



**ORDERED** in the Southern District of Florida on December 13, 2016.

A handwritten signature in black ink, appearing to read "Erik P. Kimball".

Erik P. Kimball, Judge  
United States Bankruptcy Court

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**In re:**

**CLSF III IV, Inc., et al.,**

**Debtors.**  
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**Case No: 12-30081-BKC-EPK**

**Chapter 7**

**(Substantively Consolidated)**

**AMENDED ORDER**

This matter came before the Court for hearing on November 30, 2016 upon the *Motion for Apportionment of Proceeds from Sale of Real Property Located at 20 Vroom Avenue, Spring Lake, NJ* [ECF No. 1382] filed by Creditor George C. Peck, Sr., the *Motion to Award Fees and Costs of Receiver* [ECF No. 1385] filed by Receiver James A. Paone, and the *Trustee's Motion for Surcharge Regarding Sale of Real Property and Response to Pending Motions* [ECF No. 1394] filed by Deborah C. Menotte as Trustee in the above-captioned bankruptcy case. For the reasons stated on the record at the hearing, the Court **ORDERS** and **ADJUDGES** as follows:

1. The *Motion for Apportionment of Proceeds from Sale of Real Property Located at 20 Vroom Avenue, Spring Lake, NJ* [ECF No. 1382] is **DENIED**, without prejudice

to the appropriate parties seeking relief from the Superior Court of New Jersey, Law Division-Monmouth County, in Case No. MON-L-6316-09 J-334394-11.

2. Except as provided in this Order, pursuant to 28 U.S.C. § 1334(c)(1), the Court hereby abstains from hearing any matter related to the disposition of the proceeds from the sale of real property located at 20 Vroom Avenue, Spring Lake, New Jersey (the “Real Property”). Any dispute in connection with the distribution of such proceeds, other than as directed in this Order, shall be presented to the Superior Court of New Jersey, Law Division-Monmouth County, in Case No. MON-L-6316-09 J-334394-11.
3. The *Motion to Award Fees and Costs of Receiver* [ECF No. 1385] is GRANTED IN PART to the extent provided herein. Florida Bankruptcy Group, LLC, counsel for James A. Paone, as receiver, is entitled to attorney’s fees in the amount of \$39,410.00, plus expenses in the amount of \$538.19, for a total amount of \$39,948.19. The Court finds that such attorney’s fees and costs are reasonable under the circumstances of this case. The attorney’s fees and costs for the firm of Davison, Eastman & Munoz, P.A., previously approved by the Superior Court of New Jersey, Law Division-Monmouth County, Case No. MON-L-6316-09 J-334394-11, in the amount of \$60,369.04 are consistent with this Court’s *Agreed Order Granting, in Part, Motion to Excuse Compliance with Turnover for Relief from Stay and Other Relief* [ECF No. 1189]. Deborah C. Menotte, as Trustee in this case, is authorized and directed to disburse, from the net proceeds from the sale of the Real Property, the sum of \$39,948.19 to Florida Bankruptcy Group, LLC and the sum of \$60,369.04 to Davison, Eastman & Munoz, P.A. To the extent the *Motion to Award Fees and Costs of Receiver* [ECF No. 1385] requests additional relief, that relief is DENIED, without prejudice to the appropriate parties seeking

relief from the Superior Court of New Jersey, Law Division-Monmouth County, in Case No. MON-L-6316-09 J-334394-11.

4. Deborah C. Menotte, as Trustee in this case, is authorized and directed to disburse to James A. Paone, as receiver, the sum of \$1,526,167.02, representing the net proceeds from the sale of the Real Property (\$1,726,484.25), less the sum to be paid under paragraph 3 of this Order (\$100,317.23), and less the sum of \$100,000.00 which is to be held by or on behalf of the Trustee pending determination of the *Trustee's Motion for Surcharge Regarding Sale of Real Property and Response to Pending Motions* [ECF No. 1394].
5. The Court will hold an evidentiary hearing on the *Trustee's Motion for Surcharge Regarding Sale of Real Property and Response to Pending Motions* [ECF No. 1394] on **January 25, 2017 at 9:30 a.m.** at the United States Bankruptcy Court, Flagler Waterview Building, 1515 North Flagler Drive, 8th Floor, Courtroom B, West Palm Beach, Florida 33401.
6. In connection with the *Trustee's Motion for Surcharge Regarding Sale of Real Property and Response to Pending Motions* [ECF No. 1394], not later than **December 16, 2016 at 5:00 p.m.** counsel for the Trustee shall file with the Court an affidavit of attorney's fees and costs, with detailed time entries and backup for any single expense greater than \$500.

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Copies furnished to:

Leslie Gern Cloyd, Esq.

*Leslie Gern Cloyd, Esq. is directed to serve a conformed copy of this Order on all appropriate parties and file a certificate of service with the Court.*