

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANTHONY MELIKHOV an individual;
MELMAR HOLDINGS, LLC, an Illinois
limited liability company; and U4G GROUP,
LLC, an Illinois limited liability company,

Plaintiffs,

v.

Case No. 2:19-cv-248-JLB-MRM

LADISLAV DRAB, an individual; CE
GROUP, a foreign entity; ČESKÁ ENERGIE
A.S., a foreign entity, and ČESKÁ
PLYNÁRENSKÁ A.S., a foreign entity,

Defendants,

and

NAPLES ENERGY, LLC, a Florida limited
liability company,

Third-Party Defendant.

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ORDER

Plaintiffs and Judgment Creditors Anthony Melikhov, Melmar Holdings, LLC n/k/a Natan Holdings, LLC, and U4G Group, LLC move for confirmation of the judicial sale of the real property located at 7417 Treeline Drive, Naples, Florida 34119 (“the Property”). (Docs. 194, 195.) No responses or objections to the motion have been timely filed, and the Court treats the motion as unopposed. Local Rule 3.01(c). After careful consideration, the Court **GRANTS** the unopposed motion.

DISCUSSION

Under 28 U.S.C. § 2001(a), any “realty” sold by order of the court must be sold “as a whole or in separate parcels at public sale.” A judicial sale at a public auction is not finalized prior to judicial confirmation because the court is the vendor, and bids at the sale are merely offers to the court. Redus Fla. Com., LLC v. Coll. Station Retail Ctr., LLC, 777 F.3d 1187, 1195 n.14 (11th Cir. 2014). A court has “considerable discretion . . . in deciding whether to confirm a sale over an objection.” Citibank, N. A. v. Data Lease Fin. Corp., 645 F.2d 333, 339 (5th Cir. Unit B 1981). “Generally courts have adopted the policy that confirmation will not be refused except for substantial reasons, and that in the absence of fraud or misconduct, the highest bidder will ordinarily be accepted as the purchaser of the property offered for sale.” Madura v. Bac Home Loans Servicing, LP, No. 8:11-cv-2511-T-33TBM, 2016 WL 1370581, at *2 (M.D. Fla. Apr. 6, 2016) (quoting JP Morgan Chase Bank, N.A. v. Surek, No. 11-00263-KD-M, 2013 WL 28766, at *1 (S.D. Ala. Jan. 2, 2013)).

The U.S. Marshal held the sale on September 14, 2021. (Doc. 194.) The high bidder was Natan Holdings, LLC, bidding the sum of \$1,250,000. (Id.) No responses or objections to Judgment Creditors’ motion have been filed. After reviewing the U.S. Marshal’s report of sale, the Court has no reason to believe that the sale was the result of fraud or misconduct. Accordingly, it is **ORDERED**:

1. Judgment Creditors’ unopposed motion for confirmation of the U.S. Marshal’s sale (Doc. 195) is **GRANTED**.

2. The sale of the Property in the Marshal's report of sale (Doc. 194) is **CONFIRMED**.

3. The Marshal **SHALL** execute and deliver a Marshal's Deed to the Property located at 7417 Treeline Drive, Naples, Florida 34119, to Natan Holdings, LLC in accordance with the report of sale. The Property is legally described as follows:


Real property located in Collier County, State of Florida:

Lot 5, Olde Cypress, Tract 12, a subdivision according to the plat thereof as recorded in Plat Book 37, Pages 91 and 92, of the Public Records of Collier County, Florida.

Parcel ID Number: 64626001102.

4. The proceeds from the sale **SHALL** be distributed as follows:
- a. First, to cover all costs, expenses, and commissions of the U.S. Marshal's Office associated with the sale, as itemized in the report of sale. (Doc. 194); 28 U.S.C. § 1921.
 - b. Second, to any outstanding tax liens and unpaid homeowners' association dues that run with the Property
 - c. Third, any remaining proceeds shall be applied to the balance of the registered foreign judgment. (Doc. 1).

ORDERED in Fort Myers, Florida, on October 8, 2021.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE