



ORDERED in the Southern District of Florida on **September 13, 2011**.

A handwritten signature in black ink that reads "Paul G. Hyman Jr." The signature is written in a cursive style and is positioned above a horizontal line.

**Paul G. Hyman Jr., Chief Judge
United States Bankruptcy Court**

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
www.flsb.uscourts.gov

In re:

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

Debtors.

CASE NO.: 09-36379-PGH
CASE NO.: 09-36396-PGH
(Jointly Administered)
Chapter 11

**ORDER GRANTING LIQUIDATING TRUSTEE'S *EX PARTE* APPLICATION TO
EMPLOY ERIC RUBIN AND MOECKER AUCTIONS, INC. AS AUCTIONEER**

THIS MATTER came before the Court upon the *Liquidating Trustee's Ex Parte Motion to Employ Eric Rubin and Moecker Auctions, Inc. as Auctioneer* (the "**Application**") [D.E. No. 754].¹ The Court considered the Application *ex parte* and finds that no notice or hearing was necessary under the circumstances. The Court, having considered the record, finds good cause to approve the retention and compensation of the Auctioneer pursuant to the terms and conditions stated in the Application. Accordingly, it is

ORDERED as follows:

1. The Motion is **GRANTED**.

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Application.

2. The Liquidating Trustee is authorized to retain the Auctioneer in accordance with the terms of the proposal attached as Exhibit A to the Application (the “*Proposal*”).

3. The Auctioneer is disinterested as defined in the Bankruptcy Code pursuant to the Rubin Affidavit attached as Exhibit B to the Application. The Auctioneer and the Liquidating Trustee have certified that (i) Auctioneer is licensed as an auctioneer and covered by the Florida Auctioneer Recovery Fund and is authorized to conduct auctions in the State of Florida pursuant to Florida Statutes §468.381 et seq.; (ii) Auctioneer has posted a Fiduciary and Faithful Performance (or Surety) Bond in the amount of \$500,000; (iii) the bonds are issued by a surety company approved by the Department of the Treasury and in favor of the United States of America; and (iv) true copies of the foregoing license and bond were attached to the Application.

4. The Proposal for the sale and/or auction of the Vessel, as necessary, is reasonable and in the best interests of the Debtors’ estates.

5. Upon entry of this order, the Auctioneer is authorized to take possession of and move the Vessel as needed to conduct the sale and/or auction in accordance with the Proposal.

6. The Liquidating Trustee shall serve this order on the U.S. Trustee and all creditors pursuant to Bankruptcy Rules 2002(a)(2), 2002(c)(1) and 6004.

7. Upon completion of the sale and/or auction, as appropriate, the Auctioneer will file with the Court a report summarizing the results of the sale and/or auction and stating the fees and expenses will be paid to Auctioneer in accordance with the Proposal and this order. The report shall only be served on the U.S. Trustee, the Liquidating Trustee and any other interested party who specifically requests a copy. The Auctioneer’s fees and expenses, as set forth in the Proposal, may be paid without the necessity of further notice or hearing unless any party in

interest files an objection within 10 days of the filing of the report with the Court and service of the report on the parties specified in this paragraph.

8. The Court retains jurisdiction to enforce or interpret this Order.

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Submitted By:

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Copies to:

Michael S. Budwick, Esq.
(Attorney Budwick is directed to mail a conformed copy of this Order upon all interested parties and to file a certificate of service.)