Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

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☐ *Individual appearing without attorney*
☒ *Attorney for:* Peter J. Mastan, Ch. 7 Trustee

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION

In re:

SALLYANNE K. SCHULTZ,

Debtor(s).

CASE NO.: 2:14-bk-30261-BB

CHAPTER: 7

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 08/17/2015 **Time:**

Location:

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** 08/17/2015

Description of property to be sold:
The Estate's interest in the Debtor's scheduled wrongful death lawsuit (the "Lawsuit").

Terms and conditions of sale: The Lawsuit is being assigned to the Debtor for prosecution in return for up to $45,000 in net proceeds, if any, from the litigation (i.e., after payment of attorneys' fees and costs, etc.). See the attached notice.

Proposed sale price: _____

Overbid procedure (*if any*): n/a

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

n/a

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

Claire K. Wu
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Date: 07/29/2015

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Proposed Attorneys for Peter J. Mastan,
Chapter 7 Trustee of the Bankruptcy
Estate of Sallyanne K. Schultz

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re SALLYANNE K. SCHULTZ, Debtor.	**Bk. No.: 2:14-bk-30261-BB** **CHAPTER 7** **NOTICE OF FILING OF MOTION FOR ORDER APPROVING ASSIGNMENT AGREEMENT BETWEEN THE TRUSTEE AND THE DEBTOR FOR THE ESTATE'S INTEREST IN WRONGFUL DEATH LAWSUIT** **[No hearing is requested or required.]** **DATE:** **TIME:** **PLACE:** **Courtroom 1475** **255 E. Temple Street** **Los Angeles, CA 90012** **[Hon. Sheri Bluebond]**

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NOTICE OF FILING OF MOTION

TO THE HONORABLE SHERI BLUEBOND, UNITED STATES BANKRUPTCY JUDGE, AND TO THE DEBTOR, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL CREDITORS OF THE ESTATE, ALL OTHER INTERESTED PARTIES, AND COUNSEL OF RECORD, IF ANY:

NOTICE IS HEREBY GIVEN that, on July 29, 2015, Peter J. Mastan, Chapter 7 trustee (the "Trustee") of the bankruptcy estate (the "Estate") of Sallyanne K. Schultz (the "Debtor"), filed in the United States Bankruptcy Court located at 255 E. Temple Street, Los Angeles, California 90012, the Honorable Sheri Bluebond, United States Bankruptcy Judge presiding, a motion (the "Motion") for an order that does each of the following:

(1) Approves the Assignment Agreement (the "Agreement") attached as **Exhibit 1** to the Motion.

(2) Authorizes the Trustee to assign to the Debtor the Estate's interest in the Debtor's scheduled wrongful death lawsuit (the "Lawsuit") on an "AS-IS" and "WHERE-IS" basis and as contemplated in the Agreement.

(3) Determines that the Agreement was made in good faith in an arm's-length transaction and that the assignee of the Estate's interest in the Lawsuit is acting in good faith within the meaning of 11 U.S.C. § 363(m).

(4) Determines that adequate notice of the Motion was given.

(5) Authorizes the Trustee to perform the terms of the Agreement and to sign all such documents that are reasonably necessary to perform the Trustee's obligations under the Agreement.

(6) Reserves Bankruptcy Court jurisdiction to enforce the Agreement.

(7) Authorizes the Trustee to close the proposed assignment of the Estate's interest in the Lawsuit to the Debtor unless an appeal of the order authorizing that assignment is timely filed and a stay pending appeal is entered.

(8) Waives the 14-day stay of orders for the disposition of Estate property set forth in Fed.R.Bankr.P. 6004(h).

NOTICE IS FURTHER GIVEN that the Motion is made pursuant to 11 U.S.C. §§ 363(b) and 363(m), Federal Rules of Bankruptcy Procedure 2002 and 6004, and Local Bankruptcy Rules 6004-1 and 9013-1 on the grounds that the proposed Agreement is in the best interests of the Estate in that the Agreement will maximize the value to unsecured creditors of the Estate's interest in the Lawsuit.

Subject to Bankruptcy Court approval, and on the terms set forth in Exhibit 1 to the Motion, the Trustee intends to assign the Estate's interest in the Lawsuit on an "AS-IS" and "WHERE-IS" basis to the Debtor. Specifically, under the terms of the Agreement, if the Debtor prevails on the Lawsuit (or any portion thereof) and recovers damages or any other form of monetary recovery, or if the Debtor settles the Lawsuit for any amount, after payment of the actual and reasonable attorneys' fees and costs incurred in pursuing the Lawsuit, and in lieu of the Debtor's claimed exemption in the Lawsuit, the net recovery of the Lawsuit shall be distributed as follows: (1) the Debtor shall retain the first $3,000; (2) the Estate and the Debtor shall share in the remaining recovery 50/50 until such time as the Estate has received $45,000 (the "Estate Recovery"); and (3) thereafter, the Debtor will retain 100% of the remainder of the net proceeds. The Estate Recovery is for the benefit of the Estate, and for the Trustee to distribute according to the priorities specified in the Bankruptcy Code. The Debtor shall not be entitled to any exemption in the Estate Recovery.

The foregoing is a summary of the proposed Agreement. All interested persons are encouraged to read the Agreement attached as Exhibit 1 to the Motion. Any conflict between the summary above and the terms of the Agreement shall be controlled by the terms of the Agreement.

NOTICE IS FURTHER GIVEN that the Motion is based on (a) this Notice of Filing of Motion; (b) the concurrently filed Notice of Motion and Motion, Memorandum of Points and Authorities, Declaration of Peter J. Mastan, and Exhibits; (c) the pleadings on file with the Court of which the Court is requested to take judicial notice; and (d) such further evidence that may be properly submitted prior to or at any hearing on the Motion.

At your own expense, you may obtain a complete copy of the Motion from the Court's file or by contacting Victor Rivera at Discovery Document Technologies at 1-877-997-7720.

NOTICE IS FURTHER GIVEN that, absent the filing of a timely opposition to the Motion and a timely request for hearing on the Motion, no hearing on the Motion will be held. Pursuant to Local Bankruptcy Rule 9013-1(o), any request for hearing and opposition to the Motion (including Memorandum of Points and Authorities and evidence in support thereof) must be in writing, and must be filed with the Court and served upon the Trustee, the Office of the United States Trustee, and the Debtor at the addresses set forth below not later than 17 days after the date of service of this notice:

For Filing with the Court
Clerk's Office
United States Bankruptcy Court
255 E. Temple Street
Los Angeles, California 90012

For Service on Office of U.S. Trustee
Office of the United States Trustee
915 Wilshire Blvd., Suite 1850
Los Angeles, California 90017

For Service on the Trustee
Peter J. Mastan, Trustee
c/o Claire K. Wu, Esq.
Gumport | Mastan
550 South Hope Street, Suite 1765
Los Angeles, California 90071-2627

For Service on Hon. Sheri Bluebond, United States Bankruptcy Judge
Honorable Sheri Bluebond
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
Building and Courthouse
255 E. Temple Street, Suite 1482
Los Angeles, California 90012

For Service on the Debtor
Mark J. Warfel, Esq.
Todd G. Lezon, Esq.
Law Offices of Mark J. Warfel
234 E. Foothill Blvd.
Arcadia, California 91006-2508

and

Sallyanne K. Schultz
2306 West Alhambra Road
Alhambra, California 91801

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NOTICE IS FURTHER GIVEN that, pursuant to Local Bankruptcy Rule 9013-1(h), failure to timely file and serve an objection may be deemed by the Court to be consent to granting the Motion.

DATED: July 29, 2015

Respectfully submitted,

GUMPORT | MASTAN

By: */s/ Claire K. Wu*
Claire K. Wu
Proposed Attorneys for Peter J. Mastan, Chapter 7 Trustee of the Bankruptcy Estate of Sallyanne K. Schultz

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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:

Gumport | Mastan, 550 S. Hope Street, Suite 1765, Los Angeles, CA 90071

A true and correct copy of the foregoing document 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 **July 29, 2015**, 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 addresses indicated below:

Peter J Mastan (TR)	pmastan@gumportlaw.com, pmastan@ecf.epiqsystems.com
United States Trustee (LA)	ustpregion16.la.ecf@usdoj.gov
Mark J Warfel	mwarfel@gmail.com

___ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On **July 29, 2015** I served the following person(s) and/or entity(ies) at the last known address(es) 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/or with an overnight mail service 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.

UNITED STATES BANKRUPTCY COURT **[SERVED BY FEDERAL EXPRESS]**
Honorable Sheri Bluebond
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1482
Los Angeles, CA 90012

___ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, 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 mailing 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 of America that the foregoing is true and correct.

July 29, 2015	**KATHLEEN MAROSY**	Kathleen Marosy
Date	Name	Signature