

Overbid procedure (if any): Initial overbid \$1,000 above the proposed sale price, with each additional bid in \$1,000 increments. Overbidders must deliver a deposit in the amount of \$5,000 by way of cashier's check made payable to "David M. Goodrich, Chapter 7 Trustee," and proof of financial ability to close the sale to the Trustee at the hearing.

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

November 9, 2016 at 10:00 a.m., in Courtroom 1539 of the United States Bankruptcy Court located at 255 E. Temple Street, Los Angeles, CA 90012

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

Jeremy W. Faith, Esq.
Noreen A. Madoyan, Esq.
Margulies Faith, LLP
16030 Ventura Blvd., Suite 470
Encino, CA 91436
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Email: Jeremy@MarguliesFaithLaw.com
Email: Noreen@MarguliesFaithLaw.com

Date: 10/19/2016

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10 Attorneys for David M. Goodrich, Chapter 7 Trustee

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

In re

7969 GROUP, LLC dba DBA
NIGHTCLUB,

Debtor.

Case No.: 2:16-bk-20283-BB

Chapter: 7

**NOTICE OF CHAPTER 7 TRUSTEE'S
MOTION FOR AN ORDER: (1)
AUTHORIZING THE SALE OF CALIFORNIA
LIQUOR LICENSE FREE AND CLEAR OF
LIENS AND INTERESTS; (2) APPROVING
OVERBID PROCEDURES; AND (3) FINDING
THAT BUYER IS ENTITLED TO § 363(M)
PROTECTION**

Date: November 9, 2016

Time: 10:00 a.m.

Place: Courtroom 1539

United State Bankruptcy Court

255 E. Temple Street

Los Angeles, CA 90012

1 **TO ALL INTERESTED PARTIES:**

2 **PLEASE TAKE NOTICE** as follows:

3 David M. Goodrich, solely in his capacity as Chapter 7 trustee (the "Trustee")
4 for the bankruptcy estate of 7969 Group, LLC dba DBA Nightclub (the "Debtor"), has
5 filed a Motion seeking an order: (1) Authorizing the Sale of California Liquor License
6 (ABC Lic. No. 48-524859) (the "Liquor License"); (2) Approving Overbid Procedures;
7 and (3) Finding that Buyer is Entitled to § 363(m) Protection (the "Motion").

8 The Trustee received an offer to purchase the Liquor License from Cirkadyne,
9 Inc., or its nominee, Culichtown Restaurants, Inc. (the "Buyer") for \$65,000 (the
10 "Purchase Price").

11 A summary of the sale terms and conditions follows:

12 **(A) Date, Time, and Place of Hearing on the Proposed Sale:** November 9,
13 2016 at 10:00 a.m., in Courtroom 1539, of the United States Bankruptcy Court located at
14 255 E. Temple Street, Los Angeles, CA 90012.

15 **(B) Name of Proposed Buyer:** Cirkadyne, Inc., or its nominee, Culichtown
16 Restaurants, Inc.

17 **(C) Description of Property to Be Sold:** Liquor License, issued by the
18 California Department of Alcoholic Beverage Control ("ABC") (ABC Lic. No. 48-524859).

19 **(D) Terms and Conditions of the Proposed Sale**

- 20 · Purchase Price: \$65,000 subject to overbid at the hearing on the Motion;
21 · Condition of Property: The Trustee is selling the Liquor License on an "as-
22 is," "where-is" basis without any representations and/or warranties of any kind.

23 **(E) Liens:** The Trustee believes that the Liquor License is subject to a lien held
24 by the Franchise Tax Board in the sum of approximately \$5,000, and may also be
25 subject to a lien in an unknown amount held by the California Board of Equalization.

26 **(F) Overbid Procedures:** (1) any person interested in submitting an overbid on
27 the Liquor License must be present either physically or telephonically at the hearing on
28 the Motion or be represented by an individual with authority to participate in the overbid

1 process; (2) each party participating in the overbid process (except for the Buyer) must
2 remit at or prior to the hearing on the Motion a deposit in the form of a cashier's check or
3 money order made payment to "David M. Goodrich, Chapter 7 Trustee" in the amount of
4 one thousand three hundred dollars (\$5,000.00). The \$5,000.00 deposit shall not be
5 refundable if such party is the successful bidder and is thereafter unable to complete the
6 purchaser and/or transfer of the Liquor License within the period referenced in the
7 applicable escrow documents. In order to participate in the bidding, any prospective
8 overbidder must also provide evidence of his/her/its ability to consummate the sale at the
9 time of the hearing on this Motion; (3) the bidding for the Liquor License shall begin at
10 sixty-six thousand dollars (\$66,000.00) with overbids being made in the minimal
11 increments of one thousand dollars (\$1,000.00); (4) any party participating in the overbid
12 process shall not be precluded from continuing to make bid after initially passing
13 his/her/its turn or turns to overbid; (5) each party (including the Buyer) must pay the full
14 amount of the successful bid to the Trustee within the time period set forth in the escrow
15 documents. In the event that the Buyer is not the successful bidder, the successful
16 bidder shall then take the place of the Buyer under the same terms and conditions as set
17 forth in the escrow documents, and shall waive all contingencies regarding the purchase
18 of the Liquor License; and (6) furthermore, if the successful bidder cannot deliver the
19 balance of the final sale price or consummate the sale transaction within the applicable
20 time period, the Trustee shall be authorized to accept the offer made by the next highest
21 bidder and the successful bidder's \$5,000.00 deposit shall be non-refundable.

22 **(G) Consideration:** The Trustee estimates that the proposed sale will net not
23 less than \$60,000.00 for the Estate.

24 **(H) Commissions:** None.

25 **(I) Tax Consequences:** The Trustee is not aware of any taxes associated with
26 the sale of the Liquor License.

27 **(J) Deadline for Objection:** The deadline to file and serve an objection to the
28 sale of the Property is November 2, 2016.

1 **PLEASE TAKE FURTHER NOTICE** that the Trustee will also request that the 14-
2 day stay prescribed by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure be
3 waived.

4 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule
5 9013-1(h), failure to file and serve a timely response may be deemed consent to the
6 relief requested in the Motion.

7
8 DATED: October 19, 2016

MARGULIES FAITH, LLP

9 By: /s/ Noreen A. Madoyan
10 Jeremy W. Faith
11 Noreen A. Madoyan
12 Attorneys for David M. Goodrich,
13 Chapter 7 Trustee
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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:
16030 Ventura Blvd., Suite 470, Encino, CA 91436

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)* 10/19/2016, 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:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 10/19/2016, 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.

JUDGE: Honorable Sheri Bluebond, U.S. Bankruptcy Judge, 255 E. Temple St., Ste. 1534, 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 *(date)* _____, 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.

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.

10/19/2016
Date

Helen Cardoza
Printed Name

/s/ Helen Cardoza
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

ATTORNEY FOR TRUSTEE: Jeremy Faith Jeremy@MarguliesFaithlaw.com, Helen@MarguliesFaithlaw.com;
Noreen@MarguliesFaithlaw.com; Victoria@MarguliesFaithlaw.com; Brian@MarguliesFaithlaw.com

TRUSTEE: David M Goodrich (TR) GoodrichTrustee@sulmeyerlaw.com, c143@ecfbis.com

ATTORNEY FOR TRUSTEE: Noreen A Madoyan Noreen@MarguliesFaithLaw.com, Helen@MarguliesFaithlaw.com;
Victoria@MarguliesFaithlaw.com; Brian@MarguliesFaithlaw.com

UST: United States Trustee (LA) ustregion16.la.ecf@usdoj.gov

ATTORNEY FOR DEBTOR: Raj T Wadhvani raj@wslaw.com, wadhvaniandshanfeld@gmail.com