

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Leonard L. Gumport (Bar No. 086935) lgumport@gumportlaw.com Claire K. Wu (Bar No. 295966) cwu@gumportlaw.com GUMPORT   MASTAN 550 South Hope Street, Suite 1765 Los Angeles, CA 90071 (213) 452-4900</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Peter J. Mastan, Ch. 7 Trustee</p>	<p>FOR COURT USE ONLY</p>
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<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</b></p>	
<p>In re:</p> <p>MARIO SALVADOR LUNA,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 2:15-bk-27047-ER CHAPTER: 7</p> <p style="text-align: center;"><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>

<p><b>Sale Date:</b> 06/22/2016</p>	<p><b>Time:</b> 10:00 am</p>
<p><b>Location:</b> Courtroom 1568, 255 E. Temple Street, Los Angeles, CA 90012</p>	

**Type of Sale:**  Public  Private **Last date to file objections:** 06/08/2016

**Description of property to be sold:**

The Estate's interest in and to the vehicles described as: (a) 2001 Ford Excursion, VIN #1FMNU43S91EB38179 (the "Excursion"); (b) 2003 Ford F150 Supercrew Cab XLT, VIN #1FTRW07633KD28683 (the "F150"); (c) 1959 VW Beetle (non-operational) (the "VW Beetle"); and (d) 1956 VW Bug (non-operational) (the "VW Bug") (collectively, the "Vehicles").

**Terms and conditions of sale:**

"AS IS" and "WHERE IS" basis, subject to all claims, liens, encumbrances, and other interests, with all faults and without any representation or warranty whatsoever, whether express or implied, including without limitation, without warranty as to functionality, merchantability, or fitness for a particular purpose.

**Proposed sale price:** \$ 6,000.00

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 the attached notice.

**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):**

Claire K. Wu, Esq.  
Gumport | Mastan  
550 S. Hope Street, Suite 1765  
Los Angeles, CA 90071  
213-452-4900  
cwu@gumportlaw.com

Date: 05/31/2016

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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.

1 LEONARD L. GUMPORT (Bar No. 086935)  
lgumport@gumportlaw.com  
2 CLAIRE K. WU (Bar No. 295966)  
cwu@gumportlaw.com  
3 GUMPORT | MASTAN  
550 South Hope Street, Suite 1765  
4 Los Angeles, California 90071-2627  
Telephone: (213) 452-4900

5  
6 Attorneys for Peter J. Mastan,  
Chapter 7 Trustee of the Bankruptcy  
Estate of Mario Salvador Luna  
7

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

11 In re

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13 MARIO SALVADOR LUNA,

14 Debtor.  
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Bk. No.: 2:15-bk-27047-ER

CHAPTER 7

NOTICE OF HEARING ON MOTION  
TO APPROVE ASSIGNMENT  
AGREEMENT BETWEEN THE  
TRUSTEE AND DEBTOR FOR THE  
ESTATE'S INTEREST IN THE  
VEHICLES DESCRIBED AS (1) 2001  
FORD EXCURSION, (2) 2003 FORD  
F150 SUPERCREW CAB XLT, (3) 1959  
VW BEETLE, AND (4) 1956 VW BUG

DATE: June 22, 2016  
TIME: 10:00 a.m.  
PLACE: Courtroom 1568  
255 E. Temple Street  
Los Angeles, CA 90012  
[Hon. Ernest M. Robles]

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1 **TO THE HONORABLE ERNEST M. ROBLES, UNITED STATES**  
2 **BANKRUPTCY JUDGE, AND TO THE DEBTOR, THE OFFICE OF THE**  
3 **UNITED STATES TRUSTEE, ALL CREDITORS OF THE ESTATE, ALL**  
4 **OTHER INTERESTED PARTIES, AND COUNSEL OF RECORD, IF ANY:**

5 **NOTICE IS HEREBY GIVEN** that, on June 22, 2016, on the 10:00 a.m.  
6 calendar, in Courtroom 1568 of the United States Bankruptcy Court, located at 255 East  
7 Temple Street, Los Angeles, California 90012, Peter J. Mastan, Chapter 7 trustee (the  
8 “Trustee”) of the bankruptcy estate (the “Estate”) of Mario Salvador Luna (the “Debtor”),  
9 will make and does hereby make this motion (the “Motion”) for an order that does each of  
10 the following:

11 (1) Approves the Assignment Agreement (the “Agreement”) attached as  
12 **Exhibit 1** to the Motion.

13 (2) Authorizes the Trustee to assign to the Debtor (or a successful overbidder  
14 making a higher and better offer) the Estate’s interest in the vehicles described as:  
15 (a) 2001 Ford Excursion, VIN #1FMNU43S91EB38179 (the “Excursion”); (b) 2003 Ford  
16 F150 Supercrew Cab XLT, VIN #1FTRW07633KD28683 (the “F150”); (c) 1959 VW  
17 Beetle (the “VW Beetle”); and (d) 1956 VW Bug (the “VW Bug”) (collectively, the  
18 “Vehicles”) for \$6,000 plus the satisfaction of the Debtor’s claimed exemption in the  
19 Vehicles, on an “AS IS” and “WHERE IS” basis, subject to all existing encumbrances,  
20 liens, claims and restrictions thereon, if any.

21 (3) Determines that the Agreement was made in good faith in an arm’s-length  
22 transaction and that the assignee of the Estate’s interest in the Vehicles (whether the  
23 Debtor or a successful overbidder) is acting in good faith within the meaning of 11 U.S.C.  
24 § 363(m).

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

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

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

2 (7) Approves the following overbid procedure:

3 (a) any initial overbid for an assignment of the Estate's interest in the  
4 Vehicles must be in an amount at least \$1,500 greater than the amount to be paid by the  
5 Debtor under this Agreement (i.e., the initial overbid must be in an amount not less than  
6 \$7,500, plus the amount of the Debtor's claimed \$2,900 exemption in the F150);

7 (b) in the event that the Trustee receives multiple overbids, any  
8 subsequent overbids must be made in Court at the time of the hearing on the Motion and  
9 must be made in minimum increments of \$500;

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

14 (d) any sale at overbid will be all cash, "AS IS" and "WHERE IS",  
15 subject to all claims, liens, encumbrances, and other interests, with all faults and without  
16 any representation or warranty whatsoever, whether express or implied, including without  
17 limitation, without warranty as to functionality, merchantability, or fitness for a particular  
18 purpose; and

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

22 (8) Authorizes the Trustee to close the proposed assignment of the Estate's  
23 interest in the Vehicles to the Debtor (or the successful overbidder) unless an appeal of  
24 the order authorizing that sale is timely filed and a stay pending appeal is entered.

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

27 **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C.  
28 §§ 363(b) and 363(m), Federal Rules of Bankruptcy Procedure 2002 and 6004, and Local

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1 Bankruptcy Rules 6004-1 and 9013-1. The Trustee received an offer from the Debtor to  
2 acquire the Estate's interest in the Vehicles for the amount of \$5,000, which amount the  
3 Trustee negotiated up to \$6,000, in addition to the Debtor's claimed \$2,900 exemption in  
4 the Vehicles. The Trustee has considered (1) the potential fair market value of the  
5 Vehicles, (2) the Debtor's claimed exemption, and (3) the costs of sale of the Vehicles on  
6 the open market. Based thereon, the Trustee believes that the proposed assignment will  
7 maximize the value of the Estate's interest in the Vehicles.

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

13 At your own expense, you may obtain a complete copy of the Motion from the  
14 Court's file or by contacting Mr. Victor Rivera of Discovery Document Reproduction  
15 Services at Tel. No. (213) 312-0033.

16 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule  
17 **9013-1(f)**, any opposition to the Motion must be in writing; must be filed with the  
18 Court and served upon the Trustee, and the Office of the United States Trustee at  
19 the addresses set forth below not later than 14 days before the date set for the  
20 hearing on the Motion; and must include a complete written statement of all reasons  
21 in opposition thereto or in support or joinder thereof, declarations and  
22 copies of all photographs and documentary evidence on which the responding party  
23 intends to rely, and any responding memorandum of points and authorities:

24 **For Filing With the Court**  
25 Clerk's Office  
26 United States Bankruptcy Court  
27 255 E. Temple Street  
28 Los Angeles, California 90012

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**For Service on Hon. Ernest M. Robles,**  
**United States Bankruptcy Judge**  
Hon. Ernest M. Robles  
United States Bankruptcy Court  
Central District of California  
255 E. Temple Street, Suite 1560  
Los Angeles, California 90012

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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 **May 31, 2016** 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) ustpreion16.la.ecf@usdoj.gov  
Julie J Villalobos julie@oaktreelaw.com, oakecfmail@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 **May 31, 2016** 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.

**BY FEDERAL EXPRESS**

**UNITED STATES BANKRUPTCY COURT**

Honorable Ernest M. Robles  
United States Bankruptcy Court  
Central District of California  
Edward R. Roybal Federal Bldg. and Courthouse  
255 E. Temple Street, Suite 1560  
Los Angeles, CA 90012

**BY U.S. MAIL**

**DEBTOR**

Mario Salvador Luna  
3514 Hilton Head Way  
Pico Rivera, CA 90660

\_\_\_ 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.

May 31, 2016  
Date

KATHLEEN MAROSY  
Name

*Kathleen Marosy*  
Signature