

Dean G. Rallis Jr. (CA Bar No. 94266) drallis@sulmeyerlaw.com Elizabeth Z. Jiang (CA Bar No. 280733) ejiang@sulmeyerlaw.com SulmeyerKupetz A Professional Corporation 333 South Hope Street, Thirty-Fifth Floor Los Angeles, California 90071-1406 Telephone: 213.626.2311 Facsimile: 213.629.4520 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Elissa D. Miller, Chapter 7 Trustee	
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES**

In re:	CASE NO.: 2:12-bk-28735-ER
CORNELIUS PETTUS,	CHAPTER: 7
Debtor.	NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: March 27, 2013	Time: 10:00 a.m.
Location: U.S. Bankruptcy Court, Courtroom 1568, 255 E. Temple Street, Los Angeles, CA 90012	

Type of Sale: Public Private **Last date to file objections:** March 13, 2013

Description of property to be sold: Certain real property commonly known as 8414 Figueroa Street, Los Angeles, California 90003, bearing APN No. 603-203-4001

Terms and conditions of sale: Initial deposit — cash or cashier's check of \$44,250.00, representing 3% of the minimum overbid offer of \$1,475,000.00, made payable to "Elissa D. Miller, Chapter 7 Trustee" tendered to Trustee and received by Trustee's counsel by noon, Pacific Standard Time, on March 26, 2013. Signed non-contingent Purchase Agreement on terms and conditions no less favorable than that of current Written Offer. Initial overbid must be for a minimum of \$1,475,000.00, and subsequent overbids will be made in \$15,000.00 increments. Deposit forfeited if winning buyer fails to close sale within five days of entry of sale order. Sale is subject to overbid — see attached "OVERBID TERMS AND PROCEDURES" for complete bidding procedures.

Proposed sale price: \$1,425,000.00 (with a minimum overbid of \$1,475,000.00, and subsequent increased bids in additional \$15,000.00 increments)

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

Overbid procedure (if any): See attached "OVERBID TERMS AND PROCEDURES"

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

March 27, 2013

10:00 a.m.

U.S. Bankruptcy Court

Courtroom 1568

255 E. Temple Street

Los Angeles, CA 90012

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

Elizabeth Jiang, Esq.

ejiang@sulmeyerlaw.com

SulmeyerKupetz, A Professional Corporation

333 S. Hope St., 35th Floor

Los Angeles, CA 90071-1406

Telephone: (213) 626-2311

Facsimile: (213) 629-4520

DATED: March 5, 2013

PROPOSED OVERBID PROCEDURES

The proposed Sale to the Buyer is subject to approval of the United States Bankruptcy Court and to qualified overbids. The Trustee's proposed overbid procedures are as follows:

The Buyer has offered to purchase the Property for \$1,425,000.00 (the "Purchase Price"), \$45,000.00 of which has been tendered, with the \$1,380,000.00 balance to be paid within five calendar days following entry of the order approving the sale of the Property. As noted above, however, the sale of the Property is subject to overbid pursuant to the following proposed overbid procedures (the "Overbid Procedures"):

(1) Intent to Bid and Overbid Amount

Any party wishing to bid on the Property ("Overbidder") shall advise the Trustee of their intent to bid on the Property and the amount of their overbid (which must be at least \$50,000.00 more than the current selling price of \$1,425,000.00) (the "Initial Overbid"), by no later than noon, Pacific Standard Time, on March 26 2013 (the "Overbid Deadline"). In her absolute and sole discretion, the Trustee shall have the right to accept additional overbids submitted prior to the hearing but after the Overbid Deadline.

Any Overbids subsequent to the Initial Overbid of \$1,475,000.00 will be in additional increments of \$15,000.00, commencing with the bid amount of \$1,490,000.00.

(2) Payment of Deposit

Any Overbidder shall provide the Trustee with a cashier's check, payable to "Elissa D. Miller, Chapter 7 Trustee," in an amount of \$44,250.00 to serve as a deposit towards the total purchase price (the "Deposit"), which represents 3 percent of the Initial Overbid. The Deposit must be delivered so that it is received by the Trustee's counsel (whose name and address is set forth on the upper left corner of the first page of this Motion) by no later than the Overbid Deadline.

In the event of any Overbid, the \$45,000.00 deposit from the Buyer shall serve as the Buyer's Deposit.

(3) Evidence of Financial Ability to Perform

Any Overbidder must provide the Trustee with evidence of the proposed buyer's financial ability to pay the full amount of the Overbid so that such evidence is received by the Trustee's counsel by no later than the

Overbid Deadline. In the event a proposed buyer submits a higher bid at the hearing, sufficient evidence of that party's ability to pay the full amount of the higher bid must be provided to the Trustee at the hearing.

(4) Multiple Bids and Auction

In the event the Trustee receives multiple Overbids in the same amount, the Trustee will accept the Overbids in the order they are received and shall advise the party who submitted such Overbid last that it must make a higher Overbid to be eligible to purchase the Property.

All parties who have submitted timely bids and otherwise satisfied the foregoing requirements will be able to participate in an auction to be conducted at the hearing on the Motion as is necessary in order to increase their bid. As stated previously, the Initial Overbid will be in the amount of \$1,475,000.00, and any subsequent overbids will be in increments of \$15,000.00.

The Trustee will request authority to sell the Property to the bidder who makes the highest Overbid (the "Winning Bidder"), and for authority to sell the Property to the next highest bidder if the Winning Bidder fails to perform.

(5) Tender of Balance of Purchase Price

The Winning Bidder's Deposit shall be applied towards the total purchase price. The Winning Bidder must tender the balance of the total purchase price to the Trustee via cashier's check within five calendar days following entry of the order approving the sale of the Property to such buyer. To the extent the Winning Bidder fails to tender the balance of the purchase price by such date, that bidder's entire Deposit shall be non-refundable and forfeited to the Trustee.

To the extent the Buyer or another Overbidder is not the Winning Bidder, that party's Deposit will be refunded by the Trustee.

(6) Agreement to Terms and Overbid Procedures

Any Overbidder's tender of the Deposit to the Trustee shall serve as that Overbidder's agreement with these proposed overbid procedures and the terms of sale of the Property discussed herein.

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's, the foregoing document will be served by the court via NEF and hyperlink to the document. On March 5, 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:

- Jennifer Witherell Crastz — FirstStorm Partners 2 LLC jcrastz@hemar-rousso.com
- Philip J. Giles — Courtesy NEF efcacb@piteduncan.com
- Elizabeth Z. Jiang — Ch 7 Trustee ejiang@sulmeyerlaw.com
elizabeth.z.jiang@gmail.com
CA71@ecfbis.com
- Elissa Miller (TR) MillerTrustee@Sulmeyerlaw.com
C124@ecfbis.com
- Yuval M. Rogson — Courtesy NEF yuval@rogsonlaw.com
yrogson@hotmail.com
- Aurora Talavera — Debtor aurora@theauroralawgroup.com
- Balpreet Thiara — JPMorgan Chase Bank, N.A. efcacb@piteduncan.com
- Marcus Tompkins — Ch 7 Trustee mtompkins@sulmeyerlaw.com
- U.S. Trustee (LA) ustpreion16.la.ecf@usdoj.gov

Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL: On _____, 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 March 5, 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.*

VIA PERSONAL DELIVERY

**The Honorable Ernest M. Robles, U.S. Bankruptcy Court
255 E. Temple St., Suite 1560, Los Angeles, CA 90012**

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.

March 5, 2013	Kathleen Fox	<i>/s/ Kathleen Fox</i>
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.