


SIGNED.

Dated: September 19, 2018




Paul Sala, Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re:
ARA MACAO HOLDINGS, L.P.,
Debtor.

Chapter 11
Case No. 3:18-bk-03615-PS

**ORDER APPROVING CHAPTER 11
TRUSTEE'S APPLICATION TO EMPLOY
EDWARDS, LARGAY, MIHAYLO &
CO.M, PLC AS TAX ACCOUNTANTS**

Upon consideration of the *Chapter 11 Trustee's Application to Employ Edwards, Largay, Mihaylo & Co., PLC as Tax Accountants* (the "**Application**") and the accompanying Declaration of Charles V. Mihaylo, and the Court being satisfied that such employment is necessary and is in the best interests of the bankruptcy estate, and good cause appearing,

IT IS ORDERED that Edwards, Largay, Mihaylo & Co., PLC ("ELM") shall be employed as of September 13, 2018, the date that the Application and the verified statement were filed with this Court, to serve as accountant of the Trustee subject to the terms set forth in the Application with certain qualifications set forth hereinafter.

IT IS FURTHER ORDERED that the Chapter 11 Trustee is authorized to pay ELM a retainer of \$20,000, to be applied against its final invoice.

IT IS FURTHER ORDERED that there shall be no setoff against the retainer, except upon appropriate application and after notice and hearing. There shall be no setoff against the retainer irrespective of the source of said retainer.

1 **IT IS FURTHER ORDERED** that at the time the accountant submits its application for
2 approval and payment of fees and costs with the Bankruptcy Court, the accountant should
3 comply fully with all provisions of RBP 2016, including providing the Court with a detailed
4 billing statement attached to the application. The detailed billing statement should have the tasks
5 performed by accountant broken down in a detailed manner so that the Court may ascertain how
6 much time was expended on services rendered, etc.

7 **IT IS FURTHER ORDERED** that any application submitted to the Court shall not
8 include any requests for the payment of overhead. For instance, to the extent that the accountant
9 charges or includes overhead costs for secretarial assistance, said overhead costs should be
10 deleted from the actual requests for costs submitted to the Bankruptcy Court.

11 **IT IS FURTHER ORDERED** that the costs to be included in the application should
12 constitute only the necessary and actual costs incurred by accountant; therefore, such cost items
13 as secretarial overtime, or similar charges, should not be included in the cost statements to be
14 submitted to the Bankruptcy Court for approval.

15 **IT IS FURTHER ORDERED** that if the services rendered or the costs are not broken
16 down in a detailed manner with full explanation the Court may deny approval of the application,
17 or seek additional information.

18 **IT IS FURTHER ORDERED** that the accountant shall only be paid compensation and
19 have expenses reimbursed after an application is filed with the Court, and after notice and
20 hearing, irrespective of the prepetition agreement that the Trustee may have had with the
21 accountant.

22 **IT IS FURTHER ORDERED** that this Order is subject to reconsideration if unique
23 circumstances so warrant.

24 **DATED AND SIGNED ABOVE.**

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