

Attorney or Party Name, Address, Telephone and Fax Number, and CA State Bar No.	FOR COURT USE ONLY
Leonard M. Shulman – Bar No. 126349 Manijha Kadir– Bar No. 219974 SHULMAN HODGES & BASTIAN LLP 3750 University Avenue, Suite 670 Riverside, California 92501 Telephone: (951) 275-9300 Facsimile: (951) 275-9303	<div style="border: 2px solid black; padding: 5px; text-align: center;"> FILED NOV - 3 2006 <small>CLERK OF SUPERIOR COURT CENTRAL DISTRICT OF CALIFORNIA Deputy Clerk</small> </div>
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: HAROLD (HARRY) LEO CLARK, III, and LINDA CLARK Debtors.	CASE NO.: RS 05-12468 MJ Chapter 7

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: November 28, 2006	Time: 10:00 A.M.
Location: U.S. Bankruptcy Court, 3420 Twelfth Street, Ctrm. 302, Riverside, CA 92501	

Type of Sale: Public Private Last date to file objections: November 14, 2006

Description of Property to be Sold:

<u>Asset Description</u>	<u>Proposed Sale Price</u>	<u>Appraised Value or Fair Market Value</u>
Eight (8) motorcycles, consisting of four (4) street motorcycles: 2000 Indian Chief VIN: 5CDCNB517YG002450 1978 Triumph 750 VIN: unknown at this time 1999 Kawasaki 800 VIN: unknown at this time 1994 Honda 1100 VIN: unknown at this time And four (4) off-road motorcycles: 1999 Yamaha WF400 VIN: JYACH04W8XA006875 1992 Yamaha TT225 VIN: JYA4BEC09PA020266 1993 Yamaha PW80 VIN: 5A044608 2002 TTR 125L VIN: A038967	\$18,000	\$19,000
1962 Ford Thunderbird Convertible, VIN: 2Y85Z130243	\$24,500	\$24,500

ORIGINAL



1947 Packard Super Clipper 8 Club Sedan 2dr VIN: 21252587	\$22,000	\$22,000
1928- Packard 8 Model 443 Runabout VIN: 232478A	\$47,500	\$47,500
1956 Lincoln Continental Mark 2 VIN: C5681955	\$17,000	\$22,500
2003 Range Rover HSE VIN: SALME 11493 A 137780	\$15,000	\$30,000

Terms and Conditions of Sale: See the attached Notice

Proposed Sale Price: See the attached Notice

Overbid Procedure (If Any): See the attached Notice

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

Date of Sale: November 28, 2006, 10:00 A.M.

U.S. Bankruptcy Court, 3420 Twelfth Street, Riverside, Ca 92501

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

Leonard M. Shulman, Esq. / Manijha Kadir, Esq.
Shulman Hodges & Bastian LLP
3750 University Avenue, Suite 670, Riverside, CA 92501
Telephone: (951) 275-9300; Facsimile: (951) 275-9303

Date: November 2, 2006

1 Leonard M. Shulman – Bar No. 126349
Manijha Kadir – Bar No. 219974
2 **SHULMAN HODGES & BASTIAN LLP**
3750 University Avenue, Suite 670
3 Riverside, CA 92501
Telephone: (951) 275-9300
4 Facsimile: (951) 275-9303

5 Attorneys for Arturo M. Cisneros, Chapter 7 Trustee
6
7

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, RIVERSIDE DIVISION**
10

11 In re) Case No. RS 05-12468 MJ
12)
12 **HAROLD (HARRY) LEO CLARK, III and**) Chapter 7
13 **LINDA CLARK,**)
13) **NOTICE OF CHAPTER 7 TRUSTEE'S**
14 **Debtors.**) **MOTION FOR ORDER APPROVING THE**
14) **SALE OF PERSONAL PROPERTY OF THE**
15) **ESTATE (VEHICLES) PURSUANT TO**
15) **BANKRUPTCY CODE SECTION 363(b)**
16) **SUBJECT TO OVERBID PROCEDURES**

17) **Hearing:**

17) Date: November 28, 2006

18) Time: 10:00 a.m.

18) Ctrm: 302

19) United States Bankruptcy Court

19) 3420 Twelfth Street

20) Riverside, CA 92501
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1 **TO AND ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on **November 28, 2006 at 10:00 a.m.** before the Honorable
3 Meredith M. Jury, United States Bankruptcy Judge, in Courtroom 302 of the United States Bankruptcy
4 Court, located at 3420 Twelfth Street, Riverside, CA 92501, a hearing will be held on the Motion For
5 Order Approving the Sale of Personal Property of the Estate (Vehicles) Pursuant to Bankruptcy Code
Section 363(b) Subject to Overbid Procedures ("Sale Motion") filed by Arturo M. Cisneros, Chapter 7
Trustee ("Trustee") for the bankruptcy estate (the "Estate") of Harold (Harry) Leo Clark, III and Linda
Clark ("Debtors"). The Sale Motion is summarized below:

6 **INTRODUCTION**

7 Through this Sale Motion, the Trustee seeks Court approval of the sale of certain Vehicles, subject to
8 the overbid procedures set forth herein. Through the proposed sale of the Vehicles, the Trustee will
9 receive cash proceeds of at least \$144,000, if not more. Although the majority of the offers are from
10 insiders of the Debtors, the Trustee believes the offers to purchase received thus far are fair and
11 reasonable and should be approved by this Court. In order to maximize the value of the assets, the sale of
12 the foregoing Vehicles shall be subject to the overbid procedures set forth herein, such that any interested
13 parties who may wish to offer a higher price for the Vehicles may do so. Thus, based on good business
14 reasons, approval of the Sale Motion serves the best interests of the Estate and its creditors.

15 **BACKGROUND INFORMATION**

16 The Debtors filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on
17 March 17, 2005 (the "Petition Date").

18 On or about September 21, 2006, the case was converted to one under Chapter 7 of the
19 Bankruptcy Code.

20 Arturo M. Cisneros is the duly appointed, qualified and acting Chapter 7 Trustee for the Debtors'
21 bankruptcy estate.

22 **THE VEHICLES TO BE SOLD AND THE OFFERS TO PURCHASE**

23 The Trustee seeks Court approval of the sale of the following vehicles ("Vehicles") on the
24 following terms and conditions:

25 <u>Asset Description</u>	<u>Proposed Buyer</u>	<u>Proposed Sale Price</u>	<u>Appraised Value or Fair Market Value¹</u>
26 Eight (8) motorcycles, 27 consisting of four (4) street 28 motorcycles: 29 30 2000 Indian Chief 31 VIN: 32 5CDCNB517YG002450 33 34 1978 Triumph 750 35 VIN: unknown at this time 36 37 1999 Kawasaki 800 38 VIN: unknown at this time 39 40 1994 Honda 1100 41 VIN: unknown at this time	Debtor's father, Harold L. Clark	\$18,000 ²	\$19,000 ³

1 Pursuant to appraisal of vehicles by The Auto Appraiser, Certified International Automotive Appraiser &
2 Consultant. A copy of this Report is attached hereto as Exhibit "1" to the Declaration of Arturo M. Cisneros filed in
3 support of the Sale Motion.

4 Harold L. Clark has already submitted a \$3,000 deposit for the purchase of the eight (8) motorcycles, the
5 1962 Ford Thunderbird, the 1947 Packard and the 1928 Packard.

6 The Debtors' Amended Schedule discloses the value of the eight (8) motorcycles to be \$19,000.

<u>Asset Description</u>	<u>Proposed Buyer</u>	<u>Proposed Sale Price</u>	<u>Appraised Value or Fair Market Value¹</u>
And four (4) off-road motorcycles:			
1999 Yamaha WF400 VIN: JYACH04W8XA006875			
1992 Yamaha TT225 VIN: JYA4BEC09PA020266			
1993 Yamaha PW80 VIN: 5A044608			
2002 TTR 125L VIN: A038967			
1962 Ford Thunderbird Convertible, VIN: 2Y85Z130243	Debtor's father, Harold L. Clark	\$24,500 (see footnote 1)	\$24,5000
1947 Packard Super Clipper 8 Club Sedan 2dr VIN: 21252587	Debtor's father, Harold L. Clark	\$22,000 (see footnote 1)	\$22,000
1928- Packard 8 Model 443 Runabout VIN: 232478A	Debtor's father, Harold L. Clark	\$47,500 (see footnote 1)	\$47,500
1956 Lincoln Continental Mark 2 VIN: C5681955	Dr. Frank Haigler in Brea, CA.	\$17,000	\$22,500
2003 Range Rover HSE VIN: SALME 11493 A 137780	Debtor, Linda Clark	\$15,000 ⁴	\$30,000 ⁵
	NET PROCEEDS TO THE ESTATE:	\$144,000, subject to overbids	

The Trustee seeks Court approval of the sale of the foregoing Vehicles pursuant to the following terms and conditions:

1. The Purchase Price for the Vehicles shall be as set forth in the chart above and the Buyers shall submit payment of the Purchase Price to the Trustee within eleven (11) days after Bankruptcy Court approval of this Sale Motion. Payment shall be submitted to the Trustee in certified funds.

2. The sale of the Vehicles shall be on terms commonly referred to as "as is," "where is" and "subject to all existing liens and encumbrances", if any. The Buyers acknowledge that they are

⁴ Linda Clark has submitted a \$1,500 deposit for the purchase of the Range Rover.

⁵ The Debtor, Linda Clark, has indicated that this vehicle has 90,000 miles and requires certain repairs. The Trustee's best estimate of value, according to the Kelly Blue Book is approximately \$30,000. Although this \$15,000 offer is low, the Trustee anticipates that the overbid procedures will permit the Estate to recover a higher price for this vehicle.

1 purchasing the Vehicles from the Trustee "AS IS" without warranties of any kind, expressed or implied,
2 being given by the Trustee, concerning the condition of the Vehicles or the quality of the title thereto, or
any other matters relating to the Vehicles whatsoever.

3 3. The sale of the Vehicles shall be subject to the Overbid Procedures set forth herein, such that the
Trustee can maximize the value of such assets for the benefit of the Estate and its creditors.

4 4. No payment will be made to any secured creditor from the sale proceeds. All sale proceeds shall
be paid directly to the Trustee.

5 5. The sale of the Vehicles is subject to notice to creditors, and approval by the Bankruptcy Court.

6 6. Buyers shall purchase the Vehicles subject to any and all liens and encumbrances, if any.

NOTICE OF OVERBID PROCEDURES

7 The Trustee has determined that it would benefit the Estate by permitting all interested parties to
8 receive information and bid for the foregoing Vehicles. Accordingly, in order to obtain the highest and
9 best offer for the benefit of the creditors of the Estate, the following overbid procedures ("Bidding
Procedures") shall be used:

10 1. Potential overbidders must bid an initial amount of at least One Thousand Dollars (\$1,000.00)
over the Purchase Price offered by the Buyer(s), as set forth herein. Minimum bid increments thereafter
11 shall be One Thousand Dollars (\$1,000.00).

12 2. Overbids must be in writing and be received by the Trustee's counsel, Shulman Hodges &
Bastian LLP to the attention of Manijha Kadir by no later than November 24, 2006 at noon.

13 3. Overbids must be accompanied by certified funds in an amount equal to twenty percent (20%) of
the overbid purchase price.

14 4. The overbidder must seek to acquire the Vehicles on terms and conditions not less favorable to
the Debtors' bankruptcy estate than the terms and conditions to which the Buyer(s) has agreed to purchase
the Vehicles, including that any competing bidder must be obligated to perform within the same time that
the Buyer(s) would be obligated to perform as set forth herein.

15 5. If overbids are timely received, the final bidding round shall be held concurrent with the hearing
on this Sale Motion in order to allow all potential bidders the opportunity to overbid and purchase the
Vehicles.

16 6. At the hearing on this Sale Motion, the Trustee and his counsel shall review each overbid and
identify the highest and best offer for the Vehicles received and seek Court approval of the sale the
Vehicles to the successful bidder.

17 7. The Trustee intends to sell the Vehicles to the successful bidder who will have presented the
highest and best bid for the purchase of the Vehicles.

18 8. All deposits shall be refunded within fifteen (15) days of the final bidding round which shall take
place concurrent with the hearing on the Sale Motion, in the event that the party is outbid.

19 The foregoing procedures will provide for an orderly completion of the sale and insures that that
20 potential purchasers are provided with full disclosures as to the bidding procedures and the assets to be
sold. By having bidders compete on similar terms, the interested parties and the Court may compare
competing bids in order to realize the highest benefit for the Estate. Thus, the Trustee requests that the
Court approve the overbidding procedures as set forth herein.

21 In the event the overbid procedures are not approved by the Court, the Trustee reserves the right
to terminate the transaction.

APPROVAL OF THE SALE SERVES THE BEST INTEREST OF THE ESTATE AND ITS CREDITORS

22 The Trustee believes that approval of this Sale Motion is in the best interest of the Estate and its
23 creditors. There is a sound business purpose for the proposed sale of the Vehicles. Through the proposed
24 sale of the Vehicles, the Trustee will receive proceeds of at least \$144,000, for the benefit of the Estate
and its creditors. The proposed sale is subject to overbids, such that the Trustee can maximize the value
25 of these assets of the Estate. Moreover, the Trustee has received information showing that certain of the
Vehicles were previously appraised by a professional automobile appraiser hired by counsel for Bank of
26 America, one of the creditors in this Estate. The offers to purchase by Harold L. Clark are exactly in line
with the values of the particular vehicles as appraised by "The Auto Appraiser". The Trustee intends to
27 give notice of this proposed sale to all interested parties, so as to ensure that the Estate is recovering the
maximum value for these assets. The Trustee believes that the proposed offers to purchase are fair and
28 reasonable. The Trustee believes that it would be in the best interests of the Estate and its creditors to sell

1 the Vehicles as set forth herein. Thus, the Sale Motion should be granted so that the Trustee does not lose
2 this favorable business opportunity.

3 **REQUESTS FOR COPY OF MOTION**

4 Requests for a copy of the Sale Motion should be in writing and directed to Leonard M. Shulman
5 and Manijha Kadir c/o Shulman Hodges & Bastian LLP, 3750 University Avenue, Suite 670, Riverside,
6 CA 92501.

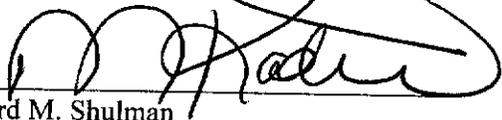
7 **OPPOSITONS TO MOTION**

8 **PLEASE TAKE FURTHER NOTICE** that oppositions to the Sale Motion, if any, if any, shall
9 be filed with the Clerk of the Bankruptcy Court located at 3420 Twelfth Street, Room 125, Riverside,
10 California 92501, and a copy served upon counsel for the Trustee, Shulman Hodges & Bastian LLP to the
11 attention of Leonard M. Shulman and Manijha Kadir, 3750 University Avenue, Suite 670, Riverside, CA
12 92501, by **no later than fourteen (14) days prior to the scheduled hearing on the Sale Motion.**

13 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013-1 (a)(7) and
14 (11), the failure of any party to object to the Sale Motion or to appear at the hearing on the Sale Motion
15 may be deemed consent to the relief requested in the Sale Motion.

16 **SHULMAN HODGES & BASTIAN LLP**

17 Dated: November 2, 2006

18 
19 Leonard M. Shulman

20 Manijha Kadir

21 Attorneys for Arturo M. Cisneros, Chapter 7 Trustee