

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:**

**JACK WEINZIERL**

**DEBTOR**

§  
§  
§  
§  
§

**CASE NO. 08-42155  
(Chapter 7)**

**APPLICATION TO EMPLOY SPECIAL COUNSEL**

**NOTICE**

**NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TEN (10) DAYS FROM THE DATE OF SERVICE HEREOF UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING UNLESS IT DETERMINES THAT AN EVIDENTIARY HEARING IS NOT REQUIRED AND THAT THE COURT'S DECISION WOULD NOT BE SIGNIFICANTLY AIDED BY ORAL ARGUMENT. IF YOU FAIL TO APPEAR AT ANY SCHEDULED HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

**TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:**

Christopher J. Moser, Chapter 7 Trustee in the above styled and numbered case, and pursuant to 11 U.S.C. §328(a) makes this Application to Employ Special Counsel and would show the Court as follows:

1. On August 11, 2008, Jack Weinzierl ("Debtor"), filed with this Court a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. Christopher J. Moser was thereafter appointed interim trustee of the estate, subsequently qualified and is now the acting Chapter 7 Trustee.

3. There are one or more transactions by the Debtor which have the appearance of being preferential transfers or fraudulent transfers.

4. The Trustee anticipates vigorously contested litigation. Thus, it has become necessary to retain special counsel to represent the estate in this matter.

5. Richard L. Bufkin, Texas Bar No. 03316950, whose address and telephone number are 3811 Turtle Creek Boulevard, Suite 1600, Dallas, Texas 75219-4558, (972) 808-9791, is a CPA and MBA as well as an attorney holding J.D. and L.L.M. law degrees. He is experienced in accounting and financially-oriented litigation.

6. Mr. Bufkin has agreed to represent the Trustee on a contingency basis as follows:
- Mr. Bufkin will advance all costs and expenses associated with the prosecution of any claims arising out of and identified by his review and analysis of the records and his conduct of other informal discovery (the "Claims").
  - From any recovery, Bufkin would first be reimbursed all out-of-pocket expenses.
  - To the extent the Claims are resolved prior to the filing of any joint pre-trial order in any adversary or other proceeding arising out of this engagement, Mr. Bufkin would receive 40% of recovery after expense reimbursement.
  - To the extent the Claims are resolved after the filing of any joint pre-trial order in any adversary or other proceeding arising out of this engagement, Mr. Bufkin would receive 45% of recovery after expense reimbursement.

7. For the foregoing and all other necessary and proper purposes, the Trustee desires to retain Richard L. Bufkin as special counsel.

8. The Trustee believes that Richard L. Bufkin does not hold or represent any interest adverse to that of the applicant or the debtors' estate, and that said attorney is a disinterested person

within the meaning of 11 U.S.C. §101(13). Attached hereto as Exhibit A is Rule 2014 Statement of Connections signed by Richard L. Bufkin.

WHEREFORE, the Trustee prays that he be authorized pursuant to §328(a) to employ Richard L. Bufkin as special counsel under the terms and conditions set forth above and for such other and further relief to which the Trustee may be justly entitled.

Respectfully submitted,

QUILLING, SELANDER, CUMMISKEY &  
LOWNDS, P.C.

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/s/Christopher J. Moser, Trustee

Christopher J. Moser

State Bar No. 14572500

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served by electronic transmission via the CM/ECF system upon all parties registered to receive electronic notice in this bankruptcy case, and/or regular U.S. mail, postage prepaid, on September 25, 2008 on the following:

Jack Weinzierl  
891 Wagner Way  
Lantana TX 76226

Office of the US Trustee  
110 N. College Ave, Suite 300  
Tyler TX 75702

Holly B. Guelich  
The Law Office of Holly B. Guelich  
3626 N. Hall Street, Suite 822  
Dallas TX 75219