

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-00486-MGW

J.B. Vol. 16 #2281

Plaintiff,

v.

ALOIS FUCHS,

Defendant.

**DEFAULT FINAL JUDGMENT AGAINST
DEFENDANT ALOIS FUCHS**

THIS PROCEEDING came before the Court without a hearing on the Verified Motion For Entry Of Default Final Judgment Against Defendant Alois Fuchs (hereinafter the "Motion") filed by Robert E. Tardif, Jr. (the "Plaintiff"), as Chapter 7 Trustee (hereinafter the "Plaintiff") of the substantively consolidated bankruptcy estates of Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (hereinafter collectively referred to as the "Debtors") [D.E 33]. Upon consideration of the record of this adversary proceeding, including the Clerk's Default entered against Alois Fuchs (hereinafter the "Defendant") on November 14, 2011 [D.E. 31] as a result of the Defendant's failure to answer or otherwise respond to the Complaint as required by Rule 7012 of the Federal Rules of Bankruptcy

Procedure (the “Bankruptcy Rule(s)”), the Court determines that Plaintiff is entitled to entry of a Default Final Judgment against the Defendant on all counts of the Complaint as a matter of law pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, as incorporated into Rule 7055 of the Federal Rules of Bankruptcy Procedure. Accordingly, it is

ORDERED, as follows:

1. The pre-petition transfers received by Defendant in the principal aggregate sum of \$98,606.90 are hereby avoided pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(A), 548(a)(1)(B), and Chapter 726 of the Florida Statutes, which Plaintiff is entitled to recover from Defendant pursuant to 11 U.S.C. § 550(a).

2. A Default Final Judgment is entered against Defendant and in favor of Plaintiff in the sum of \$98,606.90, together with prejudgment interest accruing at the rate of three and a quarter percent (3.25%) per annum from the date Plaintiff commenced this action against Defendant to the date of the entry of this Default Final Judgment, and post-judgment interest accruing at the current legal rate allowed under 28 U.S.C. § 1961 as of the date of this Default Final Judgment, for which sums let execution issue forthwith.

3. 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

In accordance with Section 55.01(2) of the Florida Statutes, the last known address of the

Defendant is:

Alois Fuchs
Bürgermeister-Jäger-Strasse 4
86527 Haag
Germany

Alois Fuchs
c/o Guido Kluck, LLM
Counsel for the Defendant
K&W Legal,
Paul-Lincke-Ufer 20-22,
10999 BERLIN, Germany

4. Pursuant to 11 U.S.C. § 502(d), any claim(s) filed by the Defendant against the Debtors' bankruptcy estates shall be disallowed until such time as the Defendant pays the amount of the above transfers in full satisfaction of this Default Final Judgment.

5. 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 November 29, 2011.



Michael G. Williamson
United States Bankruptcy Judge

Copies furnished to:

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