

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Elissa D. Miller (CA Bar No. 120029) Marcus A. Tompkins (CA Bar No. 190922) SulfmeyerKupetz A Professional Corporation 333 South Hope Street, Thirty-Fifth Floor Los Angeles, California 90071-1406 Telephone: 213.626.2311 Facsimile: 213.629.4520</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Howard M. Ehrenberg, Chapter 7 Trustee</p>	<p>FOR COURT USE ONLY</p>
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<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</p>	
<p>In re: OCTAVIO DIAZ LIZARRAGA,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 2:09-bk-22975-BB CHAPTER: 7</p> <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>

<p>Sale Date: November 12, 2014</p>	<p>Time: 10:00 a.m.</p>
<p>Location: U.S. Bankruptcy Court, Courtroom 1475, 255 East Temple St., Los Angeles, CA 90012</p>	

Type of Sale: Public Private **Last date to file objections:** October 29, 2014

Description of property to be sold: Residential real property commonly known as 29310 Indian Valley Road, Rolling Hills Estates, California 90275, Assessor's Parcel Number 7585-011-054, more particularly described as Lot 13 in Tract No. 27677 as per map recorded in Book 699, Pages 95 to 98 of Maps, in the office of the County Recorder of said County

Terms and conditions of sale: The property shall be sold "as is," without any representations or warranties. The property shall be sold free and clear of all liens and other interests. The complete sale terms and conditions are set forth in an accepted "Counter-Offer," which you may obtain by contacting the undersigned.

Proposed sale price: \$730,000

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:

November 12, 2014

10:00 a.m.

U.S. Bankruptcy Court

Courtroom 1475

255 East Temple St.

Los Angeles, CA 90012

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

Howard M. Ehrenberg

SulmeyerKupetz, A Professional Corporation

A Professional Corporation

333 South Hope Street, 35th Floor

Los Angeles, California 90071-1406

Tel.: 213.626.2311

Fax: 213.629.4520

E-mail: hehrenberg@sulmeyerlaw.com

Date: October 22, 2014

OVERBID PROCEDURES

1. Eligibility/Qualifications to Make Competing Bids

A party may submit an overbid at the hearing only if such party tendered the following to the Trustee by 5:00 p.m., Pacific Standard Time, at least one business day before the hearing:

- a. A cash deposit in the amount of at least \$22,200.00 (i.e., 3% of the Minimum Initial Overbid Amount), paid by cashier's check payable to "Howard M. Ehrenberg, Chapter 7 Trustee."
- b. A purchase agreement, signed by the bidder, that contains a purchase price of at least \$740,000.00 (the "Minimum Initial Overbid Amount"), and contains other terms that are the same as, or no less favorable to the Estate (in the Trustee's sole discretion), to the terms stated in the Purchase Agreement between the Trustee and the current Proposed Buyer.
- c. Evidence reasonably satisfactory to the Trustee that the bidder has the financial and other ability to consummate a purchase/sale of the property (examples of such evidence include, without limitation, a current bank statement or financial statement, or a letter from a lender indicating that the bidder has been pre-approved for a loan).

2. Auction

If the Trustee receives a bid from a qualified bidder (a "Qualified Overbid"), an auction will be conducted at the hearing on this motion (the "Auction"). At the commencement of the Auction, the Trustee will announce the opening bid, which will be the Qualified Overbid that the Trustee determines, in his sole discretion, is the highest and/or best Qualified Overbid. During the Auction, any participant may increase his/her/its bid by another bid that provides for consideration that exceeds the then highest bid by at least \$2,000.00 (the "Minimum Bid Increment").

At the conclusion of the Auction, the Trustee will request authority to sell the Property to the bidder who makes the highest and/or best Qualified Overbid (the "Winning Bidder"), and for authority to sell the Property to the next highest bidder if the Winning Bidder fails to timely perform.

3. Application or Forfeiture of Deposit

The deposit of every bidder other than the Winning Bidder will be returned to the bidder. The deposit of the Winning bidder will be applied towards the purchase price upon consummation of the sale. If, however, the Winning Bidder fails to close the sale by the closing date agreed to by the Trustee and the Winning Bidder, for any reason other than a material breach by the Trustee, then the entire deposit tendered by the Winning Bidder shall be non-refundable and forfeited to the Trustee.

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, California 90071-1406

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)* October 22, 2014, 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:

Todd M Bailey on behalf of Defendant FRANCHISE TAX BOARD
todd.bailey@ftb.ca.gov

Daniel I Barness on behalf of Debtor Octavio Diaz Lizarraga
daniel@barnesslaw.com

Daniel I Barness on behalf of Plaintiff Octavio Diaz Lizarraga
daniel@barnesslaw.com

Russell Clementson on behalf of U.S. Trustee United States Trustee (LA)
russell.clementson@usdoj.gov

Howard M Ehrenberg (TR)
ehrenbergtrustee@sulmeyerlaw.com, ca25@ecfcbis.com;C123@ecfcbis.com;hehrenberg@ecf.inforuptcy.com

Howard M Ehrenberg (TR) on behalf of Trustee Howard M Ehrenberg (TR)
ehrenbergtrustee@sulmeyerlaw.com, ca25@ecfcbis.com;C123@ecfcbis.com;hehrenberg@ecf.inforuptcy.com

Gavin L Greene on behalf of Creditor UNITED STATES OF AMERICA
gavin.greene@usdoj.gov

Gavin L Greene on behalf of Defendant United states of america
gavin.greene@usdoj.gov

Bonnie M Holcomb on behalf of Creditor Franchise Tax Board
bonnie.holcomb@doj.ca.gov

Joe M Lozano, Jr on behalf of Creditor Bank of America N.A.
notice@NBSDefaultServices.com

Anthony Sgherzi on behalf of Defendant FRANCHISE TAX BOARD
anthony.sgherzi@doj.ca.gov

Marcus Tompkins on behalf of Plaintiff Howard M Ehrenberg, Chapter 7 Trustee
mtompkins@sulmeyerlaw.com, mtompkins@ecf.inforuptcy.com;mviramontes@ecf.inforuptcy.com

Marcus Tompkins on behalf of Trustee Howard M Ehrenberg (TR)
mtompkins@sulmeyerlaw.com, mtompkins@ecf.inforuptcy.com;mviramontes@ecf.inforuptcy.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* October 22, 2014, 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.

The Honorable Sheri Bluebond
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1482
Los Angeles, CA 90012-3332

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)* _____, 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.

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.

October 22, 2014 Maria R. Viramontes
Date *Printed Name*

/s/ Maria R. Viramontes
Signature