

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

IN RE:

PALM BEACH FINANCE PARTNERS, L.P.,  
PALM BEACH FINANCE II, L.P.,

CASE NO. 09-36379-PGH  
CASE NO. 09-36396-PGH  
(Jointly Administered)

Debtors.

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**LIQUIDATING TRUSTEE'S APPLICATION TO EMPLOY  
MICHAEL R. SLADE AND CALLAWAY & PRICE, INC.  
AS APPRAISER NUNC PRO TUNC TO JANUARY 18, 2011**

Barry E. Mukamal, in his capacity as liquidating trustee ("*Liquidating Trustee*") for the bankruptcy estates of Palm Beach Finance Partners, L.P. and Palm Beach Finance Partners II, L.P. (collectively, the "*Debtors*"), by and through undersigned counsel, respectfully requests an Order of the Court, *nunc pro tunc* to January 18, 2011, authorizing (1) the employment of Michael R. Slade and Callaway & Price, Inc. ("*C&P*") for the purposes of conducting an appraisal of Bruce and Colleen Prevosts' personal residence and (2) the payment of such appraisal without the need of further hearing or Court Order. In support, the Liquidating Trustee states the following:

1. The Liquidating Trustee desires to employ C&P as his appraiser in this case to assist in ascertaining the fair market value of the Prevosts' personal residence located in Palm Beach Gardens. The purpose of such appraisal is to finalize a tentative settlement agreement reached between the parties.

2. The Liquidating Trustee believes that the appraiser is qualified to appear before this Court and is qualified to advise the Liquidating Trustee on the valuation of the Prevosts' personal residence.

3. To the best of the Liquidating Trustee's knowledge, neither C&P nor Mr. Slade have any connection with the creditors or other parties in interest or their respective attorneys. Neither C&P nor Mr. Slade represent any interest adverse to the Debtors, Liquidating Trustee or party to these Estates.

4. Attached to this Application as Exhibit A is the appraiser's Affidavit demonstrating that C&P and Mr. Slade are disinterested as required by 11 U.S.C. § 327(a) and a verified statement as required under Bankruptcy Rule 2014.

5. The cost of the appraisal will be \$2,000.<sup>1</sup> The Liquidating Trustee requests that he be allowed to pay such cost without the need of further hearing or Court Order.

6. Submitted with this Application for the Court's consideration is a form of order, attached as Exhibit B, granting the employment of C&P and Mr. Slade.

WHEREFORE, the Liquidating Trustee respectfully requests an Order (1) authorizing the retention of C&P and Mr. Slade, *nunc pro tunc* to January 18, 2011, pursuant to 11 U.S.C. §§ 327 and 330, (2) allowing the Liquidating Trustee to pay the cost of such appraisal without further hearing or Court Order and (3) for such other and further relief as this Court deems just and proper.

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<sup>1</sup> Although this cost is greater than the typical cost associated with an appraisal of a personal residence, the Liquidating Trustee believes the cost is prudent in this instance due to (1) the large size of the residence (one 9,000 sq/ft home along with a 2,000 sq/ft guest home) that is being appraised and (2) the interior inspection that will be conducted.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this Notice of Filing was served via the Court's Notice of Electronic Filing on January 20, 2011, upon all Registered Users on the attached Exhibit 1 and also via U.S. Mail on January 20, 2011 upon all parties listed on the Master Service List attached as Exhibit 2.

DATED this 20<sup>th</sup> day of January, 2011.

s/ Jonathan S. Feldman  
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PALM BEACH FINANCE PARTNERS, L.P.,  
PALM BEACH FINANCE II, L.P.,

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\_\_\_\_\_ /

**AFFIDAVIT OF MICHAEL R. SLADE OF CALLAWAY & PRICE, INC.**

STATE OF FLORIDA )  
 ) ss:  
COUNTY OF PALM BEACH COUNTY )

I, Michael R. Slade, MAI, SRA, CRE, being duly sworn, says:

1. I am a certified general real estate appraiser in the State of Florida, certification number RZ116, with offices located at Callaway & Price, Inc., 1639 Forum Place, Suite 5, West Palm Beach, FL 33401.

2. I do not represent any interest adverse to the Debtors or their estates.

3. Except for the performance of services for the Liquidating Trustee as real estate appraiser to conduct an appraisal of Bruce and Colleen Prevosts' personal residence, I will not represent any other entity in connection with this case, and I will not accept any fee from any other party or parties in this case.

4. My firm received no money from the Debtors.

5. My firm does not have any prepetition claim against the Debtors .

FURTHER AFFIANT SAYETH NAUGHT.

*Michael R. Slade*

Michael R. Slade, MAI, SRA, CRE  
State Certified General Appraiser RZ 116

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of January, 2011,  
by Michael R. Slade, MAI, SRA, CRE, who is personally known to me/who has produced  
\_\_\_\_\_ as identification and who did/did not take an oath.

*Ruth K. Pennington*

Notary Public, State of Florida

Print Name:

My Commission Expires



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PALM BEACH FINANCE II, L.P.,

CASE NO. 09-36379-PGH  
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Debtors.

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**ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF  
MICHAEL R. SLADE AND CALLAWAY & PRICE, INC.  
AS APPRAISER NUNC PRO TUNC TO JANUARY 18, 2011**

THIS CAUSE came before the Court upon the Trustee's Application for Employment of Michael R. Slade and Callaway & Price, Inc. [ECF No. \_\_\_\_] (the "*Motion*"). Upon the representations that C&P and Mr. Slade are duly qualified, that C&P and Mr. Slade hold no interest adverse to the estate in the matters upon which they are engaged, that C&P and Mr. Slade are disinterested persons as required by 11 U.S.C. § 327(a), and have disclosed any connections

with parties set forth in Bankruptcy Rule 2014, and that their employment is necessary and would be in the best interest of the estate, it is

**ORDERED** as follows:

1. The Motion is **GRANTED**.
2. The Liquidating Trustee is authorized to retain C&P and Mr. Slade *nunc pro tunc* to January 18, 2011, and authorized to pay C&P a fee up to and including \$2,000 without further hearing or Court Order.

###

**Submitted By:**

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**Copies Furnished To:**

Jonathan S. Feldman, Esquire, is directed to serve copies of this Order on all parties in interest and to file a Certificate of Service.

## Mailing Information for Case 09-36379-PGH

### Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive e-mail notice/service for this case.

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