

Sale Date: 10/20/2015	Time: 9:30 am
Location: Courtroom 1645, 255 E. Temple Street, Los Angeles, CA 90012	

Last date to file objections: 10/06/2015

2002 Mercedes-Benz S500 (the "Mercedes"), and 2007 Chrysler Aspen (the "Chrysler") (collectively, the "Vehicles").

"AS IS" and "WHERE IS" basis, with all faults and without any representation or warranty of any kind, whether express or implied, except that the Property is being sold free and clear of claims, liens, and interests. See the attached notice.

Proposed sale price: \$ 16,000.00

Overbid procedure (if any):

See the attached notice.

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

October 20, 2015

9:30 a.m.

United States Bankruptcy Court

Courtroom 1645

255 E. Temple Street

Los Angeles, CA 90012

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

Claire K. Wu, Esq.

Gumport | Mastan

550 S. Hope Street, Suite 1765

Los Angeles, CA 90071

213-452-4900

cwu@gumportlaw.com

Date: 09/09/2015

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5 Proposed Attorneys for Peter J. Mastan,
6 Chapter 7 Trustee of the Bankruptcy
Estate of Alvaro Paredes and Anna Paredes
7

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9 **UNITED STATES BANKRUPTCY COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **LOS ANGELES DIVISION**

12 In re

13 ALVARO PAREDES and
14 ANNA PAREDES,

15 Debtors.
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Bk. No.: 2:15-bk-11967-RN

CHAPTER 7

NOTICE OF HEARING ON MOTION:

**(1) TO AUTHORIZE THE TRUSTEE
TO SELL CERTAIN VEHICLES FREE
AND CLEAR OF CLAIMS, LIENS, AND
INTERESTS, SUBJECT TO OVERBID;
AND**

(2) FOR TURNOVER

DATE: October 20, 2015

TIME: 9:30 a.m.

**PLACE: Courtroom 1645
255 E. Temple Street
Los Angeles, CA 90012
[Hon. Richard M. Neiter]**

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1 **TO THE HONORABLE RICHARD M. NEITER, UNITED STATES**
2 **BANKRUPTCY JUDGE, AND TO THE DEBTORS, THE OFFICE OF THE**
3 **UNITED STATES TRUSTEE, ALL SCHEDULED CREDITORS OF THE**
4 **ESTATE AND THOSE WHO HAVE FILED PROOFS OF CLAIM, ALL LIEN**
5 **HOLDERS OF RECORD, AND ALL OTHER INTERESTED PARTIES:**

6 **NOTICE IS HEREBY GIVEN** that, on October 20, 2015, on the 9:30 a.m.
7 calendar, in Courtroom 1645 of the United States Bankruptcy Court, located at 255 East
8 Temple Street, Los Angeles, California 90012, Peter J. Mastan, Chapter 7 Trustee (the
9 "Trustee") of the bankruptcy estate (the "Estate") of Alvaro Paredes and Anna Paredes
10 (the "Debtors"), will make and does hereby make a motion (the "Motion") for an order
11 that:

12 (1) Authorizes the Trustee to sell the following scheduled property of the
13 Estate: (i) 2002 Mercedes-Benz S500 (the "Mercedes"), and (ii) 2007 Chrysler Aspen (the
14 "Chrysler") (collectively, the "Vehicles") to (a) CarMax or a third party,¹ for the amount
15 of the values previously estimated by CarMax of (i) \$6,000 for the Mercedes, and (ii)
16 \$10,000 for the Chrysler (or an amount within 10% of those estimated values); or (b) an
17 approved overbidder making a higher and better offer (and in all cases on an "AS IS" and
18 "WHERE IS" basis, with all faults and without any representation or warranty
19 whatsoever, except that the Vehicles are being sold free and clear of all monetary claims,
20 liens, and interests);

21 (2) To the extent the Trustee is authorized to sell the Vehicles to CarMax:

22 (a) Directs the Debtors to turn over the Vehicles by taking the Vehicles
23 (along with all sets of keys, manuals, valid registration, and pink slip) directly to CarMax
24 within two days following entry of the order on the Motion, and to sell the Vehicles for
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26
27 ¹ If a third party would like to purchase either of the Vehicles in the amounts of (i)
28 \$6,000 for the Mercedes, and/or (ii) \$10,000 for the Chrysler, the Trustee is prepared to
sell the Vehicles to such third party instead of CarMax, subject to further overbid.

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1 the amount of the values previously estimated by CarMax of (i) \$6,000 for the Mercedes,
2 and (ii) \$10,000 for the Chrysler (or an amount within 10% of those estimated values);

3 (b) Directs the Debtors to thereafter immediately turn over to the Trustee
4 (i) the entire amount of the net proceeds from the sale of the Vehicles without
5 withholding any amounts on account of their claimed exemption in the Mercedes, and (ii)
6 documents showing the purchase price for each of the Vehicles, such that the Trustee
7 receives the proceeds and documents within four days following entry of the order on the
8 Motion;

9 (c) Authorizes CarMax to pay liens of record; and

10 (d) Authorizes the Trustee to pay the Debtors' claimed exemption in the
11 Mercedes from the net proceeds;

12 (3) To the extent the Vehicles are sold to a third party or a successful
13 overbidder:

14 (a) Directs the Debtors to turn over the Vehicles (along with all sets of
15 keys, manuals, valid registration, and pink slip) by making the Vehicles available for
16 pickup at their residence of record in this bankruptcy case, at a mutually convenient date
17 and time agreed upon between the Debtors and the buyer, except that such turnover shall
18 take place between the hours of 9:00 a.m. and 5:00 p.m. and within two days following
19 entry of the order on the Motion, unless otherwise agreed to by the buyer;

20 (b) Authorizes the Trustee to pay liens of record, in each case to the
21 extent not disputed by the Trustee;

22 (c) Determines that, to the extent that any portion of a monetary claim,
23 lien, or interest is disputed by the Trustee and not paid, such monetary claim(s), lien(s),
24 and/or interest(s) in and to the Vehicles shall attach to the sale proceeds with the same
25 validity, force and effect as such monetary claims, liens, and interests had with respect to
26 the Vehicles; and

27 (d) Authorizes the Trustee to pay the Debtors' claimed exemption in the
28 Mercedes from the net proceeds;

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1 (4) Directs the Debtors to turn over to the Trustee, within 24 hours following
2 the hearing on the Motion, proof of insurance for each of the Vehicles;

3 (5) Approves the following overbid procedure:

4 (a) any initial overbid for either the Mercedes or the Chrysler must be in
5 an amount not less than \$500 (i.e., the initial overbid for the Mercedes must be in an
6 amount not less than \$6,500 and the initial overbid for the Chrysler must be in an amount
7 not less than \$10,500);

8 (b) in the event that the Trustee receives multiple overbids for either the
9 Mercedes or the Chrysler, any subsequent overbids for either vehicle must be made in
10 Court at the time of the hearing on the Motion and must be made in minimum increments
11 of \$500;

12 (c) any overbid must be accompanied by a certified or cashier's check in
13 the full amount of that bid and the successful overbidder must pay to the Trustee by
14 certified or cashier's check the full purchase price at the time of the hearing on the
15 Motion;

16 (d) any sale at overbid will be "AS IS" and "WHERE IS," with all faults
17 and without any representation or warranty whatsoever, whether express or implied,
18 except that the sale will be free and clear of monetary liens, claims and interests; and

19 (e) the Trustee may exercise his discretion to reject a particular overbid that
20 is not both higher and better (based upon all of the circumstances) than the offer of other
21 overbidders;

22 (6) Authorizes the Trustee to close the proposed sale of the Mercedes and/or
23 the Chrysler to CarMax, a third party, or a successful overbidder unless an appeal of the
24 order authorizing the sale is timely filed and a stay pending appeal is entered;

25 (7) Determines that the sale was made in good faith in an arm's-length
26 transaction and that the buyer (whether CarMax, a third party, or a successful overbidder)
27 is acting in good faith within the meaning of 11 U.S.C. § 363(m);

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1 (8) Determines that adequate notice of the hearing on the Motion was given;
2 and

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

5 **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C.
6 §§ 363(b) and 363(m), 521(a)(4), 541(a), and 542(a), Federal Rules of Bankruptcy
7 Procedure 2002, 4002, 6004, 7001, 7070 and 9014, and Local Bankruptcy Rules 6004-1
8 and 9013-1 on the grounds that: (1) the sale of the Vehicles is in the best interests of the
9 Estate, (2) the Debtors have failed to appear at the last three § 341(a) meeting of
10 creditors, (3) the Trustee has made multiple demands for proof of insurance on the
11 Vehicles, and the Debtors have failed to provide any proof, thereby creating potential loss
12 to the Estate with each passing day, (4) the Debtors have failed to make an offer to buy
13 back the equity in the Vehicles, (5) the Debtors have failed to turn over the Vehicles after
14 the Trustee's demand, and (6) in total, the net equity value of the Vehicles to the Estate is
15 approximately \$10,000. As such, the Vehicles have value to the Estate, and should be
16 sold and subject to turnover.

17 **NOTICE IS FURTHER GIVEN** that the Motion is based on (a) this Notice of
18 Hearing; (b) the concurrently filed Notice of Motion and Motion, Memorandum of Points
19 and Authorities, Declaration of Peter J. Mastan, and Exhibits; (c) the pleadings on file
20 with the Court of which the Court is requested to take judicial notice; and (d) such further
21 evidence that may be properly submitted prior to or at any hearing on the Motion. At
22 your own expense, you may obtain a complete copy of the Motion from the Court's file or
23 by contacting Mr. Victor Rivera of Discovery Document Reproduction Services at Tel.
24 No. (213) 312-0033.

25 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule
26 9013-1(f), any opposition to the Motion must be in writing; must be filed with the
27 Court and served upon the Trustee, and the Office of the United States Trustee at
28 the addresses set forth below not later than 14 days before the date set for the

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hearing on the Motion; and must include a complete written statement of all reasons
in opposition thereto or in support or joinder thereof, declarations and
copies of all photographs and documentary evidence on which the responding party
intends to rely, and any responding memorandum of points and authorities:

For Filing With the Court

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

**For Service on the Honorable Richard
M. Neiter, United States Bankruptcy
Judge**

Hon. Richard M. Neiter
United States Bankruptcy Court
Central District of California
255 E. Temple Street, Suite 1652
Los Angeles, California 90012

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 the Office of
U.S. Trustee**

Office of the U.S. Trustee
915 Wilshire Blvd., Suite 1850
Los Angeles, California 90017

**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: September 9, 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 Alvaro Paredes and Anna
Paredes

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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 **September 9, 2015** that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addresses indicated below:

Michael H Colmenares mhcandrmt@aol.com, solucioneslegale@aol.com
Mark T. Domeyer wdk@wolffirm.com, mark.domeyer@wolffirm.com
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

____ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):
On **September 9, 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.

SERVED BY FEDERAL EXPRESS

UNITED STATES BANKRUPTCY COURT

Honorable Richard M. Neiter
United States Bankruptcy Court
Central District of California
255 E. Temple Street. Suite1652
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.

September 9, 2015
Date

Kathleen Marosy
Name


Signature