Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number
Elissa D. Miller (CA Bar No. 120029)
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Los Angeles, California 90071406
Telephone No.: 213.626.2311
Facsimile No.: 213.629.4520

Attorneys for Helen R. Frazer, Chapter 7 Trustee

FOR COURT USE ONLY

**UNITED STATES BANKRUPTCY COURT**
**CENTRAL DISTRICT OF CALIFORNIA**

In re:
ROBERT BANE, an individual

Debtor(s).

CASE NO.:
2:07-bk-19570-BB

# NOTICE OF SALE OF ESTATE PROPERTY

| | |
|---|---|
| **Sale Date:** March 2, 2010 | **Time:** 2:00 p.m. |
| **Location:** 255 East Temple Street, Los Angeles, CA 90012, Courtroom 1475 | |

Type of Sale: ☒ Public ☐ Private

Last date to file objections: March 16, 2009

Description of Property to be Sold: Artwork, a list of which is attached hereto as Exhibit 1

Terms and Conditions of Sale: See Attached

Proposed Sale Price: See Attached

Overbid Procedure (If Any): See Attached

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e:mail address):

Elissa D. Miller, Attorney for Trustee
emiller@sulmeyerlaw.com
SulmeyerKupetz
333 South Hope Street, Thirty-Fifth Floor
Los Angeles, California 90071-1406
Telephone No.: 213.626.2311 - Facsimile No.: 213.629.4520

Date: February 2, 2010



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## ATTACHMENT TO NOTICE OF SALE OF ESTATE PROPERTY

Description of Property to be Sold: Helen R. Frazer, the duly appointed, qualified, and acting Chapter 7 Trustee (the "Trustee") for the estate of the debtor Robert Bane, intends to move for an order approving the sale (the "Sale") of the estate's interest in certain identified in the list of artwork attached hereto as Exhibit "A" and to the concurrently filed "Motion for Order Personal Property Free And Clear Of Liens And Other Interests And Establishing Overbid Procedures; and (4) Waiving the Fourteen (14) Day Stay Prescribed By Rule 6004(h) of the Federal Rules of Bankruptcy Procedure" (the "Motion"). The Artwork is being sold on an "as is" "where is" basis, with no warranties, recourse, contingencies or representations of any kind. The Trustee also will seek an order (i) confirming the Sale to the Buyer or to the highest qualified overbidder appearing at the hearing and (ii) authorizing the Trustee to execute any and all documents that may be necessary to consummate the Sale.

Method of Sale: Existing offer of $125,000.00 on terms set forth in the Motion, subject to qualified overbids.

Sale Description: Date of Sale: March 2, 2010, 2:00 p.m. (subject to continuances)
Place: 255 East Temple Street, Courtroom "1475", Los Angeles, CA 90012

Offer Received: The Trustee has received and accepted an offer from Thomas J. Riccio in the amount of $125,000 on the terms and conditions set forth in the motion or to any qualified person or entity that appears at the hearing and submits a higher acceptable bid.

Overbid Terms: The proposed sale to the Buyer is subject to approval of the United States Bankruptcy Court and to qualified overbids, and any person or entity desiring to submit an overbid must submit prior to the commencement of the hearing (i) a cashier's check, made payable to "Helen R. Frazer, Chapter 7 Trustee," in the amount of $13,500.00 (the "Deposit"), and (ii) evidence of the financial wherewithal to close the contemplated sale, at the hearing, before their initial bid. The Deposit represents three percent (10%) of $135,000.00, which sum represents the initial sales price plus the $10,000.00 initial overbid amount. **The Deposit shall not be refundable if the successful overbidder is thereafter unable or unwilling to complete the purchase of the Real Property.** Subject to Court approval, the Trustee will recommend the first overbid be in the amount of $135,000.00. Overbids shall be made in minimal increments of $1,000.00 thereafter. All due diligence is to be completed prior to the hearing as the Sale is on an "as-is" "where is" basis with no warranties, representations, recourse or contingencies of any kind. Each party, including the Buyer, must pay the full amount of the successful overbid to the Trustee within the terms and conditions set forth in the Motion. In the event that the successful bidder cannot make such payment within that time, the Trustee shall be authorized to accept the offer made by the second

highest qualified overbidder. The Trustee reserves the right to reject any and all overbids that, in her business judgment, are insufficient.

Contact Name: Elissa D. Miller.
Contact Number: (213) 626-2311
Contact e-mail: emiller@sulmeyerlaw.com
Case Name: In re Robert Bane
Case Number: 2:07-bk-19570-BB

| In re<br><br>Debtor(s). | CHAPTER:<br>CASE NO.: |
|---|---|

**NOTE:** When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

# PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
333 South Hope Street, Thirty-Fifth Floor
Los Angeles, CA 90071

A true and correct copy of the foregoing document described as NOTICE OF SALE OF ESTATE PROPERTY will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d), and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On February 2, 2010 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

Helen R. Frazer - hfrazer@aalrr.com
Paul J. Laurin - laurin@laurinlawfirm.com
Elissa D. Miller - emiller@sulmeyerlaw.com
John Patton - jpatton@cookseylaw.com
David Weinstein - dweinstein@richardsonpatel.com
Gilbert B. Weisman, II - notices@becket-lee.com

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):
On _____ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on February 2, 2010 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.
The Honorable Sheri Bluebond
U.S. Bankruptcy Court
Roybal Federal Building
Bin outside of Suite 1482
255 E. Temple Street
Los Angeles, CA 90012-3332

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

| February 2, 2010 | Denise Givens | /s/Denise Givens |
|---|---|---|
| *Date* | *Type Name* | *Signature* |



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