

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Elissa D. Miller (CA Bar No. 120029) <i>emiller@sulmeyerlaw.com</i> Jason D. Balitzer (CA Bar No. 244537) <i>jbalitzer@sulmeyerlaw.com</i> SulmeyerKupetz , A Professional Corporation 333 South Hope Street, 35 th Floor Los Angeles, California 90071 Telephone: 213.626.2311 Facsimile: 213.629.4520 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorneys for: Sam S. Leslie, Chapter 7 Trustee	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: BRENT ADAM SWEER, Debtor(s).	CASE NO.: 2:13-bk-29433-RN CHAPTER: 7 <p style="text-align: center; font-weight: bold; font-size: 1.2em;">NOTICE OF SALE OF ESTATE PROPERTY</p>

Sale Date: December 18, 2013	Time: 9:00 a.m.
Location: U.S. Bankruptcy Court, 255 East Temple Street, Los Angeles, California 90012, Courtroom 1645	

Type of Sale: Public Private **Last date to file objections:** December 4, 2013

Description of property to be sold: See Attachment

Terms and conditions of sale: See Attachment

Proposed sale price: See Attachment

Overbid procedure (if any): See Attachment

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

December 18, 2013 at 9:00 a.m.

U.S. Bankruptcy Court

255 East Temple Street, Courtroom 1645

Los Angeles, CA 90012

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Jason D. Balitzer, Esq.

SulmeyerKupetz, A Professional Corporation

333 South Hope Street, Thirty-Fifth Floor

Los Angeles, CA 90071

Telephone: 213.6262311

Facsimile: 213.629.4520

Date: November 26, 2013

ATTACHMENT TO NOTICE OF SALE OF ESTATE PROPERTY

Description of Property to be Sold: Multiunit residential apartment building commonly known as 267 Del Monte Street, Pasadena, California, APN 5278-008-047 (the "Property").

Proposed Sale Price: \$750,000.00 cash, subject to qualified overbids.

Terms and Conditions of Sale: The Property shall be sold on the terms and conditions stated in the *Residential Income Property Purchase Agreement And Joint Income Instructions* and all addenda and counteroffers thereto (collectively, the "Purchase Agreement"), which is attached as Exhibit 1 to the concurrently filed *Notice Of Motion And Motion For Order (1) Authorizing Sale Of Real Property (267 Del Monte Street, Pasadena, California) Free And Clear Of Liens, Claims And Interests; (2) Confirming Sale To Purchaser Or The Highest Bidder Appearing At The Hearing; (3) Determining That Purchaser Is A Good Faith Purchaser; And (4) Waiving The Fourteen (14) Day Stay Prescribed By Rule 6004(h) Of The Federal Rules Of Bankruptcy Procedure*.

The Property is being sold on an "as is" "where is" basis, with no warranties, recourse, contingencies or representations of any kind.

Overbid Terms: Any person or entity desiring to submit an overbid must submit (i) a cashier's check, made payable to "Sam S. Leslie, Chapter 7 Trustee," in the amount of \$77,500.00 (the "Deposit") and (ii) evidence of the financial wherewithal to close the contemplated sale, to counsel for the Trustee (Jason D. Balitzer, Esq., jbalitzer@sulmeyerlaw.com, SulmeyerKupetz, A Professional Corporation, 333 South Hope Street, Thirty-Fifth Floor, Los Angeles, California 90071), no later than 5:00 p.m., Pacific Time, on December 16, 2013, before being qualified to participate as a prospective overbidder at the hearing on the Motion. The Deposit shall not be refundable to any bidder who, upon successfully offering the highest bid, is thereafter unable or unwilling to complete the purchase of the Property.

Subject to Court approval, the Trustee will recommend the first overbid be in the amount of \$775,000.00, cash. Overbids shall be made in minimal increments of \$10,000.00 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 Purchaser, must pay the full amount of the successful overbid to the Trustee on the terms and conditions set forth in the escrow documents or otherwise within fourteen (14) days from the date the order approving the Motion is entered. 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 overbidder. The Trustee reserves the right to reject any and all overbids that, in his business judgment, are insufficient. To the extent the Court approves the Sale to a qualified overbidder, who then fails to close due to a breach (other than a material breach by the Trustee), the overbidder's deposit shall be forfeited as damages to the estate.

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 entitled: **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 stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) November 26, 2013 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Jason D Balitzer — Sam S Leslie (TR) jbalitzer@sulmeyerlaw.com
- Marian Garza — BMW Bank of North America ecfnotices@ascensioncapitalgroup.com
- Sam S Leslie (TR) sleslie@trusteesleslie.com
- sleslie@ecf.epiqsystems.com
- trustee@trusteesleslie.com
- Mitchell B Ludwig — JPMorgan Chase Bank, N.A. mbl@kpclegal.com
- Ronald E Michelman — Brent Adam Sweer ronaldmichelman@sbcglobal.net
- Elissa Miller — Sam S. Leslie (TR) emiller@sulmeyerlaw.com
- asokolowski@sulmeyerlaw.com
- atty_walker@bluestylus.com
- bk@atlasacq.com
- Avi Schild — Courtesy NEF ustprejon16.la.ecf@usdoj.gov
- United States Trustee (LA)

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses 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 addressed 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.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) November 26, 2013, I served the following persons and/or entities by personal delivery, overnight mail service, 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 personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Richard M. Neiter
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1652
Los Angeles, CA 90012-3332
Via personal delivery

Service information continued on attached page

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

<u>11/26/2013</u>	<u>Denise Walker</u>	<u>/s/Denise Walker</u>
Date	Printed Name	Signature