

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>JEREMY W. FAITH (State Bar No. 190647) 16030 Ventura Blvd., Suite 470 Encino California 91436 Telephone: (818) 705-2777 Facsimile: (818) 705-3777</p> <p>Chapter 7 Trustee</p> <p><input checked="" type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:</p>	<p>FOR COURT USE ONLY</p>
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION**

<p>In re:</p> <p>BELLAVINO, INC.,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 9:14-bk-11523-PC CHAPTER: 7</p> <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>
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<p>Sale Date: 11/04/2014</p>	<p>Time: 10:30 am</p>
<p>Location: 1415 State Street, Courtroom 201, Santa Barbara, CA 93101</p>	

Type of Sale: Public Private **Last date to file objections:** 10/21/2014

Description of property to be sold: Liquor License (ABC Lic. No. 47-458977)
See attached Exhibit A.

Terms and conditions of sale: The sale of the Liquor License will be on an "as is" and "where is" basis without any representations and/or warranties whatsoever subject to overbid at the hearing. See attached Exhibit A.

Proposed sale price: \$ 13,000.00

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): 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 \$1,300 by way of cashier's check made payable to "Jeremy W. Faith, 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 4, 2014 at 10:30 a.m., in Courtroom 201, of the United States Bankruptcy Court located at 1415 State Street, Santa Barbara, California 93101.

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

Trustee:

Jeremy W. Faith

Telephone: (818) 705-2777

Date: 10/1/2014

Exhibit A

1 JEREMY W. FAITH (State Bar No. 190647)
2 16030 Ventura Blvd., Suite 470
3 Encino California 91436
4 Telephone: (818) 705-2777
5 Facsimile: (818) 705-3777

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8 Chapter 7 Trustee

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

12 In re

13 BELLAVINO, INC.,

14 Debtor.

Case No.: 9:14-bk-11523-PC

Chapter: 7

15 **NOTICE OF TRUSTEE'S MOTION (1) FOR**
16 **AUTHORITY TO SELL ESTATE'S**
17 **INTERESTS IN A CERTAIN LIQUOR**
18 **LICENSE (ABC LIC. NO. 47-458977)**
19 **PURSUANT TO 11 U.S.C. § 363(B); (2)**
20 **FOR APPROVAL OF OVERBID**
21 **PROCEDURE; AND (3) FOR**
22 **DETERMINATION THAT BUYER IS**
23 **ENTITLED TO § 363(M) PROTECTION**

Date: November 4, 2014

Time: 10:30 a.m.

Place: Courtroom 201

United State Bankruptcy Court

1415 State Street

Santa Barbara, California 93101

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1 **TO ALL INTERESTED PARTIES:**

2 **PLEASE TAKE NOTICE** as follows:

3 Jeremy W. Faith, solely in his capacity as Chapter 7 trustee (the "Trustee") for
4 the bankruptcy estate of Bellavino, Inc. (the "Debtor"), has filed a Motion (1) for
5 Authority to Sell Estate's Interests in a Certain Liquor License (ABC Lic. No. 47-
6 458977) (the "Liquor License") Pursuant to 11 U.S.C. § 362(b); (2) for Approval of
7 Overbid Procedure; and (3) for Determination that Buyer is Entitled to § 363(m)
8 Protection (the "Motion").

9 The Trustee received an offer to purchase the Liquor License from Cirgadyne,
10 Inc., or its nominee (the "Buyer") for \$13,000 (the "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 4,
13 2014 at 10:30 a.m., in Courtroom 201, of the United States Bankruptcy Court located at
14 1415 State Street, Santa Barbara, California 93101.

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

16 **(C) Description of Property to Be Sold:** Liquor License, issued by the
17 California Department of Alcoholic Beverage Control ("ABC") (ABC Lic. No. 47-458977).

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

- 19 · Purchase Price: \$13,000 subject to overbid at the hearing on the Motion;
20 · Condition of Property: The Trustee is selling the Liquor License on an "as-
21 is," "where-is" basis without any representations and/or warranties of any kind.

22 **(E) Liens:** The Trustee does not believe that the Liquor License is subject to any
23 liens or interests and is not aware of any holds on, or on the transfer of, the Liquor
24 License.

25 **(F) Overbid Procedures:** (1) any person interested in submitting an overbid on
26 the Liquor License must be present either physically or telephonically at the hearing on
27 the Motion or be represented by an individual with authority to participate in the overbid
28 process; (2) each party participating in the overbid process (except for the Buyer) must

1 remit at or prior to the hearing on the Motion a deposit in the form of a cashier's check or
2 money order made payment to "Jeremy W. Faith, Chapter 7 Trustee" in the amount of
3 one thousand three hundred dollars (\$1,300.00). The \$1,300.00 deposit shall not be
4 refundable if such party is the successful bidder and is thereafter unable to complete the
5 purchaser and/or transfer of the Liquor License within the period referenced in the
6 applicable escrow documents. In order to participate in the bidding, any prospective
7 overbidder must also provide evidence of his/her/its ability to consummate the sale at the
8 time of the hearing on this Motion; (3) the bidding for the Liquor License shall begin at
9 fourteen thousand dollars (\$14,000.00) with overbids being made in the minimal
10 increments of one thousand dollars (\$1,000.00); (4) any party participating in the overbid
11 process shall not be precluded from continuing to make bid after initially passing
12 his/her/its turn or turns to overbid; (5) each party (including the Buyer) must pay the full
13 amount of the successful bid to the Trustee within the time period set forth in the escrow
14 documents. In the event that the Buyer is not the successful bidder, the successful
15 bidder shall then take the place of the Buyer under the same terms and conditions as set
16 forth in the escrow documents, and shall waive all contingencies regarding the purchase
17 of the Liquor License; and (6) furthermore, if the successful bidder cannot deliver the
18 balance of the final sale price or consummate the sale transaction within the applicable
19 time period, the Trustee shall be authorized to accept the offer made by the next highest
20 bidder and the successful bidder's \$1,300.00 deposit shall be non-refundable.

21 **(G) Consideration:** The Trustee estimates that the proposed sale will net not
22 less than \$13,000.00 for the Estate.

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

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

26 **(J) Deadline for Objection:** The deadline to file and serve an objection to the
27 sale of the Property is October 21, 2014.

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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)* 10/02/2014, 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:

Jeremy W. Faith (TR) jfaith@7trustee.net, C118@ecfcbis.com;Helen@MarguliesFaithLaw.com;
leedowding@gmail.com
Siamak E Nehoray mac@nehoraylegalgroup.com
United States Trustee (ND) ustpregion16.nd.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 10/02/2014, 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.

Honorable Peter Carroll, U.S. Bankruptcy Court, 1415 State Street, Santa Barbara, CA 93101

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.

10/02/2014
Date

Helen Cardoza
Printed Name

/s/ Helen Cardoza
Signature