

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address BROWN RUDNICK LLP LAUREL R. ZAESKE, #138510 lzaeske@brownrudnick.com ARJUN SIVAKUMAR, #297787 asivakumar@brownrudnick.com 2211 Michelson Drive, Seventh Floor Irvine, CA 92612 T: (949) 752-7100 F: (949) 252-1514 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee, HELEN R. FRAZER	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION	
In re: RICHARD JOHN RINARD, Debtor(s).	CASE NO.: 6:10-bk-50349 CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 10/14/2015	Time: 11:00 A.M.
Location: U.S. Bankruptcy Court, Video Room 126, 3420 Twelfth St., Riverside, CA 92501-3819	

Type of Sale: Public Private **Last date to file objections:** 09/30/2015

Description of property to be sold: Approximately 5 acres of real property commonly known as 6737 East Avenue, City of Rancho Cucamonga, CA 91739, including a 3400 sq. ft., 5 bedroom, 4 bath house (the "East Property").
Legal description attached as Exhibit "A".

Terms and conditions of sale: A brief summary of the terms of sale is: (1) The Buyers will pay \$1,900,000 to take title to the East Property, free and clear of all liens, claims, and interests, and subject to overbid; (2) sale of the East Property will be "as is" and "where is" by quitclaim deed, and no party has made or will make any representation or warranties, express or implied, concerning the status or condition of the East Property; and (3) The sale is subject to the approval of the Court. A full description of the terms of sale are set forth in the Purchase Agreement attached to the Motion for Order Approving Sale of Property (6737 East Ave., Rancho Cucamonga, CA) (Dkt No. 515).

Proposed sale price: \$1,900,000

Overbid procedure (if any): First overbid to be \$1,910,000

See bid procedures attached hereto as Exhibit B as applicable to East Property.

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

Date: October 14, 2015

Time: 11:00 a.m.

Ctrm: U.S. Bankruptcy Court, Video Room 126,

3420 Twelfth St., Riverside, CA 92501-3819

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

Arjun Sivakumar

Brown Rudnick LLP

2211 Michelson Drive, Seventh Floor

Irvine, CA 92612

Telephone: (949) 752-7100

Facsimile: (949) 252-1514

email: asivakumar@brownrudnick.com

Date: September 24, 2015

EXHIBIT "A"

Legal Description

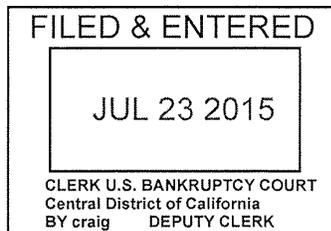
The South on-half of Lot 12, Block "G" of preliminary Map of Etiwanda Colony Lands, County of San Bernardino, State of California, as per map recorded in Book 2 Page(s) 24 of Maps in the Office of the County Recorder of San Bernardino County.

APN: 0227-071-21-0000

EXHIBIT "B"

Case 6:10-bk-50349-SC Doc 500 Filed 07/23/15 Entered 07/23/15 16:25:54 Desc
Main Document Page 1 of 4

1 BROWN RUDNICK LLP
LAUREL R. ZAESKE, #138510
2 lzaeske@brownrudnick.com
ARJUN SIVAKUMAR, #297787
3 asivakumar@brownrudnick.com
2211 Michelson Drive
4 Seventh Floor
Irvine, California 92612
5 Telephone: (949) 752-7100
Facsimile: (949) 252-1514
6



7 General Counsel for Chapter 7 Trustee,
HELEN R. FRAZER
8

9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION
11

12 In re
13 RICHARD JOHN RINARD
14 Debtor.

CASE NO. 6:10-bk-50349-SC

Chapter 7

**ORDER GRANTING MOTION OF
CHAPTER 7 TRUSTEE TO APPROVE
BID PROCEDURES FOR SALE OF REAL
PROPERTY**

Date: July 22, 2015
Time: 11:00 a.m.
Dept: 126

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1 The Motion of Chapter 7 Trustee to Approve Bid For Sale of Real Property Pursuant to To
2 LBP 6004-1(b) [Docket No. 489] (the "Motion") came on for hearing on July 22, 2015 at 11:00
3 a.m. in Courtroom 126 of the above-entitled Court, the Honorable Scott Clarkson presiding.
4 Helen Frazer, the Chapter 7 Trustee (the "Trustee") appeared by and through her counsel, Brown
5 Rudnick LLP, by Laurel R. Zaeske. Other appearances were as noted on the record. At the
6 hearing on the Motion, the Trustee made an oral motion to modify the initial overbid amount to
7 \$10,000. Unless otherwise stated, capitalized terms shall have the same meaning as in the Motion.

8 After considering the Motion as modified, and finding that notice was sufficient under the
9 circumstances in this case and good cause appearing therefore, the Court hereby makes its Order
10 as follows:

11 IT IS HEREBY ORDERED that the Motion be, and the same hereby is, granted as
12 modified.

13 IT IS FURTHER ORDERED that the following with regard to the auctions and submission
14 of overbids for the Properties, the Court approves the following procedures:

- 15 1. An auction to accept and consider overbids on each of the Properties will be held on a
16 date and time to be set by the Court and/or by motion of the Trustee (the "Sale
17 Approval Motion").
- 18 2. Any person or entity that is interested in purchasing a Property ("Bidder") must serve
19 counsel for the Trustee with an initial overbid ("Overbid"), such that any overbid is
20 actually received by counsel for the Trustee no later than the close of business on the
21 third business day prior to the hearing (the "Bid Deadline").
- 22 3. The terms of any Overbid must be in the same form as the Purchase Agreement
23 attached to the Sale Approval Motion. The only acceptable changes will be to the
24 identity of the buyer and purchase price.
- 25 4. An initial Overbid must be at least \$10,000 more than the initial offer to purchase the
26 Property accepted by the Trustee and attached to the Sale Approval Motion.
- 27 5. Any Overbid to purchase the Property must be submitted without any contingencies
28 including inspection, due diligence and financing.

- 1 6. At least three (3) days prior to the commencement of the Auction, any potential Bidder
- 2 must present documentary evidence in a form acceptable to the Trustee evidencing
- 3 his/her/its ability to timely close escrow. Said information should be delivered to the
- 4 Trustee's counsel, Laurel R. Zaeske of Brown Rudnick LLP, at 2211 Michelson Dr.,
- 5 7th Floor, Irvine, CA 92612 or by email to lzaeske@brownrudnick.com.
- 6 7. Any Bidder wishing to be a qualified bidder at the Auction (a "Qualified Bidder") must
- 7 have satisfied the requirements set forth in Items 1 through 4 above and, prior to the
- 8 commencement of the Auction, must present to the Trustee certified funds made
- 9 payable to "Helen Frazer, Chapter 7 Trustee of Richard Rinard," in the amount of
- 10 \$200,000 for the Foothills Property (the "Foothills Deposit") and in an amount of
- 11 \$54,000 for the East Property (the "East Deposit").
- 12 8. Any Bidder that fails to satisfy the requirements set forth in Items 2 through 6 above
- 13 shall be disqualified from bidding for the Property at the Auction.
- 14 9. During the Auction, any subsequent overbids must be in increments of at least \$10,000.
- 15 10. All Overbids and bids at the Auction will be condition on the Property being sold "AS-
- 16 IS" and "WHERE IS", without any warranty or recourse against the Estate.
- 17 11. Any Overbid from a Qualified Bidder must remain open until the conclusion of the
- 18 Auction.
- 19 12. Any Overbid must be made by a person or entity who has completed its due diligence
- 20 review of the Property and is satisfied with the results. There will be no further due
- 21 diligence or inspection period after the close of the Auction.
- 22 13. The Foothills Deposit or the East Deposit, as applicable, will be accepted at the
- 23 conclusion of the Auction from the successful bidder (the "Successful Bidder") and
- 24 will be non-refundable in the event that the Court confirms the sale to the Successful
- 25 Bidder but the Successful Bidder fails to timely close the sale for any reason.
- 26 14. The acceptance of any Overbid from a Qualified Bidder shall be in the Trustee's sole
- 27 discretion and will be made at the time of Auction and related hearing on the Sale
- 28 Approval Motion. The Trustee reserves the right, based solely on her business

1 judgment and discretion, to recommend to the Court for confirmation the best overall
2 offer.

3 15. The Successful Bidder must pay at the closing all amounts reflected in the successful
4 bid in cash.

5 16. The closing on the sale of the Property to the Successful Bidder will be fifteen (15)
6 days after the entry of the Court's order approving the sale, or such other date as the
7 parties may mutually agree.

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26 Date: July 23, 2015


Scott C. Clarkson
United States Bankruptcy Judge

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Case 6:10-bk-50349-SC Doc 502 Filed 07/25/15 Entered 07/25/15 21:46:25 Desc
Imaged Certificate of Notice Page 1 of 6
United States Bankruptcy Court
Central District of California

In re:
Richard John Rinard
Debtor

Case No. 10-50349-SC
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0973-6

User: admin
Form ID: pdf042

Page 1 of 2
Total Noticed: 1

Date Rcvd: Jul 23, 2015

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 25, 2015.

db +Richard John Rinard, 1814 W Foothill Blvd, Upland, CA 91786-3536

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****
NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 25, 2015

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 23, 2015 at the address(es) listed below:

Arjun Sivakumar on behalf of Trustee Helen R. Frazer (TR) asivakumar@brownrudnick.com
Chad V Haes on behalf of Interested Party Courtesy NEF chaes@marshackhays.com, ecfmarshackhays@gmail.com
Chad V Haes on behalf of Defendant Richard John Rinard chaes@marshackhays.com, ecfmarshackhays@gmail.com
D Edward Hays on behalf of Trustee Helen R. Frazer (TR) ehays@marshackhays.com, ecfmarshackhays@gmail.com
D Edward Hays on behalf of Plaintiff Helen R. Frazer ehays@marshackhays.com, ecfmarshackhays@gmail.com
D Edward Hays on behalf of Plaintiff Richard John Rinard ehays@marshackhays.com, ecfmarshackhays@gmail.com
D Edward Hays on behalf of Defendant Richard John Rinard ehays@marshackhays.com, ecfmarshackhays@gmail.com
D Edward Hays on behalf of Attorney Marshack Hays LLP ehays@marshackhays.com, ecfmarshackhays@gmail.com
Darlene C Vigil on behalf of Creditor Wells Fargo Bank, N.A. cdcaecf@bdfgroup.com
Darlene C Vigil on behalf of Creditor Wells Fargo Home Mortgage cdcaecf@bdfgroup.com
Darlene C Vigil on behalf of Creditor Wells Fargo Home Mortgage, A Division of Wells Fargo Bank, NA, its successors and/or assigns cdcaecf@bdfgroup.com
Darlene C Vigil on behalf of Interested Party Courtesy NEF cdcaecf@bdfgroup.com
Eric M Heller on behalf of Creditor United States of America Department of Treasury, Internal Revenue Service eric.m.heller@irs.counsel.treas.gov
Eric M Heller on behalf of Interested Party Courtesy NEF eric.m.heller@irs.counsel.treas.gov
Helen R. Frazer (TR) on behalf of Trustee Helen R. Frazer (TR) hfrazier@aalrr.com, mbuenaventura@aalrr.com;C112@ecfcbis.com
Helen R. Frazer (TR) hfraziertrustee@gmail.com, mbuenaventura@aalrr.com;C112@ecfcbis.com
Jason K Schrader on behalf of U.S. Trustee United States Trustee (RS) jason.K.Schrader@usdoj.gov
Laurel R Zaeske on behalf of Trustee Helen R. Frazer (TR) lzaeske@brownrudnick.com
Lisa Maki on behalf of Plaintiff Stephanie Gonzalez lmaki@lisamaki.net, zanderson@lisamaki.net;ccoleman@lisamaki.net;info@lisamaki.net
Lisa Maki on behalf of Creditor Stephanie Gonzalez lmaki@lisamaki.net, zanderson@lisamaki.net;ccoleman@lisamaki.net;info@lisamaki.net
Lisa Maki on behalf of Interested Party Courtesy NEF lmaki@lisamaki.net, zanderson@lisamaki.net;ccoleman@lisamaki.net;info@lisamaki.net
Lori E Eropkin on behalf of Creditor POSITIVE INVESTMENTS, INC. leropkin@laklawyers.com, aaguirre@laklawyers.com
Lori E Eropkin on behalf of Defendant POSITIVE INVESTMENTS, INC. leropkin@laklawyers.com, aaguirre@laklawyers.com
Lori E Eropkin on behalf of Defendant Positive Investments leropkin@laklawyers.com, aaguirre@laklawyers.com
Michael J Bujold on behalf of U.S. Trustee United States Trustee (RS) Michael.J.Bujold@usdoj.gov

District/off: 0973-6

User: admin
Form ID: pdf042

Page 2 of 2
Total Noticed: 1

Date Rcvd: Jul 23, 2015

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Michael Jay Berger on behalf of Interested Party Courtesy NEF
michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com
Richard A Soll on behalf of Creditor Jones, Mahoney, Brayton & Soll LLP r.soll@verizon.net
Robert P Goe on behalf of Attorney Goe & Forsythe, LLP kmurphy@goeforlaw.com,
rgoe@goeforlaw.com;mforsythe@goeforlaw.com
Sarah C Boone on behalf of Attorney Marshack Hays LLP sboone@marshackhays.com,
ecfmarshackhays@gmail.com
Sarah C Boone on behalf of Plaintiff Richard John Rinard sboone@marshackhays.com,
ecfmarshackhays@gmail.com
Sarah C Boone on behalf of Plaintiff Helen R. Frazer sboone@marshackhays.com,
ecfmarshackhays@gmail.com
Sarah C Boone on behalf of Defendant Richard John Rinard sboone@marshackhays.com,
ecfmarshackhays@gmail.com
Scott H Siegel on behalf of Creditor POSITIVE INVESTMENTS, INC. ssiegel@laklawyers.com,
aaguirre@laklawyers.com
Sharon L Crommett on behalf of Interested Party Edwin Hoffman sharon@crommettllaw.com
Steven N Kurtz on behalf of Interested Party Courtesy NEF nlessard@laklawyers.com,
rfeldon@laklawyers.com;lkaplan@laklawyers.com
Steven N Kurtz on behalf of Creditor POSITIVE INVESTMENTS, INC. nlessard@laklawyers.com,
rfeldon@laklawyers.com;lkaplan@laklawyers.com
Steven N Kurtz on behalf of Defendant POSITIVE INVESTMENTS, INC. nlessard@laklawyers.com,
rfeldon@laklawyers.com;lkaplan@laklawyers.com
United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

TOTAL: 38

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:
2211 Michelson Drive, Suite 700, Irvine, CA 92612

A true and correct copy of the foregoing document entitled (*specify*): **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 September 24, 2015, 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 September 24, 2015, 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.

Richard John Rinard
1814 W Foothill Blvd
Upland, CA 91786

Richard John Rinard
6737 East Avenue
Rancho Cucamonga, CA 91739

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 September 24, 2015, 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.

The Honorable Scott C. Clarkson
U.S. Bankruptcy Court
411 W. Fourth Street
Santa Ana, CA 92701
Bin outside Room 126

Clerk of the U.S. Bankruptcy Court
411 W. Fourth Street
Santa Ana, CA 92701

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.

September 24, 2015
Date

Michelle L. LaClair
Printed Name


Signature

ADDITIONAL SERVICE INFORMATION (if needed):

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

Michael Jay Berger	michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com; michael.berger@ecf.inforuptcy.com
Sarah C Boone	sboone@marshackhays.com, ecfmarshackhays@gmail.com
Sarah C Boone	sboone@marshackhays.com, ecfmarshackhays@gmail.com
Michael J Bujold	Michael.J.Bujold@usdoj.gov
Sharon L Crommett	sharon@crommettlaw.com
Lori E Eropkin	leropkin@laklawyers.com, aaguirre@laklawyers.com
Helen R. Frazer (TR)	hfraziertrustee@gmail.com, mbuenaventura@aalrr.com; C112@ecfcbis.com
Helen R. Frazer (TR)	hfrazier@aalrr.com, mbuenaventura@aalrr.com; C112@ecfcbis.com
Robert P Goe	kmurphy@goeforlaw.com, rgoe@goeforlaw.com; mforsythe@goeforlaw.com
Chad V Haes	chaes@marshackhays.com, ecfmarshackhays@gmail.com
D Edward Hays	ehays@marshackhays.com, ecfmarshackhays@gmail.com
Eric M Heller	eric.m.heller@irscounsel.treas.gov
Steven N Kurtz	nlessard@laklawyers.com, rfeldon@laklawyers.com; lkaplan@laklawyers.com
Lisa Maki	lmaki@lisamaki.net, zanderson@lisamaki.net; ccoleman@lisamaki.net;info@lisamaki.net
Jason K Schrader	jason.K.Schrader@usdoj.gov
Scott H Siegel	ssiegel@laklawyers.com, aaguirre@laklawyers.com
Arjun Sivakumar	asivakumar@brownrudnick.com
Richard A Soll	r.soll@verizon.net
United States Trustee (RS)	ustpregion16.rs.ecf@usdoj.gov
Darlene C Vigil	cdcaecf@bdfgroup.com
Laurel R Zaeske	lzaeske@brownrudnick.com

ADDITIONAL SERVICE BY U.S. MAIL:

~~Christina M Coleman~~
1111 S Grand Ave Suite 101
Los Angeles, CA 90015
(Ret. Undeliverable x 3)

Marcus & Millichap Real Estate Investment Services, Inc
19800 MacArthur Blvd #150
Irvine, CA 92612

Sauder Real Estate Inc.
940 West Foothill Boulevard
Claremont, CA 91711

Janna Hickler
6737 East Avenue
Rancho Cucamonga, CA 91739

Katherine Hall
WS Realty, Inc.
15647 Village Drive
Victorville, CA 92394

John Thomas
Berkshire Hathaway Home Services CalProp
1400 Newport Center Drive, Suite 200
Newport Beach, CA 92660

California State Board Of Equalization
P.O. Box 942879
Sacramento, CA 94279