

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Howard M. Ehrenberg (CA Bar No. 126627) Jason D. Balitzer (CA Bar No. 244537) 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"/> Attorney for: Elissa D. Miller, Chapter 7 Trustee	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: PEAK PROPERTIES, LLC Debtor(s).	CASE NO.: 2:12-bk-45943-ER CHAPTER: 7 <p style="text-align: center;">AMENDED NOTICE OF SALE OF ESTATE PROPERTY</p>

Sale Date: January 23, 2013	Time: 11:00 a.m.
Location: U.S. Bankruptcy Court, 255 East Temple Street, Los Angeles, California 90012, Courtroom 1568	

Type of Sale: Public Private **Last date to file objections:** January 9, 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:

January 23, 2013 at 11:00 a.m.

U.S. Bankruptcy Court

255 East Temple Street, Courtroom 1568

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: January 2, 2013

ATTACHMENT TO AMENDED NOTICE OF SALE OF ESTATE PROPERTY

Description of Property to be Sold: Elissa D. Miller, the duly appointed, qualified, and acting Chapter 7 Trustee (the "Trustee") for the estate of the debtor Peak Properties, LLC, intends move for an order approving the sale (the "Sale") of the estate's interest in that certain real property more commonly known as 3003 Leeward Avenue, Los Angeles, California 90005, bearing APN No. 5077-017-021 (the "Property"), which consists of a 67 Unit Apartment Building, on the terms and conditions stated in the written offer (the "Written Offer"), which is attached as Exhibit "A" to the concurrently filed "Motion for Order (1) Authorizing Sale of Real Property (3003 Leeward Avenue, Los Angeles, California 90005) Free and Clear of Liens, Claims and Interests, (2) Confirming Sale to Third Party or the Highest Bidder Appearing at the Hearing; (3) Determining That Buyer 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 "Motion"). As part of the Motion, the Trustee seeks an order approving the Sale free and clear of any liens, claims, or interests which are the subject of bona fide disputes, with any of such liens, claims, or interests attaching to the net sales proceeds in the same manner and with the same effect, if any, under applicable federal and state law, including, without limitation, (i) the unrecorded lease dated October 21, 2004, by Pacific Home Apartment NW, LLC, as lessor, and Nova Laundry Service, as lessee; (ii) that deed of trust vested in favor of TA/Fund X TerraCotta, LLC, recorded in the Official Records of the County of Los Angeles as Instrument No. 20121338322; (iii) the Stipulation and Order to Continue Hearing on Luther Burbank Saving's Application for Right to Attach Order; (iv) the 1993 spousal support lien against the Debtor's principal, Moussa Moradieh Kashani ("Kashani"); (v) the Notice of Federal Tax Lien against Kashani, recorded in the Official Records of the County of Los Angeles as Instrument No. 20101030525; (vi) any and all federal and state tax liens; and (vii) any other liens, claims, or interests, with any of such liens, claims, or interests attaching to the net sales proceeds in the same manner and with the same effect, if any, under applicable federal and state law. The Property is being sold on an "as is" "where is" basis, with no warranties, recourse, contingencies or representations of any kind. The Trustee also will seek an order (i) confirming the Sale to the Buyer or to the highest bidder appearing at the hearing, (ii) authorizing the Trustee to execute any and all documents that may be necessary to consummate the Sale, and (iii) determining that the Buyer or the highest bidder appearing at the hearing is entitled to 11 U.S.C. § 363(m) protection.

Method of Sale: Existing cash offer of \$5,755,000.00, subject to qualified overbids.

Sale Description: Date of Sale: January 23, 2013, 11:00 a.m. (subject to continuances)
Place: 255 East Temple Street, Courtroom "1568", Los Angeles, CA 90012

Offer Received: The Trustee has received and accepted an offer from Southland Inland Properties LLC (the "Buyer"), for \$5,755,000, cash, or to any person or entity who appears at the hearing and submits a higher acceptable bid.

Overbid Terms: The proposed sale to the Buyer is subject to approval of the United States Bankruptcy Court and to qualified overbids, and any person or entity desiring to submit an overbid must submit (i) a cashier's check, made payable to "Elissa D. Miller, Chapter 7 Trustee," in the amount of \$175,000 (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 January 18, 2012, before being qualified to participate as a prospective overbidder at the hearing on the Motion. The Deposit represents three percent (3%) of the total amount of \$5,805,000.00, which sum represents the initial sales price of \$5,755,000 plus the \$50,000.00 initial overbid amount requested by the Trustee. The Deposit shall not be refundable if the successful overbidder 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 \$5,805,000.00, cash. Overbids shall be made in minimal increments of \$15,000.00 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 Buyer, must pay the full amount of the successful overbid to the Trustee within the terms and conditions set forth in the escrow documents or otherwise within fourteen (14) days from the date the Order approving the Motion becomes a final order. In the event that the successful buyer 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 her 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.

Contact Name: Jason D. Balitzer, Esq.
Contact Number: (213) 626-2311
Case Name: In re Peak Properties, LLC
Case Number: 2:12-bk-45943-ER

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) January 2, 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:

- Raymond H Aver ray@averlaw.com
- Jason Balitzer jbalitzer@sulmeyerlaw.com
- Thomas M Geher tmg@jmbm.com, we1@jmbm.com;fc3@jmbm.com
- Elissa Miller (TR) CA71@ecfbis.com, MillerTrustee@Sulmeyerlaw.com;C124@ecfbis.com
- Douglas G Tennant dtennant@frankel-tennant.com
- Michael D Testan mtestan@frankel-tennant.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) January 2, 2013, 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

Peak Properties, LLC
445 South Beverly Drive, Suite 300
Beverly Hills, CA 90212

Attorneys for Debtor

Raymond H. Aver, Esq.
Law Offices of Raymond H. Aver, APC
1950 Sawtelle Boulevard, Suite 120
Los Angeles, CA 90025

The Honorable Ernest M. Robles
U.S. Bankruptcy Court
Roybal Federal Building
Bin outside of Suite 1560
255 E. Temple Street
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.

1/02/2013 Denise Givens /s/Denise Givens
Date *Printed Name* *Signature*

ADDITIONAL SERVICE INFORMATION (if needed):

Athens Service

PO Box 60009
City Of Industry, CA 91716-0009

Department of Building and Safety

201 North Figueroa Street
Los Angeles, CA 90012

Dewey Pest Control

8154 Sepulveda Boulevard
Van Nuys, CA 91402

Franchise Tax Board

Bankruptcy Unit
PO Box 2952
Sacramento, CA 95812-2953

Internal Revenue Services

PO Box 21126
Philadelphia, PA 19114

Los Angeles County Tax Collector

PO Box 54110
Los Angeles, CA 90054-0110

Los Angeles Department of Water and Power

111 North Hope Street
Los Angeles, CA 90012

Luther Burbank Savings

804 4th Street
Santa Rosa, CA 95404

Luther Burbank Savings

Frankel & Tennant, APC
895 Dove Street, Suite 119
Newport Beach, CA 92660

Attorneys for TA/Fund X Terra Cotta, LLC

Thomas M. Geher, Esq.
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

TA/Fund X Terra Cotta, LLC

c/o CSC Lawyers Incorporation Service
2710 Gateway Oaks Drive, Suite 150
Sacramento, CA 95833

TA/Fund X Terra Cotta, LLC

c/o Jeffer Mangels Butler & Mitchell
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

The Gas Company

PO Box C
Monterey Park, CA 91756-5111

The Terra Cotta Group, LLC

2321 Rosecrans Avenue, Suite 3270
El Segundo, CA 90245

John A. Baer

24921 Muirlands Boulevard, #39
Lake Forest, CA 92630

Douglas G. Tennant, Esq.

Michael D. Testan, Esq.
Frankel & Tennant
895 Dove Street, Suite 119
Newport Beach, CA 92660

District Attorney's Office

(Re: Moussa Moradieh Kashani)
Bureau of Family Support Operations
15531 Ventura Boulevard, Suite 102, Div. 116
Encino, CA 91436