ 502.00                                  |
| <b>Monthly POST CONFIRMATION invoicing dated March 21, 2013</b>     |  |
| Dates covered by invoicing:   | January 1, 2013 through February 28, 2013  |
| Amount of fees and expenses requested:                              | \$ 1,917.86                                |
| Amount of fees and expenses paid absent objection:                  | \$ 1,917.86                                |
| <b>Monthly POST CONFIRMATION invoicing dated May 31, 2013</b>       |  |
| Dates covered by invoicing:   | April 1, 2013 through April 30, 2013       |
| Amount of fees and expenses requested:                              | \$ 854.80                                  |
| Amount of fees and expenses paid absent objection:                  | \$ 854.80                                  |
| <b>Monthly POST CONFIRMATION invoicing dated June 11, 2013</b>      |  |
| Dates covered by invoicing:   | May 1, 2013 through May 31, 2013           |
| Amount of fees and expenses requested:                              | \$ 870.00                                  |
| Amount of fees and expenses paid absent objection:                  | \$ 870.00                                  |

| <b>Monthly <i>POST CONFIRMATION</i> invoicing dated December 6, 2013</b> |                                       |
|--|---------------------------------------|
| Dates covered by invoicing:  | July 1, 2013 through October 31, 2013 |
| Amount of fees and expenses requested:                                   | \$ 11,280.60                          |
| Amount of fees and expenses paid absent objection:                       | \$ 11,280.60                          |

| <b>Monthly <i>POST CONFIRMATION</i> invoicing dated December 6, 2013</b> |  |
|--|--|
| Dates covered by invoicing:  | November 1, 2013 through November 30, 2013 |
| Amount of fees and expenses requested:                                   | \$ 2,236.50                                |
| Amount of fees and expenses paid absent objection:                       | \$ 2,236.50                                |

| <b>Monthly <i>POST CONFIRMATION</i> invoicing dated January 29, 2014</b> |  |
|--|--|
| Dates covered by invoicing:  | December 1, 2013 through December 31, 2013 |
| Amount of fees and expenses requested:                                   | \$ 854.00                                  |
| Amount of fees and expenses paid absent objection:                       | \$ 854.00                                  |

| <b>Monthly <i>POST CONFIRMATION</i> invoicing dated March 4, 2014</b> |  |
|---|--|
| Dates covered by invoicing:   | January 1, 2014 through January 31, 2014 |
| Amount of fees and expenses requested:                                | \$ 865.78                                |
| Amount of fees and expenses paid absent objection:                    | \$ 865.78                                |

| <b>Monthly <i>POST CONFIRMATION</i> invoicing dated March 12, 2014</b> |  |
|--|--|
| Dates covered by invoicing:  | February 1, 2014 through February 28, 2014 |
| Amount of fees and expenses requested:                                 | \$ 376.50                                  |
| Amount of fees and expenses paid absent objection:                     | \$ 376.50                                  |

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
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In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
PALM BEACH FINANCE II, L.P.<sup>2</sup>

Case No. 09-36379-PGH  
Case No. 09-36396-PGH  
(Jointly Administered)

Debtors.

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**SIXTH INTERIM POST CONFIRMATION FEE APPLICATION  
FOR ALLOWANCE AND PAYMENT OF COMPENSATION AND REIMBURSEMENT  
OF EXPENSES OF JOHN H. GENOVESE AND GENOVESE JOBLove & BATTISTA,  
P.A. AS EXPERTS TO CHAPTER 11 LIQUIDATING TRUSTEE**

Genovese Joblove & Battista, P.A. (“**GJB**”), having been approved by this Court as expert consultants for Chapter 11 Liquidating Trustee, Barry E. Mukamal (“**Trustee**”), applies for allowance of compensation for professional services rendered and reimbursement of the necessary expenses paid or incurred by GJB between November 1, 2013 through February 28, 2014, and in support states:

1. On November 30, 2009, Palm Beach Finance Partners, L.P. (the “**Debtor**”) filed its Voluntary Petition for relief under chapter 11 of the United States Bankruptcy Code [ECF No. 1]. On December 1, 2009, this case was jointly administered with the estate of *In re Palm Beach Finance II, L.P.*, Case No. 09-36396-PGH [ECF No. 19].

2. On January 28, 2010, the Court entered the Agreed Order Directing Appointment of Chapter 11 Trustee and denying the United States Trustee’s Motion to Convert Cases to Cases under

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<sup>2</sup>The address and last four digits of the taxpayer identification number for each of the Debtors are as follows: (i) Palm Beach Finance Partners, L.P., 3601 PGA Blvd., Suite 301, Palm Beach Gardens, FL 33410, TIN 9943; and (ii) Palm Beach Finance II, L.P., 3601 PGA Blvd., Suite 301, Palm Beach Gardens, FL 33410, TIN 0680.



Chapter 7 [ECF No. 100].

3. On January 29, 2010, the United States Trustee appointed the Liquidating Trustee as Trustee in both estates [ECF No. 107].

4. On April 18, 2012, this Court entered an Order [ECF No. 1202] granting the Liquidating Trustee's Application to Employ John H. Genovese and Genovese Joblove & Battista, P.A. as expert consultants to the Liquidating Trustee, which was amended by Court Order [ECF No. 1406] on September 12, 2012 so that the retention of the Applicant.

5. At the confirmation hearing held on October 19, 2010, the Court confirmed the *Second Amended Joint Plan of Liquidation of Barry Mukamal, as Chapter 11 Trustee of Palm Beach Finance Partners, L.P. and Palm beach Finance II, L.P. and Geoffrey Varga, as Joint Official Liquidator of Palm Beach Offshore, Ltd. And Palm Beach Offshore II, Ltd.*, dated September 3, 2010 [ECF No. 245] (the "**Plan**") in the above referenced jointly administered bankruptcy proceeding.

The Plan defines Confirmation Date as "the date on which the Bankruptcy Court enters the Confirmation Order on its docket". The Order Confirming Second Amended Joint Liquidating Chapter 11 Plan [ECF No. 444] (the "**Confirmation Order**") was entered on the Court's docket on October 21, 2010.

6. Article 7 of the Plan provides:

7.1.4 *PBF Liquidating Trust Management.* Barry Mukamal shall be PBF Liquidating Trustee with the power and authority set forth in the PBF Liquidating Trust Agreement.

7.1.5 *PBF Liquidating Trust Structure.* As more fully set forth in the PBF Liquidating Trust Agreement, the PBF Liquidating Trustee shall oversee and direct the PBF Liquidating Trust's operations and activities, including the retention of counsel...

7.1.7 *PBF II Liquidating Trust Monitor.* Geoffrey Varga, as Joint Official Liquidator for Offshore Funds shall be the PBF II Liquidating Trust Monitor with the power and authority set forth in the PBF II Liquidating Trust

Agreement.

7.1.11 *Compensation of Professionals Retained by the Liquidating Trustees and the PBF II Liquidating Trust Monitor.* Professionals retained by the PBF II Liquidating Trust Monitor and the Liquidating Trustee shall be entitled to monthly interim compensation for fees and expenses incurred in carrying out their duties consistent with the Plan and the Liquidating Trust Agreements; provided, however, that the PBF II Liquidating Trust Monitor or the Liquidating Trustee shall provide to the other, and the United States Trustee, notice of such requested fees and expenses on a monthly basis. Following such notice, if no objections to the fees and expenses set forth in the monthly statement are received in writing within 10 business days, 100% of such professional's fees and expenses shall be paid. Notice of objections to such fees and expenses shall be made via e-mail and/or facsimile. If objections to the fees and expenses are made and cannot be resolved, such objections will be heard and resolved by the Bankruptcy Court. Any such fees and expenses shall be payable from the Trust Asset of the Liquidating Trusts. The PBF II Liquidating Trust Monitor and the Liquidating Trustee shall, no less frequently than once every four (4) months, submit applications to the Bankruptcy Court for final approval of reimbursement of fees and expenses paid to their professionals.

7. This application is submitted pursuant to 11 U.S.C. § 331 for the allowance and payment to GJB in the amount of \$4,272 for fees and \$60.78 for expenses incurred between November 1, 2013 and February 28, 2014, for a total amount of \$4,332.78.

8. All of the services rendered by GJB were performed for and on behalf of the Liquidating Trustee.

#### **I. SUMMARY OF SERVICES RENDERED**

9. GJB rendered varied services as experts on behalf of the Liquidating Trustee for the period of time from November 1, 2013 through February 28, 2014. GJB is requesting \$4,272 in professional fees for services rendered. GJB logged a total of 10.8 hours at hourly rates ranging from \$175 -\$595 during the time period for which fees were required in this fee application.

10. GJB devoted 10.8 hours, for a total of \$4,272, towards, among other things: (i) the review and analysis of discovery produced by Fulbright relating to the Mukamal v. Fulbright

litigation case; (ii) the review of case documents and pleadings; and (iii) the preparation for and attendance of a hearing with Trustee's counsel regarding GJB's fifth interim fee application.

## **II. REQUEST FOR COMPENSATION**

11. Pursuant to the decisions of the United States Court of Appeals for the Fifth Circuit in In re First Colonial Corp. of America, 544 F.2d 1291 (5th Cir. 1977); and In re Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974), the applicant requests that this Court consider the following factors in determining the amount of compensation that is reasonable for the applicant's services in this case.

## **III. TIME AND LABOR REQUIRED**

12. The transcribed time records and details of services rendered by GJB are attached hereto as Exhibit 3. GJB has devoted 10.8 hours in time in providing services to the Liquidating Trustee between November 1, 2013 through February 28, 2014. Attached as Exhibit 1-A is a Summary of Professional and Paraprofessional Time Total Per Individual for this Period Only and attached as Exhibit 1-B is a Summary of Professional and Paraprofessional Time by Activity Code Category for this Time Period Only. Also attached as Exhibit 2 is a Summary of Requested Reimbursement of Expenses for this Time Period Only.

13. All professionals of GJB record the time expended in the rendition of professional services for the Liquidating Trustee by recording a detailed description of such professional services rendered.

14. All professionals involved in the rendering of services in this proceeding avoided any unnecessary duplication of work and time expended.

## **IV. NOVELTY AND DIFFICULTY OF THE ISSUES AND QUESTIONS PRESENTED**

15. GJB was retained by the Liquidating Trustee as experts providing consulting and

possible expert testifying services in contested matters on one or more adversary proceedings commenced by the Liquidating Trustee, including the evaluation of issues relating to fraudulent schemes, attorney malpractice and negligence, and breaches of duties and responsibilities in the professional context, as well as other related or similar analyses that the Liquidating Trustee may request.

**V. SKILL REQUISITE TO PERFORM THE LEGAL SERVICES PROPERLY**

16. GJB submits that the professionals assigned to these cases have the requisite experience, seniority and skills necessary to effectively and efficiently meet the requirements of the tasks required. GJB believes it has demonstrated the requisite, substantial expertise to skillfully provide its services.

**VI. PRECLUSION FROM OTHER EMPLOYMENT**

17. Though GJB has devoted time as expert consultants for the Liquidating Trustee as more fully set forth in Exhibit 3, GJB has not been forced to decline other matters as a result of its accepting this employment.

**VII. CUSTOMARY FEE**

18. The hourly rate charged is GJB's customary fee for services of the type rendered herein.

**VIII. TIME LIMITATIONS IMPOSED BY THE CLIENT  
OR THE CIRCUMSTANCES**

19. GJB has not been required to expend considerable time within short periods.

**IX. THE EXPERIENCE, REPUTATION AND ABILITY OF THE ATTORNEYS**

20. GJB is a well-respected law firm having substantial experience in the type of services required under this engagement . The quality of work performed by GJB in this proceeding attests

to the firm's experience, reputation and ability.

21. The Liquidating Trustee understands that the Court is familiar with Mr. Genovese and his credentials.

#### **X. THE UNDESIRABILITY OF THE CASE**

22. GJB does not deem these cases to be undesirable and is honored to have been retained by the Liquidating Trustee.

#### **XI. APPLICABLE LEGAL STANDARD**

23. The amount requested by GJB is reasonable in terms of awards in cases of similar magnitude and complexity. The compensation which GJB is requesting comports with the mandate of the Bankruptcy Code, which directs that services be evaluated in light of comparable services performed in non-bankruptcy cases in the community. The fee requested by GJB in the amount of \$4,272 for 10.8 hours of services. This request is entirely appropriate.

24. GJB considers the reasonable value of services rendered to this estate to be not less than \$4,272 for services rendered for the Fee Period.

#### **XII. ALLOCATION BETWEEN DEBTORS' ESTATES**

25. The Liquidating Trustee requests that 18% of the fee awarded be allocated to Palm Beach Finance Partners, L.P. ("**PBF**") and 82% of the fee awarded be allocated to Palm Beach Finance II, L.P. ("**PBF II**"). Section 1.76, entitled "Pro Rata Allocation Formula," of the Second Amended Joint Plan of Liquidation dated September 3, 2010 [ECF No. 245] provides for a *pro rata* allocation formula derived from the Compiled Financial Statements, dated April 30, 2008, for each of the Debtors by Kaufman Rossin & Co. The data contained therein supports an 18%/82% allocation between PBF and PBF II, respectively, based upon the total assets of each entity as of the date of such compilations. Based on the circumstances and since the services provided by GJB were

performed on behalf of and benefitted both estates, the Liquidating Trustee believes that this formula is the proper methodology to allocate certain fees and expenses between the two estates and respectfully requests the Court approve the allocation of fees requested in this Application as follows:

| <b>Estate / Percentage</b>              | <b>Fees</b>       | <b>Costs</b>   |
|---|-------------------|----------------|
| Palm Beach Finance Partners, L.P. (18%) | \$768.96          | \$10.94        |
| Palm Beach Finance II. L.P. (82%)       | \$3,503.04        | \$49.84        |
| <b>TOTAL FEES AND COSTS:</b>            | <b>\$4,272.00</b> | <b>\$60.78</b> |

**WHEREFORE**, GJB respectfully requests that it be allowed the full compensation and reimbursement of expenses sought under this application. GJB requests this Court to award a total of \$4,272 for fees and \$60.78 for costs incurred between November 1, 2013 and February 28, 2014, for a total request of \$4,332.78, approve the allocation of fees and expenses between the estates and for such other and further relief as this Court deems just and proper.

#### **CERTIFICATION**

1. I have been designated by Genovese Joblove & Battista, P.A. , (the "Applicant") as the professional with responsibility in these cases for compliance with the current Mandatory Guidelines on Fees and Disbursements For Professionals In The Southern District of Florida Bankruptcy Cases (the "Guidelines").

2. I have read the Applicant's application for compensation and reimbursement of costs (the "Application").

3. To the best of my knowledge, information, and belief formed after reasonable inquiry, the Application complies with the Guidelines.

4. To the best of my knowledge, information, and belief formed after reasonable inquiry, the fees and disbursements sought fall within the Guidelines, except as specifically noted in this Certificate and described in the Application.

5. Except to the extent that fees or disbursements are prohibited or restricted by the Guidelines, the fees and disbursements sought are billed at rates and in accordance with practices customarily employed by the Applicant and generally accepted by the Applicant's clients.

6. In providing a reimbursable service or disbursement (other than time charged for paraprofessionals and professionals), the Applicant does not make a profit on that service or disbursement (except to the extent that any such profit is included within the permitted allowable amounts set forth in the Guidelines for photocopies and facsimile transmission).

7. In charging for a particular service or disbursement, the Applicant does not include in the amount for which reimbursement is sought the amortization of the cost of any investment, equipment or capital outlay (except to the extent that any such amortization is included within the permitted allowable amounts set forth herein for photocopies and facsimile transmission).

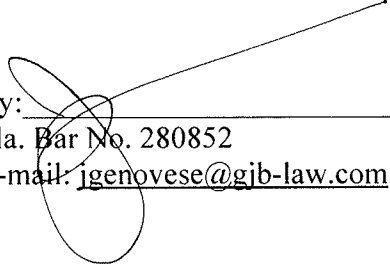
8. In seeking reimbursement for a service which the Applicant justifiably purchased or contracted for from a third party, the Applicant is requesting reimbursement only for the amount billed to the Applicant by the third-party vendor and paid by the Applicant to such vendor.

9. The trustee, the examiner (if any), the chairperson of each official committee (if any), the debtor, the U.S. Trustee, and their respective counsels, will be mailed, simultaneously with the filing of the Application with the Court, a complete copy of the Application (including all relevant exhibits).

10. The following are the variances with the provisions of the Guidelines, the date of the specific Court approval of such departure, and the justification for the departure: None.

**I HEREBY CERTIFY** that the foregoing is true and correct.

Genovese Joblove & Battista, P.A.  
100 S.E. 2nd Street, 44<sup>th</sup> Floor  
Miami, FL 33131  
T (305) 349-2300 F (305) 428-8833

By:   
Fla. Bar No. 280852  
E-mail: [jgenovese@gjb-law.com](mailto:jgenovese@gjb-law.com)

**I HEREBY CERTIFY** that, pursuant to that certain Order Authorizing Professionals Employed by the Liquidating Trustee and Monitor to Provide Notice of their Post Confirmation Fee Applications for Compensation in Summary Form [ECF No. 648], a Notice of Filing, which will include a Certificate of Service for the foregoing, will be filed at a later date.

s/ Michael S. Budwick  
Michael S. Budwick, Esquire  
Fla. Bar No. 938777  
[mbudwick@melandrussin.com](mailto:mbudwick@melandrussin.com)  
MELAND RUSSIN & BUDWICK, P.A.  
3200 Southeast Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131  
Telephone: (305) 358-6363  
Telecopy: (305) 358-1221  
*Attorneys for the Liquidating Trustee*



**EXHIBIT "1-A"****Summary of Professional and Paraprofessional Time  
Total per Individual for this Period Only**

[If this is a final application, and does not cumulate fee details from prior interim applications, then a separate Exhibit 1-A showing cumulative time summary from all applications is attached as well.]

| <b>Name</b>            | <b>Title</b>     | <b>Year<br/>Licensed</b> | <b>Total<br/>Hours</b> | <b>Hourly<br/>Rate</b> | <b>Total<br/>Fees</b> |
|------------------------|------------------|--------------------------|------------------------|------------------------|-----------------------|
| John H. Genovese       | Attorney         | 1979                     | 5.00                   | \$595.00               | \$ 2,975.00           |
| Marilee A. Mark        | Attorney         | 2004                     | 1.60                   | \$350.00               | \$ 560.00             |
| Milton J. Pacheco      | Paraprofessional | N/A                      | 0.60                   | \$175.00               | \$ 105.00             |
| Elizabeth Kelly        | Paraprofessional | N/A                      | 0.10                   | \$195.00               | \$ 19.50              |
|                        |                  |                          | 3.50                   | \$175.00               | \$ 612.50             |
| Blended Hourly<br>Rate |                  |                          |                        | \$395.56               |                       |
| <b>Total Fees</b>      |                  |                          | 10.80                  |                        | \$ 4,272.00           |

**EXHIBIT "1-B"****Summary of Professional and Paraprofessional Time  
by Activity Code Category for this Time Period Only**

| <b>Professional Services</b> |                   |             |              |                    |
|------------------------------|-------------------|-------------|--------------|--------------------|
|                              | <b>Name</b>       | <b>Rate</b> | <b>Hours</b> | <b>Amount</b>      |
| Attorney                     | John H. Genovese  | \$595.00    | 5.00         | \$ 2,975.00        |
| Attorney                     | Marilee A. Mark   | \$350.00    | 1.60         | \$ 560.00          |
| Paralegal                    | Milton J. Pacheco | \$175.00    | 0.60         | \$ 105.00          |
| Paralegal                    | Elizabeth Kelly   | \$195.00    | 0.10         | \$ 19.50           |
|                              |                   | \$175.00    | 3.50         | \$ 612.50          |
| <b>CATEGORY TOTALS:</b>      |                   |             | <b>10.80</b> | <b>\$ 4,272.00</b> |

EXHIBIT "2"  
Summary of Requested Reimbursement Of Expenses  
for this Time Period Only

[If this is a final application which does not cumulate prior interim applications, a separate summary showing cumulative expenses for all applications is attached as well]

|  |   |                 |
|--|---|-----------------|
| 1.   | Filing Fees   | \$ 0.00         |
| 2.   | Process Service Fees  | \$ 0.00         |
| 3.   | Witness Fees  | \$ 0.00         |
| 4.   | Court Reporter & Transcripts  | \$ 0.00         |
| 5.   | Lien and Title Searches   | \$ 0.00         |
| 6.   | Photocopies (in-house copies) ( copies @ 15¢)   | \$ 0.00         |
| 7.   | Photocopies (outside copies)  | \$ 0.00         |
| 8.   | Postage   | \$ 0.48         |
| 9.   | Overnight Delivery Charges  | \$ 0.00         |
| 10.  | Outside Courier/Messenger Services  | \$ 0.00         |
| 11a.   | Long Distance (a) Telephone Charges   | \$ 0.00         |
| 11b.   | Long Distance (b) Conference Calls  | \$ 0.00         |
| 12.  | Long Distance Fax Transmission @ \$1.00/pg.   | \$ 0.00         |
| 13.  | Computerized Research   | \$ 30.30        |
| 14.  | Out of Southern District of Florida Travel<br>A. Transportation<br>B. Lodging<br>C. Meals | \$ 0.00         |
| 15.  | Other - Courtcall   | \$ 30.00        |
| <b>TOTAL "GROSS" AMOUNT OF REQUESTED DISBURSEMENTS</b> |   | <b>\$ 60.78</b> |

**Genovese Joblove & Battista, P.A.**

100 Southeast Second Street, 44th Floor  
 Miami, Florida 33131  
 Telephone (305) 349-2300 Facsimile (305) 349-2310  
 Employer ID# 65-0518134

Attn: Solomon Genet, Esq.  
 Meland Russin & Budwick, PA  
 200 South Biscayne Blvd.  
 Suite 3200  
 Miami, FL 33131

December 6, 2013  
 Inv. # 76441  
 File # 10891-001

Re: Meland/Expert to B. Mukamal/Palm Beach Finance Partners

Statement for Services Rendered Through Nov 30/13

| --- Legal Fees ---     |     |   |                       |            |
|------------------------|-----|---|-----------------------|------------|
| 11/01/13               | JHG | Continued review and analysis of Fulbright answer and affirmative defenses.   | 1.30hr<br>\$595.00/hr | \$773.50   |
| 11/04/13               | JHG | Review issues regarding filing motion for summary judgment deadlines.   | 0.80hr<br>\$595.00/hr | \$476.00   |
| 11/04/13               | EK  | Receipt of Agreed Order Granting Ex Parte Motion for Entry of Case Management Report; calculate and calendar pre-trial deadlines; calendar events and hearings; update case profile with recently filed court papers and circulate same; interoffice communications re: same. | 1.10hr<br>\$175.00/hr | \$192.50   |
| 11/20/13               | EK  | Receipt and review of Order Granting Trustee's Third Ex Parte Motion to Continuing Status Conference Currently Scheduled for 12/3/2013; calendar new date; review Agreed Order Granting Agreed Ex Parte Motion For Entry of Case Management Order and confirm deadlines.      | 0.30hr<br>\$175.00/hr | \$52.50    |
| 11/22/13               | JHG | Review motion to strike affirmative defenses.   | 1.10hr<br>\$595.00/hr | \$654.50   |
| 11/22/13               | EK  | Receipt of Motion to Strike Answer or, Alternatively, for More Definite Statement; circulate to attorney group and update case profile.   | 0.10hr<br>\$175.00/hr | \$17.50    |
| 11/26/13               | MJP | Download Fullbright & Jaworski's motion for w/drawal of the reference and designation thereto, calendar objection deadline, save to internal database.  | 0.40hr<br>\$175.00/hr | \$70.00    |
| Total Legal Fees . . . |     |   | 5.10                  | \$2,236.50 |

**Meland Russin & Budwick, PA**  
**10891-001**

File # 10891-001  
 Inv. # 76441

**FEE SUMMARY:**

| <b>Professional</b>           | <b>Hours</b> | <b>Rate</b> | <b>Amount</b>     |
|-------------------------------|--------------|-------------|-------------------|
| John H Genovese               | 3.20         | \$595.00    | \$1,904.00        |
| Milton J Pacheco              | 0.40         | \$175.00    | \$70.00           |
| Elizabeth Kelly               | 1.50         | \$175.00    | \$262.50          |
| <b>Total Legal Fees . . .</b> | <u>5.10</u>  |             | <u>\$2,236.50</u> |

|                            |                           |
|----------------------------|---------------------------|
| Total Invoice              | <u>\$2,236.50</u>         |
| Prior Open Balance         | \$11,280.60               |
| <b>OUTSTANDING BALANCE</b> | <u><b>\$13,517.10</b></u> |

TRUST BALANCE \$0.00

**Genovese Joblove & Battista, P.A.**

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 Miami, Florida 33131  
 Telephone (305) 349-2300 Facsimile (305) 349-2310  
 Employer ID# 65-0518134

Attn: Solomon Genet, Esq.  
 Meland Russin & Budwick, PA  
 200 South Biscayne Blvd.  
 Suite 3200  
 Miami, FL 33131

January 29, 2014  
 Inv. # 77016  
 File # 10891-001

Re: Meland/Expert to B. Mukamal/Palm Beach Finance Partners

Statement for Services Rendered Through Dec 31/13

| LEGAL FEES             |     |  |                       |          |
|------------------------|-----|--|-----------------------|----------|
| 12/03/13               | EK  | Receipt of and circulate Order Granting-in-part-Denying-in-part Motion to Strike Affirmative Defenses; calendar deadline for Defendant to file amended affirmative defenses.   | 0.20hr<br>\$175.00/hr | \$35.00  |
| 12/09/13               | JHG | Review motion to withdraw reference and memorandum filed by Fulbright and Jaworski.  | 1.10hr<br>\$595.00/hr | \$654.50 |
| 12/09/13               | EK  | Receipt, review and circulate Ex Parte Motion to Extend Time to File Response and Reply In Respect to Defendant's Motion to Withdraw the Reference, as well as both Plaintiff and Defendant's Initial Disclosures; update case profile | 0.20hr<br>\$175.00/hr | \$35.00  |
| 12/10/13               | JHG | Review agreed order for extension of time regarding withdrawal of reference.   | 0.10hr<br>\$595.00/hr | \$59.50  |
| 12/10/13               | EK  | Receipt, review, circulate and calendar deadlines in Agreed Order Granting Motion to Extend Time to File Response and Reply In Respect to Defendant's Motion to Withdraw the Reference.  | 0.20hr<br>\$175.00/hr | \$35.00  |
| 12/20/13               | MJP | Download Amended Answer and Affirmative Defenses to Second Amended Complaint Filed by Fulbright & Jaworski L.L.P., save to database.   | 0.20hr<br>\$175.00/hr | \$35.00  |
| Total Legal Fees . . . |     |  | 2.00                  | \$854.00 |

**Meland Russin & Budwick, PA**  
**10891-001**

File # 10891-001  
 Inv. # 77016

**FEE SUMMARY:**

| <b>Professional</b>           | <b>Hours</b> | <b>Rate</b> | <b>Amount</b>   |
|-------------------------------|--------------|-------------|-----------------|
| John H Genovese               | 1.20         | \$595.00    | \$714.00        |
| Milton J Pacheco              | 0.20         | \$175.00    | \$35.00         |
| Elizabeth Kelly               | 0.60         | \$175.00    | \$105.00        |
| <b>Total Legal Fees . . .</b> | <u>2.00</u>  |             | <u>\$854.00</u> |

|                                      |                        |
|--------------------------------------|------------------------|
| Total Invoice                        | <u>\$854.00</u>        |
| Prior Open Balance                   | \$13,517.10            |
| Payments and/or Adjustments Received | \$-13,517.10           |
| <b>OUTSTANDING BALANCE</b>           | <u><b>\$854.00</b></u> |

TRUST BALANCE \$0.00

**Genovese Joblove & Battista, P.A.**

100 Southeast Second Street, 44th Floor  
 Miami, Florida 33131  
 Telephone (305) 349-2300 Facsimile (305) 349-2310  
 Employer ID# 65-0518134

Attn: Solomon Genet, Esq.  
 Meland Russin & Budwick, PA  
 200 South Biscayne Blvd.  
 Suite 3200  
 Miami, FL 33131

March 4, 2014  
 Inv. # 77338  
 File # 10891-001

Re: Meland/Expert to B. Mukamal/Palm Beach Finance Partners

Statement for Services Rendered Through Jan 31/14

|                        |     | Legal Fees   |                       |          |
|------------------------|-----|--|-----------------------|----------|
| 01/01/14               | EK  | Receipt of Notice Hearing on Fifth Interim Post Confirmation Fee Application for J. Genovese and others; circulate Notice and calendar hearing.  | 0.20hr<br>\$175.00/hr | \$35.00  |
| 01/03/14               | EK  | Receipt, review and circulate court filings, including Designation of Contents For Inclusion in Motion to Withdraw Reference and Response to Motion for Withdrawal of Reference and Memorandum of Law in Support Thereof; update case profile. | 0.20hr<br>\$175.00/hr | \$35.00  |
| 01/17/14               | EK  | Receipt of and circulate Motion for Leave to Depose Inmates Filed by Defendant Fulbright & Jaworski.   | 0.10hr<br>\$175.00/hr | \$17.50  |
| 01/21/14               | EK  | Receipt of Reply to Response to Motion to Withdraw Reference; circulate and update case profile.   | 0.10hr<br>\$175.00/hr | \$17.50  |
| 01/22/14               | EK  | Coordinate court call appearance for hearing on Fifth Interim Fee Application; prepare hearing materials, including previous four fee apps; follow up with court call when confirmation never arrived.   | 0.60hr<br>\$175.00/hr | \$105.00 |
| 01/27/14               | MAM | Emails and Conference regarding Hearing on Fee Applications and Related Issues.  | 0.30hr<br>\$350.00/hr | \$105.00 |
| 01/27/14               | EK  | Receipt of Notice of Hearing on Motion for Leave to Depose Inmates; calendar hearing date and circulate Notice to attorneys.   | 0.20hr<br>\$175.00/hr | \$35.00  |
| 01/28/14               | MAM | Preparation for and Attendance at Hearing on J. Genovese and GJB's Fee Application and Emails, Conferences, and Follow Up regarding Issues relating to same.   | 1.30hr<br>\$350.00/hr | \$455.00 |
| Total Legal Fees . . . |     |  | 3.00                  | \$805.00 |



**Meland Russin & Budwick, PA**  
**10891-001**

File # 10891-001  
 Inv. # 77338

**FEE SUMMARY:**

| <b>Professional</b>           | <b>Hours</b> | <b>Rate</b> | <b>Amount</b>   |
|-------------------------------|--------------|-------------|-----------------|
| Marilee A Mark                | 1.60         | \$350.00    | \$560.00        |
| Elizabeth Kelly               | 1.40         | \$175.00    | \$245.00        |
| <b>Total Legal Fees . . .</b> | <u>3.00</u>  |             | <u>\$805.00</u> |

**Costs/Advanced**

|            |   |                |
|------------|---|----------------|
|            | Postage   | 0.48           |
|            | Pacer - Online Research                                   | 30.30          |
| 01/22/2014 | Court Call (10891-001) American Express XXXX-XXXXX6-46001 | 30.00          |
|            | <b>Total Costs Advanced . . .</b>                         | <u>\$60.78</u> |

|                                      |                 |
|--------------------------------------|-----------------|
| <b>Total Invoice</b>                 | <u>\$865.78</u> |
| Prior Open Balance                   | \$854.00        |
| Payments and/or Adjustments Received | \$-854.00       |
| <b>OUTSTANDING BALANCE</b>           | <u>\$865.78</u> |

TRUST BALANCE \$0.00

**Genovese Joblove & Battista, P.A.**

100 Southeast Second Street, 44th Floor  
 Miami, Florida 33131  
 Telephone (305) 349-2300 Facsimile (305) 349-2310  
 Employer ID# 65-0518134

Attn: Solomon Genet, Esq.  
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 200 South Biscayne Blvd.  
 Suite 3200  
 Miami, FL 33131

March 12, 2014  
 Inv. # 77402  
 File # 10891-001

Re: Meland/Expert to B. Mukamal/Palm Beach Finance Partners

Statement for Services Rendered Through Feb 28/14

--- Legal Fees ---

|                        |     |  |                       |                 |
|------------------------|-----|--|-----------------------|-----------------|
| 02/10/14               | EK  | Receipt of Notice of Transmittal to District Court of Motion for Withdrawal of Reference; circulate and update case profile. | 0.10hr<br>\$195.00/hr | \$19.50         |
| 02/25/14               | JHG | Review motion for leave to depose and authorities cited.   | 0.60hr<br>\$595.00/hr | \$357.00        |
| Total Legal Fees . . . |     |  | <u>0.70</u>           | <u>\$376.50</u> |

**FEE SUMMARY:**

| Professional                  | Hours       | Rate     | Amount          |
|-------------------------------|-------------|----------|-----------------|
| John H Genovese               | 0.60        | \$595.00 | \$357.00        |
| Elizabeth Kelly               | 0.10        | \$195.00 | \$19.50         |
| <b>Total Legal Fees . . .</b> | <u>0.70</u> |          | <u>\$376.50</u> |

|                            |                          |
|----------------------------|--------------------------|
| Total Invoice              | <u>\$376.50</u>          |
| Prior Open Balance         | \$865.78                 |
| <b>OUTSTANDING BALANCE</b> | <u><b>\$1,242.28</b></u> |

TRUST BALANCE \$0.00