

Elissa D. Miller  
emiller@sulmeyerlaw.com  
Chapter 7 Trustee  
333 South Hope Street, Thirty-Fifth Floor  
Los Angeles, California 90071-1406  
Telephone: 213.626.2311  
Facsimile: 213.629.4520  
 Individual appearing without attorney  
 Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION**

In re:  
  
**LUJAN, JACOBO MIRANDA AND LUJAN, MARIA JUANA,**  
  
Debtors.

CASE NO.: 2:13-bk-23794-RN  
CHAPTER: 7

**NOTICE OF SALE OF ESTATE PROPERTY**

**Sale Date:** September 12, 2013 **Time:** 10:00 a.m.

**Location:** U.S. Bankruptcy Court, Courtroom 1645, 255 E. Temple Street, Los Angeles, CA 90012

**Type of Sale:**  Public  Private **Last date to file** August 30, 2013, at 5:00 p.m., Pacific Standard Time  
**objections:**

**Description of property to be sold:** Right, title and interest of the Estate in the following: Certain real property commonly known as 1358 North Arrowhead Avenue, San Bernardino, California (APN 0145-212-33) (the "Property")

**Terms and conditions of sale:** Subject to liens, claims, encumbrances and/or interests and attached overbid procedures  
**Proposed sale price:** \$395,000.00, consisting of \$392,500, cash, plus a \$2,500 contribution from the Buyer's broker

**Overbid procedure (if any):** To qualify to overbid, interested parties must provide the Trustee with a cashier's check in the amount of \$12,000.00, made payable to "Elissa D. Miller, Chapter 7 Trustee" at the address below, by no later than 5:00 p.m., Pacific Standard Time, on September 11, 2013. The initial overbid will be \$400,000.00, cash. Subsequent overbids may be made in increments of not less than \$1,000.00. The Trustee may accept overbids up to the hearing in her sole and absolute discretion.

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:**

September 12, 2013

10:00 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):**

Elissa D. Miller, Chapter 7 Trustee

emiller@sulmeyerlaw.com

333 S. Hope St., 35<sup>th</sup> Floor

Los Angeles, CA 90071-1406

Telephone: (213) 626-2311

Facsimile: (213) 629-4520

DATED: August 23, 2013

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

## **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 \$392,500, cash, plus a \$2,500 contribution from the buyer's broker for a total of \$395,000 (the "Purchase Price"). 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 \$5,000 more than the current selling price of \$395,000) (the "Initial Overbid"), by no later than 5:00 p.m., Pacific Standard Time, on September 11, 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 \$400,000 will be in additional increments of not less than \$1,000, commencing with the bid amount of \$401,000.

### **(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 \$12,000 to serve as a deposit towards the total purchase price (the "Deposit"), which represents three percent (3%) of the Initial Overbid. The Deposit must be delivered so that it is received by the Trustee by no later than the Overbid Deadline.

### **(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 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 Motion as is necessary in order to increase their bid. As stated previously, the Initial Overbid will be in the amount of \$400,000, and any subsequent overbids will be in increments of \$1,000.

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.

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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

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)* August 23, 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:

•Sean R Bozarth — Jacobo Miranda Lujan and Maria Juana Lujan	sbozarth@peiranolaw.com
•Elissa Miller (TR)	CA71@ecfcbis.com MillerTrustee@Sulmeyerlaw.com C124@ecfcbis.com
•Yvonne Ramirez-Browning — Wells Fargo Bank, National Association	BANKRUPTCYCLS@wellsfargo.com BANKRUPTCYCLS@wellsfargo.com
•United States Trustee (LA)	ustpreion16.la.ecf@usdoj.gov

Service information continued on attached page

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

On *(date)* \_\_\_\_\_, 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 *(date)* August 23, 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.

The Honorable Richard M. Neiter  
U.S. Bankruptcy Court  
Roybal Federal Building  
255 E. Temple Street, Suite 1652  
Los Angeles, CA 90012-3332

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.

August 23, 2013 Denise Walker  
Date Printed Name

/s/Denise Walker  
Signature