Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number

Philip A. Gasteier (SBN 130043)
LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, California 90067
Telephone: (310) 229-1234
Facsimile: (310) 229-1244
Email: pag@lnbyb.com

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:

JOHN MARK MOORE,

Debtor(s).

CASE NO.: 9:13-bk-10573DS

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 7/10/14	**Time:** 10:00 a.m.
Location: United States Bankruptcy Court, Courtroom 202, 1415 State Street, Santa Barbara, CA 93101	

Type of Sale: ☐ Public ☑ Private

Last date to file objections: 6/26/11

Description of Property to be Sold: PLEASE SEE NOTICE OF MOTION ATTACHED HERETO.

Terms and Conditions of Sale: PLEASE SEE NOTICE OF MOTION ATTACHED HERETO.

Proposed Sale Price: PLEASE SEE NOTICE OF MOTION ATTACHED HERETO.

Overbid Procedure (If Any): N/A. Quitclaim of partial interest in settlement.
PLEASE SEE NOTICE OF MOTION ATTACHED HERETO.

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 e:mail address):

Philip A. Gasteier, Esq.
Levene, Neale, Bender, Yoo & Brill L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, California 90067
Tel: (310) 229-1234; Fax: (310) 229-1244

Date: 6/16/14

PHILIP A. GASTEIER (SBN 130043)
TIMOTHY J. YOO (SBN 155531)
LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, California 90067
Telephone: (310) 229-1234
Facsimile: (310) 229-1244
Email: pag@lnbyb.com; tjy@lnbyb.com

Counsel for Jerry Namba,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA BARBARA DIVISION

In re JOHN MARK MOORE, Debtor.	Case No. 9:13-bk-10573-DS Chapter 7 NOTICE OF MOTION FOR ORDER APPROVING AND AUTHORIZING SETTLEMENT AND SALE OF INTEREST IN REAL PROPERTY; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATIONS IN SUPPORT [Federal Rules of Bankruptcy Procedure 6004 and 9019; 11 U.S.C. § 363 (b)(1)] Date: July 10, 2014 Time: 10:00 a.m. Place: Courtroom 202 1415 State Street Santa Barbara, CA

TO ALL CREDITORS; THE OFFICE OF THE UNITED STATES TRUSTEE; AND PARTIES IN INTEREST:

PLEASE TAKE NOTICE that that a hearing will be held before the Honorable Deborah J. Saltzman, United States Bankruptcy Judge, on July 10, 2014 in Courtroom 202, on the Motion (the "Motion") filed by Jerry Namba, the Chapter 7 Trustee ("Trustee") for the Bankruptcy Estate of John Mark Moore, the debtor herein ("Debtor"), for entry of an Order pursuant to Federal Rules of Bankruptcy Procedure 2002, 6004 and 9019, 11 U.S.C. §363(b)(1), and Local Bankruptcy Rules 6004-1 and 9013-1, approving the sale of the Debtor's one fifth (20%) interest (the "Estate Interest") in certain real property (the "Property") located in Childress, Texas and more specifically identified in the Farm Ranch Contract, a copy of which is attached to the Motion as Exhibit "B" (the "Sale Agreement"), in settlement of the Trustee's asserted rights to force a sale of the entire property pursuant to 11 U.S.C. §363 (h), and authorizing the Trustee to take all necessary actions to implement the settlement and sale, including the execution and delivery to Gail Moore of a quitclaim deed at the closing to facilitate her completion of the sale under the Sale Agreement. Pursuant to the settlement and sale the Estate will receive one fifth (20%) of the net proceeds of the sale of the Property.

Among the assets scheduled by the Debtor was a one-eighth (1/8) interest in a "400-acre parcel of non-irrigated grazing land located in Childress, Texas" which the Debtor valued on his schedules at $25,000. The Trustee's investigation revealed that the Debtor's interest in the Property was actually a one-fifth (20%) interest in ranch land totaling approximately 549.80 acres with a small structure.

Gail Moore is the Debtor's mother. Gail Moore owns a 60% interest in the Property. Gail Moore confirmed a Plan in a Chapter 11 case which she filed in the United States Bankruptcy Court for the Eastern District of California, Fresno Division. The Trustee determined that the Plan provided for the orderly sale of the Property. The Trustee, though counsel, contacted counsel for Gail Moore to coordinate on the sale of the Estate Interest in the Debtor's case. Her two daughters each own a 20% interest in the Property, and have consented

to the sale of the Property and to the use of their share of the proceeds for payments under her confirmed Plan.

Gail Moore has been marketing the Property as part of her Chapter 11 case since February 28, 2013. She has now entered into the Farm Ranch Contract, for the sale of the Property for a sale price of $510,000 to Carlos and Patricia Fernandez ("Buyers"). The Farm Ranch Contract provides that the sale is subject to delivery of quitclaims to Gail Moore from the Trustee and from the two daughters. Based on the marketing history and estimates of value independently obtained by the Trustee, it appears that the proposed sale price under the Sale Agreement is reasonable, is the best price obtainable under the circumstances, and represents the fair market value of the Property.

In order to expedite and facilitate the signing of documents at the close of escrow, the Trustee has agreed to provide (subject to approval of this Court), and Gail Moore has agreed to accept, a quitclaim of the Estate Interest at the closing of the sale. In exchange, the Trustee and the Estate will receive 20% of the net proceeds of the sale of the Property directly from escrow. The "net proceeds" will be calculated as the gross sales price less commissions, closing costs, and sellers' share of taxes and any other valid liens paid at closing. Sales commission to be paid in connection with the sale shall be 5% of the sale price; taxes are estimated at approximately $1,849.01.

The Trustee is not aware of any other offers for the Estate Interest. There is no apparent reason why a sale of the Estate Interest alone would produce greater value, even if such a sale could be completed. As an alternative, the Trustee could seek to force a sale of the entire Property pursuant to 11 U.S.C. §363 (h). In light of the fact that the property is already being sold by Gail Moore, there is no reason to incur the cost of attempting to force a sale. In resolving the Trustee's claims by delivering a quitclaim in exchange for a full 20% share of the net proceeds, the Trustee is obtaining maximum value without the cost or issues associated with a direct sale of the Estate Interest. Gail Moore, who is familiar with the Property, will be able to complete the sale under a standard sale contract acceptable to the Buyers. The Trustee has no connection with the Buyers.

Without limitation, the Motion requests that the Court:

1. Approve the settlement and sale of the Debtor's Estate Interest in the Property.
2. Authorize the Trustee to execute and deliver a quitclaim deed for the Debtor's interest in the Property and to take all other necessary actions to implement the settlement and sale.
3. Waive the 14-day period provided for in the Federal Rules of Bankruptcy Procedure 6004(h); and
4. Grant such other and further relief as the Court deems just and proper.

The Motion is based upon the accompanying Memorandum of Points and Authorities, the Declarations of the Trustee and Gail Moore, the other pleadings already on file in this case and on such other evidence and argument as may be presented to the Court prior to or at the time of the hearing.

PLEASE TAKE FURTHER NOTICE that any objection to <u>any</u> of the relief requested by the Trustee in the Motion must, on or before fourteen (14) days prior to the hearing, be filed with the Court and served upon counsel to the Trustee, whose contact information is set forth in the upper, left-hand corner of the first page of this Notice, in compliance with Local Bankruptcy Rule 9013-1(f).

PLEASE TAKE FURTHER NOTICE that pursuant to Local Bankruptcy Rule 9013-(1)(h), failure to file and serve a timely response may be deemed consent to the granting of this Motion.

Dated: June 16, 2014

LEVENE, NEALE, BENDER, YOO
& BRILL L.L.P.

By: /s/ Philip A. Gasteier
PHILIP GASTEIER
Attorneys for Jerry Namba,
Chapter 7 Trustee

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 90017.

A true and correct copy of the foregoing document entitled (*specify*)**: NOTICE OF MOTION FOR ORDER APPROVING AND AUTHORIZING SETTLEMENT AND SALE OF INTEREST IN REAL PROPERTY; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATIONS IN SUPPORT;** 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 ***June 16, 2014***, 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:

William C Beall on behalf of Creditor Mary Louise Cavaletto
will@beallandburkhardt.com, carissa@beallandburkhardt.com

William C Beall on behalf of Creditor Michael Cavaletto
will@beallandburkhardt.com, carissa@beallandburkhardt.com

Howard Mark Becker on behalf of Attorney Heritage Oaks Bank, a California Corporation
hbecker@bbrlawfirm.com

Philip A Gasteier on behalf of Trustee Jerry Namba (TR)
pag@lnbrb.com

Robert D Ginter on behalf of Attorney R. Dale Ginter
dginter@downeybrand.com, akauba@downeybrand.com

Elan S Levey on behalf of Interested Party Interested Party
elan.levey@usdoj.gov, louisa.lin@usdoj.gov

Thomas G Mouzes on behalf of Interested Party Courtesy NEF
tmouzes@boutininc.com, cdomingo@boutininc.com

Jerry Namba (TR)
jnambaepiq@earthlink.net, jnamba@ecf.epiqsystems.com

Juliet Y Oh on behalf of Trustee Jerry Namba (TR)
jyo@lnbrb.com, jyo@lnbrb.com

Carmela Pagay on behalf of Trustee Jerry Namba (TR)
ctp@lnbrb.com

Joseph M Sholder on behalf of Interested Party Interested Party
sholder@g-tlaw.com

Jeffrey L Sumpter on behalf of Trustee Jerry Namba (TR)
jsumpter@epiqtrustee.com, jsumpter@cbiz.com

Peter Susi on behalf of Debtor John Mark Moore
kim@susigura.com, peter@susigura.com

United States Trustee (ND)
ustpregion16.nd.ecf@usdoj.gov

Jennifer C Wong on behalf of Creditor Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2007-16CB, Mortgage Pass-Through Certificates, Series 2007-16CB, its assignees a bknotice@mccarthyholthus.com

2. SERVED BY UNITED STATES MAIL: On ***June 16, 2014***, 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.

VIA U.S MAIL

Hon. Deborah J. Saltzman
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1334 / Courtroom 1339
Los Angeles, CA 90012

Counsel for Gail Moore
Thomas Scott Belden, Esq.
Belden Blaine, LLP
PO Box 9129
Bakersfield, CA 93389

☒ 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 ***June 16, 2014,*** 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.

VIA ATTORNEY SERVICE

☐ 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.

June 16, 2014	Marla L. Fuentes	/s/ Marla L. Fuentes
Date	*Printed Name*	*Signature*

Label Matrix for local noticing
0973-9
Case 9:13-bk-10573-DS
Central District Of California
Santa Barbara
Mon Jun 16 11:02:48 PDT 2014

BMW Financial Services NA, LLC
P.O. Box 201347
Arlington, TX 76006-1347

Bank of New York Mellon, f/k/a The Bank of N
c/o McCarthy & Holthus, LLP
1770 Fourth Avenue
San Diego, CA 92101-2607

Heritage Oaks Bank, a California Corporation
c/o Howard Mark Becker, Esq.
412 Marsh Street
San Luis Obispo, CA 93401-3823

United States Trustee (ND)
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017-3560

Northern Division
1415 State Street,
Santa Barbara, CA 93101-2511

American Express
Box 0001
Los Angeles, CA 90096-8000

American Express Bank, FSB
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Bankruptcy estate of Gail Moore
c/o T. Scott Belden, Esq.
5100 California Ave, Suite 101
Bakersfield, CA 93309-0707

CTM Properties, LLC
c/o Jared katz
112 East Victoria Street
Santa Barbara, CA 93101-2019

Cavaletto Family Properties, LLC
c/o Jared Katz
112 East Victoria Street
Santa Barbara, CA 93101-2019

Cavaletto Moore Ranch
c/o Jared Katz
112 East Victoria Street
Santa Barbara, CA 93101-2019

Core Clean Group LLC
PO Box 1027
Arroyo Grande, CA 93421-1027

Farm Credit West
1478 Stone Point Drive
Suite 450
Roseville, CA 95661-2869
ATTN: Chri Brumfield

Farm Credit West
Attn Chris Brumfield
PO Box 1449
Templeton, CA 93465-1449

Farm Credit West
PO Box 1449
Templeton, CA 93465-1449

Farm Credit West, FLCA
1478 Stone Point Drive
Suite 450
Roseville, CA 95661-2869
ATTN: Chris Brumfield

Farm Credit West, PCA
1478 Stone Point Drive
Suite 450
Roseville, CA 95661-2869
ATTN: Chris Brumfield

Franchise Tax Board
Special Procedures
PO Box 2952
Sacramento, CA 95812-2952

Gary McMillan
29379 Rancho California Rd
Suite 201
Temecula, CA 92591-5208

Gordon and Lisa Thygesen
116 Kirkorian Court
Scotts Valley, CA 95066-4556

Happy State Bank
Attention David Jones
701 South Taylor Street
Amarillo, TX 79101-2405

Heritage Oaks Bank
1255 East Grand Avenue
Arroyo Grande, CA 93420-2419

Howard Mark Becker, Esq.
c/o Heritage Oaks Bank, a California Cor
412 Marsh Street
San Luis Obispo, California 93401-3823

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Laurie M. Moore
930 N. Thompson Avenue
Nipomo, CA 93444-9494

Laurie Moore
930 N Thompson Avenue
Nipomo, CA 93444-9494

Mary Louise Cavaletto
902 N. Thompson Avenue
Nipomo, CA 93444-9494

Michael & Marylou Cavaletto
902 N. Thompson Avenue
Nipomo, CA 93444-9494

Michael J. Cavaletto
902 N. Thompson Avenue
Nipomo, CA 93444-9494

Michael J. Cavaletto Ranches, LLC
112 East Victoria Street
Santa Barbara, CA 93101-2019

Michael J. and Mary Louise Cavaletto, indivi
c/o Jared katz
112 East Victoria Street
Santa Barbara, CA 93101-2019

Michael and Marylou Cavaletto
c/o Greg Faulkner
112 East Victoria Street
Santa Barbara, CA 93101-2019

Moore Agricultural Products
13906 Lacey Blvd.
Hanford, CA 93230-9236

Rabobank
c/o Tom Mouzes, Esq.
555 Capitol Mall Suite 1500
Sacramento, CA 95814-4603

Rabobank NA
Attention Steven Martin
550 Camino Mercado
Arroyo Grande, CA 93420-1815

Rancho 3 Farms, LLC
c/o Jared Katz
112 East Victoria Street
Santa Barbara, CA 93101-2019

Sovereign Bank
Attn Patricia Lauch
619 Alexander Road
Princeton, NJ 08540-6000

Union Bank NA
PO Box 30115
Los Angeles, CA 90030-0115

Union Bank NA
c/o Byron Mauss & Jaime Shean
2915 Redhill Ave Ste 200
Costa Mesa, CA 92626-5916

Jerry Namba (TR)
504 East Chapel Street
Santa Maria, CA 93454-4520

John Mark Moore
930 N. Thompson Avenue
Nipomo, CA 93444-9494

Peter Susi
Susi & Gura, A Professional Corp
7 W Figueroa 2nd Fl
Santa Barbara, CA 93101-3191

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Courtesy NEF

(u)Interested Party

(u)Leonard Ojena

(u)Mary Louise Cavaletto

(u)Michael Cavaletto

(u)R. Dale Ginter
Downey Brand LLP
621 Capitol Mall
18th Floor
Sacramento, c 95814 U.S.

End of Label Matrix

Mailable recipients	42
Bypassed recipients	6
Total	48

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hbecker@bbrlawfirm.com

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Robert D Ginter on behalf of Attorney R. Dale Ginter
dginter@downeybrand.com, akauba@downeybrand.com

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tmouzes@boutininc.com, cdomingo@boutininc.com

Jerry Namba (TR)
jnambaepiq@earthlink.net, jnamba@ecf.epiqsystems.com

Juliet Y Oh on behalf of Trustee Jerry Namba (TR)
jyo@lnbrb.com, jyo@lnbrb.com

Carmela Pagay on behalf of Trustee Jerry Namba (TR)
ctp@lnbrb.com

Joseph M Sholder on behalf of Interested Party Interested Party
sholder@g-tlaw.com

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jsumpter@epiqtrustee.com, jsumpter@cbiz.com

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United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1334 / Courtroom 1339
Los Angeles, CA 90012

Counsel for Gail Moore
Thomas Scott Belden, Esq.
Belden Blaine, LLP
PO Box 9129
Bakersfield, CA 93389

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VIA ATTORNEY SERVICE

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

June 16, 2014	Marla L. Fuentes	/s/ Marla L. Fuentes
Date	*Printed Name*	*Signature*