

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.

ROBERT E. TARDIF, JR., AS TRUSTEE
FOR THE CHAPTER 7 BANKRUPTCY
ESTATES OF ULRICH FELIX ANTON
ENGLER AND PRIVATE COMMERCIAL
OFFICE, INC.,

ADV. PROC. NO. 9:10-ap-00435-MGW

Plaintiff,

J.B. Vol. 15, #2222

v.

AUTOQUEST OF SOUTHWEST FLORIDA, INC.
and RAD MANAGEMENT, INC.,

Defendants.

**FINAL JUDGMENT AGAINST AUTOQUEST OF SOUTHWEST
FLORIDA, INC. AND RAD MANAGEMENT, INC.**

without a hearing *New*

THIS PROCEEDING came before the Court ~~for trial on June 2, 2011 at 1:30 p.m.~~ on the Amended Complaint filed by Robert E. Tardif, Jr. (the "Plaintiff"), as Chapter 7 Trustee of the substantively consolidated bankruptcy estates of Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (collectively, the "Debtors") [D.E. 43] and the Answer And Affirmative Defenses filed by AUTOQUEST OF SOUTHWEST FLORIDA, INC. and RAD MANAGEMENT, INC. (hereinafter sometimes referred to collectively as the "Defendants") [D.E. 46]. The Court having reviewed the record in this adversary proceeding,

heard from counsel for the parties, been apprised of their agreement to the entry of this Final Judgment, and being otherwise duly advised in the premises, it is hereby

ORDERED that:

1. The pre-petition transfers received by AUTOQUEST OF SOUTHWEST FLORIDA, INC. in the principal aggregate amount of \$1,900,000.00 (hereinafter the “Autoquest Transfers”) are hereby avoided pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(A), 548(a)(1)(B), Fla. Stat. §§ 726.105(1)(a), 726.105(1)(b), 726.106(1) and 726.108, and federal common law.

2. Plaintiff is entitled to recover the Autoquest Transfers from AUTOQUEST OF SOUTHWEST FLORIDA, INC. pursuant to 11 U.S.C. § 550(a)(1).

3. A Final Judgment is entered on the action to avoid and to recover fraudulent transfers in Count 1 of the Amended Complaint and on the claim for unjust enrichment in Count 2 of the Amended Complaint against AUTOQUEST OF SOUTHWEST FLORIDA, INC. and in favor of Plaintiff in the amount of \$1,900,000.00, plus prejudgment interest accruing at the rate of 3.25 percent per annum from the date Plaintiff commenced this action against said defendant to the date of entry of this Final Judgment, plus post-judgment interest accruing at the current legal rate allowed under 28 U.S.C. § 1961 as of the date of this Final Judgment, for which sums let execution issue forthwith.

4. The pre-petition transfer received by RAD MANAGEMENT, INC. in the principal aggregate amount of \$100,000.00 (hereinafter the “RAD Transfer”) is hereby avoided pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(A), 548(a)(1)(B), Fla. Stat. §§ 726.105(1)(a), 726.105(1)(b), 726.106(1) and 726.108, and federal common law.

5. Plaintiff is entitled to recover the RAD Transfer from RAD MANAGEMENT, INC. pursuant to 11 U.S.C. § 550(a)(1).

6. A Final Judgment is entered on the action to avoid and to recover fraudulent transfers in Count 3 of the Amended Complaint and on the claim for unjust enrichment in Count 4 of the Amended Complaint against RAD MANAGEMENT, INC. and in favor of Plaintiff in the amount of \$100,000.00, plus prejudgment interest accruing at the rate of 3.25 percent per annum from the date Plaintiff commenced this action against said defendant to the date of entry of this Final Judgment, plus post-judgment interest accruing at the current legal rate allowed under 28 U.S.C. § 1961 as of the date of this Final Judgment, for which sums let execution issue forthwith.

7. In accordance with Section 55.10(1) of the Florida Statutes, the address of the Plaintiff is:

Robert E. Tardif, Jr., Chapter 7 Trustee
Law Offices of Robert E. Tardif
1533 Hendry Street, 1st Floor
Fort Myers, Florida 33901

- and -

Robert E. Tardif, Jr., Chapter 7 Trustee
c/o Robert F. Elgidely, Esq.
Genovese, Joblove & Battista, P.A.
200 East Broward Boulevard, Suite 1110
Fort Lauderdale, Florida 33301

8. In accordance with Section 55.01(2) of the Florida Statutes, the last known address and employer identification number of AUTOQUEST OF SOUTHWEST FLORIDA, INC. are:

Autoquest of Southwest Florida, Inc.
c/o Gavin E. Riches, Registered Agent
14498 South Tamiami Trail
Fort Myers, Florida 33391
E.I.N.: 65-0995515

9. In accordance with Section 55.01(2) of the Florida Statutes, the last known address and employer identification number of RAD MANAGEMENT, INC. are:

RAD Management, Inc.
c/o Gavin E. Riches, Registered Agent
5010 Harborage Drive
Fort Myers, Florida 33908
E.I.N.: 59-3107550

10. Pursuant to 11 U.S.C. § 502(d), any claim(s) filed by the Defendants against the Debtors' bankruptcy estates shall be disallowed until such time as the Defendants pay the full amount of the Autoquest Transfers and the RAD Transfer in full satisfaction of this Final Judgment.

11. The Court reserves jurisdiction over this cause and the parties hereto to enter any other and further orders for post-judgment relief as may be appropriate.

DONE AND ORDERED at Tampa, Florida on June 01, 2011



Michael G. Williamson
United States Bankruptcy Judge

Copies furnished to:

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