

TODD A. FREALY (SBN 198780)
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JULIET Y. OH (SBN 211414)
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LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, California 90067

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re:
CHUNG SUN MONROE,

Debtor(s).

CASE NO.:
9:11-bk-14466-RR

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 11/6/12

Time: 10:00 a.m.

Location: Courtroom 201 1415 State Street, Santa Barbara, California 93101

Type of Sale: Public Private

Last date to file objections:
10/23/12

Description of Property to be Sold: _____

Unimproved real property located in the County of San Bernardino, consisting of approximately 20 acres of remote desert land
located in the City of Hesperia, and bearing Assessor's Parcel Number 3064-521-13.

Terms and Conditions of Sale: Please see Exhibit "1" attached hereto.

Proposed Sale Price: \$25,000.00

Overbid Procedure (If Any): Please see Exhibit "1" attached hereto.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:
U.S. Bankruptcy Court, Courtroom 1539, 255 East Temple Street, Los Angeles, CA 90012; Date: 9/15/2010, Time: 9:30 a.m.
Contact Person for Potential Bidders (include name, address, telephone, fax and/or e:mail address):

JULIET Y. OH, ESQ.
LEVENE, NEALE, BENDER, YOO & BRILL, L.L.P.
10250 Constellation Blvd., Ste. 1700, Los Angeles, CA 90067
Tel. 310-229-1234 Fax: 301-229-1244
Email: jyo@lnbyb.com

Date: 10/16/12

EXHIBIT “1”

1 TODD A. FREALY (SBN 198780)
JULIET Y. OH (SBN 211414)
2 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
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3 Los Angeles, CA 90067
4 Telephone: (310) 229-1234
Facsimile: (310) 229-1244
5 Email: taf@lnbyb.com, jyo@lnbyb.com

6 Attorneys for Jeremy W. Faith,
Chapter 7 Trustee

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **NORTHERN DIVISION**

11
12 In re

13 CHUNG SUN MONROE,

14 Debtor.

Case No. 9:11-bk-14466-RR

Chapter 7

**NOTICE OF MOTION OF CHAPTER 7
TRUSTEE FOR ORDER
ESTABLISHING PROCEDURES FOR
SALE OF UNIMPROVED REAL
PROPERTY IN COUNTY OF SAN
BERNARDINO BELONGING TO THE
ESTATE, FREE AND CLEAR OF ALL
LIENS, CLAIMS, ENCUMBRANCES
AND OTHER INTERESTS PURSUANT
TO 11 U.S.C. § 363 AND GRANTING
RELATED RELIEF**

Hearing:

Date: November 6, 2012

Time: 10:00 a.m.

Place: Courtroom "201"
1415 State Street
Santa Barbara, California

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1 **PLEASE TAKE NOTICE** that a hearing will be held on November 6, 2012, at 10:00
2 a.m., before the Honorable Robin L. Riblet, United States Bankruptcy Judge for the Central
3 District of California, Northern Division, in Courtroom “201” located at 1415 State Street,
4 Santa Barbara, California, for the Court to consider the motion (the “Motion”) filed by Jeremy
5 W. Faith, the duly appointed Chapter 7 Trustee (the “Trustee”) for the estate of Chung Sun
6 Monroe, the debtor herein (the “Debtor”), for the entry of an order authorizing the Trustee to
7 sell the Debtor’s estate’s right, title and interest in that certain unimproved real property located
8 in the County of San Bernardino (the “Property”), free and clear of all liens, claims,
9 encumbrances and other interests pursuant to 11 U.S.C. § 363 and Rule 6004(a) of the Federal
10 Rules of Bankruptcy Procedure, and granting related relief. The complete relief requested and
11 the bases for the Motion are set forth in the Memorandum of Points and Authorities and
12 Declaration of Jeremy W. Faith (the “Faith Declaration”) annexed to the Motion.

13 **PLEASE TAKE FURTHER NOTICE** that the Property consists of approximately 20
14 acres of remote desert land, is located in the City of Hesperia within the County of San
15 Bernardino and bears the Assessor’s Parcel Number 3064-521-13.

16 **PLEASE TAKE FURTHER NOTICE** that the Trustee is seeking authority to sell the
17 Property to buyers Linda Carl and Laura Caylor (collectively, the “Buyer”), whose address is
18 11074 Joshua Street, Oak Hills, California 92344. The proposed sale of the Property is for a
19 purchase price of \$25,000, and is “as is,” “where is,” “with all faults,” and with no warranty by
20 or recourse whatsoever to the Trustee, the Trustee’s real estate brokers, Coldwell Banker and
21 Seaway Properties Real Estate, Inc. (collectively, the “Brokers”), or the agents therein. The
22 proposed sale of the Property is subject to notice to creditors, approval by the Court, and higher
23 and better bids received by the Trustee in accordance with certain sale procedures previously
24 approved by this Court (the “Sale Procedures”). Among other things, the Sale Procedures
25 required any party interested in submitting an overbid on the Property to submit the overbid to
26 counsel for the Trustee by 4:00 p.m. on Monday, October 8, 2012 and provided for an auction
27 of the Property to be held commencing at 2:00 p.m. on Friday, October 12, 2012 at the offices
28 of counsel for the Trustee located at 3403 Tenth Street, Suite 709, Riverside, California.

1 Ultimately, no overbid for the Property was received and no party appeared at the auction held
2 on October 12, 2012.

3 **PLEASE TAKE FURTHER NOTICE** that the Trustee is seeking authority to sell the
4 Property, free and clear of all liens, claims, encumbrances and other interests pursuant to 11
5 U.S.C. § 363(f)(3), which permits a sale of the Property free and clear of liens, claims,
6 encumbrances and interests if “such interest is a lien and the price at which such property is to
7 be sold is greater than the aggregate value of all liens on such property.” 11 U.S.C. § 363 (f)(3).
8 Based on research conducted by the Trustee and the Brokers, there appears to be only the
9 following two encumbrances against the Property: (i) a tax lien recorded against the Debtor in
10 the County of San Bernardino by the State of California State Board of Equalization, in the sum
11 of \$7,667.06 (as of April 28, 2011), which sum does not include interest and penalties which
12 have accrued since April 28, 2011, and (ii) property taxes due in connection with the Property to
13 the County of San Bernardino, in the total sum of \$5,425.42 (through June 30, 2012), which
14 sum does not include interest, penalties and property taxes which have accrued since June 30,
15 2012. The Trustee submits that 11 U.S.C. § 363(f)(3) is satisfied since the proceeds of the
16 proposed sale of the Property will be more than sufficient to cover the total amount of the
17 foregoing encumbrances and liens (if valid).

18 **PLEASE TAKE FURTHER NOTICE** that, in the event that the sale of the Property to
19 the Buyer is approved by the Court, the Trustee’s listing agreement with the Brokers provides
20 for the payment of total broker commissions equal to ten percent of the sale price (estimated in
21 this case to be \$2,500, *i.e.*, 10% of \$25,000), with such commissions to be divided equally
22 between the Brokers. In the event there is a cooperating broker representing the Buyer, five
23 percent of the broker commissions shall be paid to the cooperating broker, with the remaining
24 five percent (5%) of the broker commissions to be divided equally between the Brokers. The
25 Brokers (and any cooperating broker representing the Buyer) shall be paid their commissions
26 through escrow at the close of escrow. The Trustee estimates that the proposed sale of the
27 Property, after payment of valid encumbrances and liens, broker commissions, escrow fees and
28 other costs of sale, will generate net proceeds for the estate of approximately \$7,000. The

1 Trustee does not believe that the sale of the Property to the Buyer under the terms described in
2 the Motion will result in tax liabilities to the estate.

3 **PLEASE TAKE FURTHER NOTICE** that, pursuant to the Motion, the Trustee is
4 requesting that the Court waive the fourteen day stay provided by Rule 6004(h) of the Federal
5 Rules of Bankruptcy Procedure.

6 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Bankruptcy Rule 9013-
7 1(f), any interested party that wishes to oppose the relief requested in the Motion must, not later
8 than fourteen (14) days prior to the scheduled hearing date set forth above, file with the Clerk of
9 the Bankruptcy Court and serve upon counsel for the Trustee (whose name and address are set
10 forth on the upper left-hand corner of the first page of this Notice) and the Office of the United
11 States Trustee, “[a] complete written statement of all reasons in opposition thereto ...,
12 declarations and copies of all photographs and documentary evidence on which the responding
13 party intends to rely, and any responding memorandum of points and authorities.”

14 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Bankruptcy Rule 9013-
15 1(h), the failure to file and serve a timely opposition to the Motion may be deemed by the Court
16 to constitute consent to the relief requested in the Motion.

17 Dated: October 16, 2012

JEREMY W. FAITH, CHAPTER 7 TRUSTEE

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20 By: _____

JULIET Y. OH
LEVENE, NEALE, BENDER, YOO
& BRILL L.L.P.
Attorneys for Jeremy W. Faith, 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: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

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 **October 16, 2012**, 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:

- Eric Bensamochan eric@easy-law.net
- Jeremy W. Faith (TR) jfaith@7trustee.net, C118@ecfcbis.com
- Brian D Fittipaldi brian.fittipaldi@usdoj.gov
- Karen L Grant kgrant@silcom.com
- Juliet Y Oh jyo@lnrb.com, jyo@lnrb.com
- United States Trustee (ND) ustpreion16.nd.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: On **October 16, 2012**, 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 **October 16, 2012**, 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.

Served via Overnight Mail
The Honorable Robin L. Riblet
U.S. Bankruptcy Court
1415 State Street, #103
Santa Barbara, CA 93101

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

| | | |
|------------------|--------------------|------------------------|
| October 16, 2012 | Stephanie Reichert | /s/ Stephanie Reichert |
| <i>Date</i> | <i>Type Name</i> | <i>Signature</i> |