

ORIGINAL

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

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COMMISSION
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IN RE:
EPICUS COMMUNICATIONS
GROUP, INC.,

CASE NO. 04-34915-BKC-PGH
CHAPTER 11
Jointly Administered

Debtor.

IN RE:
EPICUS INC.,

CASE NO. 04-34916-BKC-PGH
CHAPTER 11

Debtor.

**DEBTOR'S MOTION TO APPROVE LISTING AGREEMENT WITH
TRAMMELL CROW TO LOCATE A SUB-TENANT FOR DEBTOR'S
BUSINESS PREMISES**

EPICUS, INC., the Debtor-in-Possession, by and through undersigned counsel, moves the Court for an Order Approving A Listing Agreement with TRAMMELL CROW SERVICES, INC., a Real Estate Broker, to find a tenant to sub-let approximately 5,000 square feet of office space at the Debtor's business premises, and would state as follows:

CMP _____ 1. Prior to the filing of the Petition, the Debtor on July 16, 2004 entered in a Lease
COM _____ Agreement with KOGER EQUITY, INC. n/k/a CRT PROPERTIES, INC. to lease the premises
CTR _____
ECR _____ located at 610 Crescent Executive Court, Suite 300, Seminole County, Lake Mary, Florida
GCL _____ 32746, commencing on September 20, 2004 for 66 months at a monthly base rent of \$20,802.67
OPC _____
MMS - plus sales tax, which includes approximately 15,602 square footage for the debtor's use and
RCA _____ occupancy as its business premises. On August 2, 2004 the Debtor entered into a First
SCR _____
SEC j Amendment to Lease Agreement with CRT Properties, Inc. f/k/a Koger Equity, Inc.
OTH Grant

DOCUMENT NUMBER-DATE

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2. During the course of the bankruptcy proceeding the Debtor has reduced its expenses by eliminating certain employee positions and outsourcing other functions. Therefore, the Debtor has less employees and no longer needs the total square footage that it is currently leasing.

3. The Debtor wishes to engage the services of TRAMMELL CROW SERVICES, INC., ("Trammell Crow"), a Real Estate Broker, to locate a suitable tenant for approximately 5,000 square feet of office space. The initial listing price will be \$1,650.00 with three percent (3%) annual escalations. The Debtor wants approval to enter into the Listing Agreement so that a suitable sub-tenant for the premises can be located.

4. Trammell Crow shall charge a commission for the sub-lease of the premises calculated as a percentage of the full gross rent payment received by the Sublessor of seven percent (7%) if the transaction is co-brokered and four percent (4%) if the transaction is not co-brokered. Commissions shall be due and payable to Trammell Crow one-half upon execution of the sub-lease and the remaining one-half payable thirty (30) days after the Sub-lease has commenced and sublessee has paid all sums due.

5. The Debtor's time to assume the Lease Agreement has been extended. A sub-lease of excess space will impact on the Debtor's decision.

6. A copy of the agreement is being attached to the original of this Motion on file in the Bankruptcy Court, the courtesy copy provided to the Court and the copy of the Motion provided to the U.S. Trustee and counsel for the Creditors' Committee. A copy of the agreement is available from undersigned counsel upon request.

WHEREFORE, the Debtor moves that this Court enter an Order allowing the Debtor to


enter into a Listing Agreement with Trammell Crow to located a sub-tenant for 5,000 square feet, approve the payment of Real Estate Commission as stated above and for such other and further relief as this Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail this 17th day of May, 2005 to all parties on the attached matrix.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

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By



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