

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>EDWARD M. WOLKOWITZ (State Bar No. 68298) 800 South Figueroa Street, Suite 1260 Los Angeles, California 90017 Telephone: (310) 229-1234 Telecopier: (213) 627-7194 E-Mail: emw@lnbyb.com</p> <p><input checked="" type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:</p>	<p>FOR COURT USE ONLY</p>
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UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION

<p>In re:</p> <p>ROBERT JOHN DISESSA,</p> <p>Debtor(s).</p>	<p>CASE NO.: 2:13-bk-12110-BB CHAPTER: 7</p> <p><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>
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<p><b>Sale Date:</b> 11/19/2014</p>	<p><b>Time:</b> 10:00 am</p>
<p><b>Location:</b> Courtroom 1475 located at 255 E. Temple Street, Los Angeles, CA 90012</p>	

**Type of Sale:**  Public  Private **Last date to file objections:** 11/05/2014

**Description of property to be sold:**  
See attached Exhibit A

**Terms and conditions of sale:**  
See attached Exhibit A

**Proposed sale price:** \$ 35,000.00

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 Exhibit A

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

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

EDWARD M. WOLKOWITZ  
800 South Figueroa Street, Suite 1260  
Los Angeles, California 90017  
Telephone: (310) 229-1234  
Telecopier: (213) 627-7194  
E-Mail: emw@lnbyb.com

Date: 10/28/2014

## EXHIBIT A

**Description of property to be sold:** The Estate's right, title, and interest in the Debtor's pre-petition claims (the "Claims") against Wells Fargo Bank, N.A. (the "Bank") that were asserted by the Debtor in that certain case pending in the Superior Court of the State of California for the County of Los Angeles ("Superior Court") in that action titled *Robert DiSessa, an individual, v. Wells Fargo Bank, National Association et al.*, Case No. VC063126 (the "State Court Action"). The Claims consist of claims against the Bank as a result of the alleged misplacement by the Bank of \$60,000 that Debtor deposited into accounts at the Bank and which belonged to the Debtor.

### **Terms of the Sale and Proposed Overbid Procedures:**

- a. Any party interested in submitting an overbid for the Claims must attend the hearing on the Motion (the "Hearing") or be represented by an individual with authority to participate in the auction at the Hearing.
- b. The initial overbid for the Claims must be for at least \$40,000, with each additional bid to be in an increment of at least \$1,000.
- c. All overbidders must deliver a deposit to the Trustee (Edward M. Wolkowitz, 800 S. Figueroa Street, Suite 1260, Los Angeles, California 90017) in the form of a cashier's check made payable to "Edward M. Wolkowitz, Chapter 7 Trustee," in the amount of \$40,000 (the "Deposit"), at or prior to the Hearing to participate in the auction at the Hearing.
- d. The Deposits of the overbidders who are not deemed to be the successful bidder at the conclusion of the auction at the Hearing shall be returned to such overbidders immediately after the Hearing. The Deposit of the successful bidder shall be held by the Trustee pending the closing of the sale of the Claims.
- e. To the extent that the final purchase price for the Claims is higher than the amount of the Deposit provided by the successful bidder, the successful bidder shall be required to deliver the difference between the final purchase price and the amount of the Deposit to the Trustee (Edward M. Wolkowitz, 800 S. Figueroa Street, Suite 1260, Los Angeles, California 90017) in the form of a cashier's check made payable to "Edward M. Wolkowitz, Chapter 7 Trustee" within three (3) business days after the Hearing. If the successful bidder fails to deliver the foregoing payment, or is otherwise unable or unwilling to consummate the purchase of the Claims, the Deposit of the successful bidder shall be forfeited.
- f. In the event that the successful overbidder does not timely consummate the purchase of the Claims, the Trustee shall be authorized to proceed with the sale of the Claims to the next highest overbidder or enter into the Agreement with the Bank, without further notice, hearing or Court order.

## 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 10250 Constellation Boulevard, Suite 1700, Los Angeles, California 90067.

A true and correct copy of the foregoing documents described as 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 indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”)** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) (“LBR”), the foregoing document will be served by the court via NEF and hyperlink to the document. On October 28, 2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Bernard J Kornberg on behalf of Interested Party WELLS FARGO BANK, N.A.  
bjk@severson.com

Michelle A Marchisotto on behalf of Debtor Robert John DiSessa  
michelleam@4bankruptcy.com

Jeffrey B Smith on behalf of Debtor Robert John DiSessa  
jsmith@cgsattys.com, vphillips@cgsattys.com

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

Edward M Wolkowitz (TR)  
emwtrustee@lnbrb.com, ewolkowitz@ecf.epiqsystems.com

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

On October 28, 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.

Chambers Copy  
Hon. Sheri Bluebond  
United States Bankruptcy Court  
Central District of California  
255 E. Temple Street, Suite 1482  
Los Angeles, CA 90012

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 October 28, 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.

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

October 28, 2014	John Berwick	/s/ John Berwick
<u>Date</u>	<u>Type Name</u>	<u>Signature</u>

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