

Overbid procedure (*if any*):

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 email address*):

Date: _____

EXHIBIT A

Property: Estate's ½ interest of real property commonly described as
106 W. Briarway Drive, Granite Shoals, Texas

I. **TERMS AND CONDITIONS OF SALE**

a. **Purchase Price:** The Buyer has agreed to pay the Debtor's bankruptcy estate a total of \$30,500.00 ("Purchase Price"). Buyer has tendered a deposit of \$5,000.00 via personal check to the Trustee. The Trustee is currently holding the funds in a segregated account pending approval of this Motion. The deposit is non-refundable in the event the Buyer cannot timely complete the sale as provided herein. The balance of the purchase price, or \$25,500.00, shall be deposited into escrow on or prior to the close of escrow.

b. **Purchase Without Warranties:** The Buyer acknowledges that it is purchasing the Property from the Trustee "AS IS" without warranties or representations of any kind, express or implied, concerning the condition of the Property or the title thereto, or any other matters relating to the Property.

c. **Acknowledgement of Trustee's Capacity:** The Buyer is expressly aware and fully informed that the Trustee is selling the Property in his capacity as the Chapter 7 Trustee of the bankruptcy estate of In re Jose L. Rodriguez, Case No. 6:11-bk-22279-SC. No personal liability shall be sought or enforced against the Trustee with regard to the Agreement.

d. **Acknowledgement of Liability:** The Buyer is expressly aware and understands the terms and conditions of the Agreement and hold the estate and the realtors, brokers, agents, Trustee (C.R. Barclay), and his attorneys, agents and employees harmless from any liabilities arising from the Agreement.

e. **Approval of the Bankruptcy Court:** The Buyer is aware that this transaction is expressly conditioned on approval of the United States Bankruptcy Court for the Central District of California.

II. **OVERBID PROCEDURE**

a. The bidding shall begin with the Buyer's \$30,500.00 offer, subject to overbid in increments of not less than \$1,000.00 with the first overbid being \$31,500.00.

b. In order to participate, each prospective bidder shall deposit with the Trustee \$5,000.00 (the "Deposit") payable to C.R. Barclay, Chapter 7 Trustee. Further, overbids must be in writing and be received by the Trustee no later than two (2) court days before the hearing.

c. Overbids must be accompanied by a certified check for the amount of the Deposit, along with proof that the prospective bidder is pre-qualified for any corresponding mortgage. In the event the prospective bidder is not the successful bidder, the Deposit shall be returned to the prospective bidder at the conclusion of hearing.

d. The deposits of the successful bidder shall be non-refundable and immediately forfeited should the successful bidder fail to perform and complete the sale. Such forfeiture shall not be construed as liquidated damages but shall be deemed to be the minimum amount of damages suffered by the estate without prejudice to the Trustee's or the bankruptcy estate's right to pursue further damages for any and all breaches by the successful bidder.

e. In the event the successful bidder does perform, the Deposit shall be credited to the purchase price. Trustee will accept the bid which constitutes the highest and best offer for the benefit of the bankruptcy estate and its creditors. Unless otherwise specified by each bidder, all bids shall be deemed to be on terms and conditions not less favorable to the bankruptcy estate than the terms and conditions to which the Buyer has agreed to purchase the Property as set forth in this Motion. All deposits by the successful bidder shall be non-refundable and the sale shall be deemed final upon receipt of the same, subject to entry of an Order of the United States Bankruptcy Court approving the sale.

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:

P. O. Box 26099
Santa Ana, CA 92799

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 (*date*) August 12, 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:

- Christopher R Barclay (TR) crb.cmecf@crb7trustee.com, cbarclay@ecf.epiqsystems.com
- Raymond Liu yoshizumir@yahoo.com
- Ramesh Singh claims@recoverycorp.com
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) August 12, 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.

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.

August 12, 2014
Date

Mary Lou Cunanan
Printed Name

/s/ Mary Lou Cunanan
Signature

SERVED BY UNITED STATES MAIL:

Judge:

Honorable Scott C. Clarkson
U.S. Bankruptcy Court
411 W. Fourth Street, Suite 5130
Santa Ana, CA 92701
(Via First Class Mail)

Debtor:

Jose L. Rodriguez
505 E. Wier Rd, Apt. 8
San Bernardino, CA 92408
(Via First Class Mail)

Buyer:

Bertha Rodriguez
106 W. Briarway Drive
Granite Shoals, TX 78654
(Via First Class Mail)

Title/Escrow:

Attention: Wendy Trahan
Fidelity National Title
1800 Hughes Landing Blvd, Suite 150
The Woodlands, TX 77380
(Via First Class Mail)

Property Tax Claimant:

Burnet County Tax Assessor - Collector
1701 East Polk Street, Suite 96
Courthouse Annex North
Burnet, Texas 78611
(Via Certified Mail)