



**ORDERED in the Southern District of Florida on April 12, 2012.**

A handwritten signature in black ink that reads "Paul Hyman".

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

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

In re:

CHAPTER 11

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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**ORDER APPROVING LIQUIDATING TRUSTEE'S MOTION FOR ENTRY OF  
ORDER APPROVING (I) PRIVATE SALE AND TRANSFER OF VESSEL TO  
JEFFREY J. NUCCITELLI FREE AND CLEAR OF LIENS, CLAIMS, AND  
ENCUMBRANCES; AND (II) PAYMENT OF CONTINGENCY FEE**

**THIS CAUSE** came before the Court upon the Liquidating Trustee's Motion for Entry of an Order Approving (i) Private Sale and Transfer of Vessel to Jeffrey J. Nuccitelli ("**Mr. Nuccitelli**") Free and Clear of Liens, Claims, and Encumbrances; and (ii) Payment of Contingency Fee [ECF No. 1138] (the "**Motion**").<sup>1</sup> The Court, having reviewed the Motion, and

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<sup>1</sup> All capitalized terms not defined in this Order shall have the meaning ascribed to such term as set forth in the Motion.

noting that a Certificate of No Response and Request for Entry of Order has been filed, finds that notice of the Motion is sufficient to comply with Bankruptcy Rule 2002(c)(1) and Local Rule 6004-1(A) and (D) and any other applicable notice requirement. Accordingly, it is:

**ORDERED** and **ADJUDGED** as follows:

1. The Motion is **GRANTED**.
2. The Liquidating Trustee's sale of the Vessel<sup>2</sup> to Mr. Nuccitelli, pursuant to 11 U.S.C. § 363 of the Bankruptcy Code, free and clear of all liens, claims and encumbrances, is approved on the terms and conditions set forth in the Motion and this Order.
3. The Vessel shall be sold to Mr. Nuccitelli for a total purchase price of \$44,750.00 and pursuant to the terms and in the manner set forth in the Motion and this Order.
4. The Purchase Price will be allocated and apportioned among the Liquidating Trusts as follows: 18% to Palm Beach Finance Partners Liquidating Trust and 82% to the Palm Beach Finance Partners II Liquidating Trust (the "*Pro Rata Allocation Formula*").
5. The stay of orders authorizing the use, sale, or lease of property as provided in Fed. R. Bankr. P. 6004(h) is waived and shall not apply to this Order, such that this Order shall be immediately effective and subject to enforcement.
6. MRB's Contingency Fee in the amount of \$4,475.00 is approved. The Liquidating Trustee is authorized and directed to make payment of the Contingency Fee without the need of further Court Order, in accordance with the Pro Rata Allocation Formula, promptly upon receipt of the Purchase Price.

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<sup>2</sup> Capitalized terms utilized but not otherwise defined herein shall have the meaning ascribed to such terms in the Motion.

7. The Court shall retain exclusive jurisdiction to construe, interpret, and enforce the terms of this Order.

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**Submitted By:**

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**Copies Furnished To:**

Jessica L. Wasserstrom, Esquire, is directed to serve copies of this Order on all parties in interest and to file a Certificate of Service.