

Elissa D. Miller (CA Bar No. 120029) emiller@sulmeyerlaw.com Elizabeth Z. Jiang (CA Bar No. 280733) ejiang@sulmeyerlaw.com <b>SulmeyerKupetz</b> 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"/> Attorneys for Sam S. Leslie, Ch 7 Trustee	
<b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION</b>	
In re:  <b>CONSOLIDATED ENTITIES OF EDGAR REINOSO,</b>   Debtor.	CASE NO.: 2:12-bk-30218-RN CHAPTER: 7  <b>NOTICE OF SALE OF ESTATE PROPERTY</b>

<b>Sale Date:</b> March 5, 2014	<b>Time:</b> 9:00 a.m.
<b>Location:</b> U.S. Bankruptcy Court, Courtroom 1645, 255 E. Temple Street, Los Angeles, CA 90012	

**Type of Sale:**  Public  Private      **Last date to file objections:** February 19, 2014

**Description of property to be sold:** Right, title, and interest of the Estate in the following: Certain real property located at 40149 Cantara Drive, Palmdale California, bearing APN 3006-025-076 (the "Property")

**Terms and conditions of sale:** Subject to liens, claims, encumbrances and/or interests and attached overbid procedures; the Property is being sold on an "as is, where is" basis, with no warranties, recourse, contingencies, or representations of any kind.

**Proposed sale price:** \$149,000.00

**1** To qualify to overbid, interested parties must provide the Trustee with a cashier's check in the amount of \$4,770.00, made payable to "Sam S. Leslie, Chapter 7 Trustee", in care of Elizabeth Jiang, at the address below, by no later than 12:00 p.m., Pacific Daylight Savings Time, on March 4, 2014. The initial overbid will be \$159,000.00. Subsequent overbids may be made in increments of not less than \$5,000.00.

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

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

March 5, 2014  
9:00 a.m.  
U.S. Bankruptcy Court, Los Angeles Division  
Courtroom 1645  
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., 35<sup>th</sup> Floor  
Los Angeles, CA 90071-1406  
Telephone: (213) 626-2311  
Facsimile: (213) 629-4520

DATED: February 12, 2014

## **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 \$149,000.00 (the "Purchase Price"), cash, \$4,470.00 of which has been tendered, with the \$144,530.00 balance to be paid within fourteen (14) 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 \$10,000.00 more than the current selling price of \$149,000.00) (the "Initial Overbid"), by no later than 12:00 p.m., PST, on March 4, 2014 (the "Overbid Deadline"). In his 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 \$159,000.00 will be in additional increments of not less than \$5,000.00, commencing with the bid amount of \$164,000.00.

### **(2) Payment of Deposit**

Any Overbidder shall provide the Trustee with a cashier's check, payable to "Sam S. Leslie, Chapter 7 Trustee," in an amount of \$4,770.00 to serve as a deposit, representing 3% of the Initial Overbid price (the "Deposit"). 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 \$4,470.00 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.

### **(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

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Motion as is necessary in order to increase their bid. As stated previously, the Initial Overbid will be in the amount of \$159,000.00, and any subsequent overbids will be in increments of \$5,000.00.

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 fourteen (14) 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.

As stated previously, the Trustee seeks an order approving the Sale free and clear of certain liens, claims, and interests, with said liens, claims, and interests to attach to the sales proceeds in the same manner and priority as under applicable law. The Property is being sold on an "as is, where is" basis, with no warranties, recourse, contingencies, or representations of any kind.

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## 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 (*specify*): **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*) **February 12, 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:

Jason Balitzer on behalf of Interested Party Courtesy NEF  
jbalitzer@sulmeyerlaw.com

Jason Balitzer on behalf of Trustee Sam S Leslie (TR)  
jbalitzer@sulmeyerlaw.com

Mark M Clairmont on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY  
mclairmont@gersonlaw.com

Jennifer Witherell Crastz on behalf of Interested Party Courtesy NEF  
jcrastz@hemar-rousso.com

John Eggum on behalf of Creditor Axis Insurance Company  
jeggum@fgppr.com

John Eggum on behalf of Plaintiff Axis Surplus Insurance Company  
jeggum@fgppr.com

Carol J Fogleman on behalf of Creditor Rosamond Community Services District  
mfrost@bwslaw.com

Brian M Grossman on behalf of Creditor Linda Reinoso  
bmg@bgrolaw.com

Robert A Hessling on behalf of Creditor Whitehorse & Company, CPA  
rhessling@gmail.com

Joshua R Holden on behalf of Creditor First Tennessee Bank National Association  
jholden@wsfs-law.com

Kevin Hutty on behalf of Creditor FRANCHISE TAX BOARD  
BKClaimConfirmation@ftb.ca.gov

Elizabeth Jiang on behalf of Trustee Sam S Leslie (TR)  
ejiang@sulmeyerlaw.com, elizabeth.z.jiang@gmail.com, ppenn@sulmeyerlaw.com

Shervin Lalezary on behalf of Interested Party Courtesy NEF  
lalezary@gmail.com

Sam S Leslie (TR)

sleslie@trusteeleslie.com, sleslie@ecf.epiqsystems.com;trustee@trusteeleslie.com

Elissa Miller on behalf of Interested Party Courtesy NEF  
emiller@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com;atty\_walker@bluestylus.com

Elissa Miller on behalf of Trustee Sam S Leslie (TR)  
emiller@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com;atty\_walker@bluestylus.com

Jennifer L Nassiri on behalf of Creditor CWCcapital Asset Management LLC, as Special Servicer  
jnassiri@venable.com, bclark@venable.com

Christina J O on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
christinao@mclaw.org, erica@mclaw.org

Christina J O on behalf of Creditor JPMorgan Chase Bank, National Association  
christinao@mclaw.org, erica@mclaw.org

Randy P Orlik on behalf of Interested Party Courtesy NEF  
rorlik@coxcastle.com

Joshua K Partington on behalf of Creditor Union Bank, N.A.  
efilings@amlegalgroup.com

Eric S Pezold on behalf of Creditor Bank of America, N.A.  
epezold@swlaw.com, dwlewis@swlaw.com

Eric S Pezold on behalf of Interested Party Courtesy NEF  
epezold@swlaw.com, dwlewis@swlaw.com

Brett Ramsaur on behalf of Creditor Bank of America, N.A.  
bramsaur@swlaw.com, kcollins@swlaw.com

Allan D Sarver on behalf of Creditor Peter Cho  
ADSarver@aol.com

Jaime K Shean on behalf of Creditor Union Bank, N.A.  
efilings@amlegalgroup.com

Andrew Edward Smyth on behalf of Debtor Edgar Reinoso  
office@smythandsmyth.com

Andrew Edward Smyth on behalf of Defendant Edgar Reinoso  
office@smythandsmyth.com

United States Trustee (LA)  
ustpreion16.la.ecf@usdoj.gov

Hatty K Yip on behalf of U.S. Trustee United States Trustee (LA)  
hatty.yip@usdoj.gov

Service information continued on attached page.

**2. SERVED BY UNITED STATES MAIL:**

On (date) February 12, 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.

**Debtor**

Edgar Reinoso  
1334 E. Palmdale Boulevard, #E  
Palmdale, CA 93550

**Interested Parties**

Thomas Standen  
Equity Holding Corporation  
3275 East Robertson Boulevard, Suite B  
Chowchilla, CA 93610

Luis Munoz  
17338 Midwood Drive  
Granada Hills, CA 91344

Regis A. Guerin, Esq.  
Assayag Mauss  
2915 Redhill Avenue, Suite 200  
Costa Mesa, CA 92626

**Attorneys for Fidelity National Law Group and  
Peter Cho**

Nate Bernstein  
915 Wilshire Boulevard, Suite 2100  
Los Angeles, CA 90017

Ocwen Loan Servicing  
1661 Worthington Road  
Suite 100  
West Palm Beach, FL 33409

Agent for Service of Process:  
Ocwen Loan Serving, LLC  
c/o Corporation Services Company  
dba CSC-Lawyers Incorporating Service  
2730 Gateway Oaks Dr.  
Suite 100  
Sacramento, CA 95833

Counsel for Ocwen  
Adam Barasch, Severson & Werson  
One Embarcadero Center, 26th Floor  
San Francisco, CA 94111

Executive Trustee Services  
c/o Ocwen Loan Servicing:  
1661 Worthington Road  
Suite 100  
West Palm Beach, FL 33409

Executive Trustee Services  
c/o Ocwen Loan Servicing  
2730 Gateway Oaks Dr., Suite 100  
Sacramento, CA 95833

Edward Morton  
38704 Louise Lane  
Palmdale, CA 93551

Christine Headlee  
Dilbeck Real Estate  
25820 The Old Rd  
Valencia, CA 91381

Sheila T. Pugh  
c/o BASTA  
2500 Wilshire Blvd, Ste. 1050  
Los Angeles, CA 90057

Demia N. Landsman  
BASTA, 2500 Wilshire Blvd  
Suite 1050  
Los Angeles, CA 90057

Kevin Hermansen  
BASTA Inc.  
667 West Avenue J  
Lancaster, CA 93534

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) February 12, 2014, 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.

Cohen Financial  
c/o Mark Clairmont  
Gerson Law Firm APC  
9255 Town Center Drive, Suite 300  
San Diego, CA 92121  
**Via email:** mclairmont@gersonlaw.com

Jeff Dulberg, Esq.  
Pachulski Stang Ziehl & Jones  
**Via email:** jdulberg@pszjlaw.com

Dario Svidler  
**Via email:** dario@triadrealtygroup.com

Adam Zunder  
**Via email:** adamzunder@gmail.com

Phil Hopper  
Wendi Page

O'Reilly Auto Parts  
233 South Patterson Avenue  
Springfield, MO 65802-229  
**Via email:** phopper@oreillyauto.com  
wpage@oreillyauto.com

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.

February 12, 2014

*Date*

Maria R. Viramontes

*Printed Name*

*/s/Maria R. Viramontes*

*Signature*