Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address	FOR COURT USE ONLY
Daniel A. Lev (CA Bar No. 129622) Marcus A. Tompkins (CA Bar No. 190922) SulmeyerKupetz A Professional Corporation 333 South Hope Street, Thirty-Fifth Floor Los Angeles, California 90071-1406 Telephone: 213.626.2311 Facsimile: 213.629.4520 ☐ *Individual appearing without attorney* ☒ *Attorney for:* Larry D. Simons, Chapter 7 Trustee	

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION

In re: DOUGLAS TODD BURDICK dba DIRT DAWGS, and MARY ANNE KABEL-BURDICK dba MARY A. KABEL BURDICK Debtor(s).	CASE NO.: 6:11-bk-46960-MJ CHAPTER: 7 **NOTICE OF SALE OF ESTATE PROPERTY**

Sale Date: May 7, 2013	**Time:** 10:00 a.m.
Location: U.S. Bankruptcy Court, Courtroom 301, 3420 Twelfth Street, Riverside, CA 92501-3819	

Type of Sale: ☒ Public ☐ Private **Last date to file objections**: April 23, 2013

Description of property to be sold: Undeveloped real property (vacant land) in Murrieta, California, bearing Assessor's Parcel Nos. 910-060-003 and 910-060-009

Terms and conditions of sale: See attached

Proposed sale price: $423,400.00, subject to overbids

Overbid procedure (*if any*): See attached

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

May 7, 2013
10:00 a.m.
U.S. Bankruptcy Court
Courtroom 301
3420 Twelfth Street
Riverside, CA 92501-3819

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

Daniel A. Lev
Marcus A. Tompkins
SulmeyerKupetz, A Professional Corporation
333 South Hope Street, 35th Floor
Los Angeles, California 90071-140
Tel.: 213.626.2311 Fax: 213.629.4520
E-mail: dlev@sulmeyerlaw.com
mtompkins@sulmeyerlaw.com

Date: April 16, 2013

ATTACHMENT TO NOTICE OF SALE OF ESTATE PROPERTY

Description of Property to be Sold: Larry D. Simons, the duly appointed, qualified, and acting Chapter 7 Trustee (the "Trustee") for the estate of the debtors Douglas Todd Burdick dba Dirt Dawgs, and Mary Anne Kabel-Burdick dba Mary A. Kabel Burdick (the "Debtors"), intends to move for an order approving the sale (the "Sale") of the estate's interest in that certain undeveloped real property (vacant land) in Murrieta, California, bearing Assessor's Parcel Nos. 910-060-003 and 910-060-009 (the "Real Property"), on the terms and conditions stated in a "Vacant Land Purchase Agreement and Joint Escrow Instructions" and the addendum thereto (the "Written Offer"), which is attached as Exhibit "C" to the concurrently filed "Chapter 7 Trustee's Motion for Order (1) Authorizing Sale of Real Property (Vacant Land in Murrieta, California) Free and Clear of Liens, Claims And Interests, (2) Confirming Sale to Third Party or the Highest Bidder Appearing at the Hearing; (3) Determining That Buyer Is a Good Faith Purchaser; and (4) Waiving the Fourteen (14) Day Stay Prescribed by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure" (the "Motion"). As part of the Motion, the Trustee seeks an order approving the Sale free and clear of certain liens, claims and interests, with said liens, claims and interests to attach to the sales proceeds in the same manner and priority as under applicable law. The Real Property is being sold on an "as is" "where is" basis, with no warranties, recourse, contingencies or representations of any kind. The Trustee will also seek an order (i) confirming the Sale to the Buyer or to the highest bidder appearing at the hearing, (ii) authorizing the Trustee to execute any and all documents that may be necessary to consummate the Sale, (iii) determining that the Buyer or the successful bidder is entitled to 11 U.S.C. § 363(m) protection, and (iv) waiving the fourteen (14) day stay prescribed by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure.

Method of Sale: Existing cash offer of $423,400.00, subject to qualified overbids.

Sale Description: Date of Sale: May 7, 2013, 10:00 a.m. (subject to continuances)
Place: 3420 Twelfth Street, Courtroom "301" (the Honorable Meredith Jury, United States Bankruptcy Judge), Riverside, CA 92501

Offer Received: The Trustee has received and accepted an offer from MFTDS, Inc. CA Corporation as Accommodator for Larchmont Park LLC (the "Buyer"), for $423,400.00, cash, but will consider an offer from any person or entity who appears at the hearing and submits a higher acceptable bid.

Overbid Terms: The proposed sale to the Buyer is subject to approval of the United States Bankruptcy Court and to qualified overbids, and any person or entity desiring to submit an overbid must submit (i) a cashier's check, made payable to "Larry D. Simons, Chapter 7 Trustee," in the amount of $13,000.00 (the "Deposit") and (ii) evidence of the financial wherewithal to close the contemplated sale, to counsel for the Trustee, at the

hearing, before their initial bid. The Deposit shall not be refundable if the successful overbidder is thereafter unable or unwilling to complete the purchase of the Real Property. Subject to Court approval, the Trustee recommends the first overbid be in the amount of $425,000.00, cash, which is $1,600.00 higher than the initial sales price of $423,400.00. Overbids shall be made in minimal increments of $5,000.00 thereafter such that the next highest minimum overbid would need to be an amount no less than $430,000.00. All due diligence is to be completed prior to the hearing as the Sale is on an "as-is" "where is" basis with no warranties, representations, recourse or contingencies of any kind. Each party, including the Buyer, must pay the full amount of the successful overbid to the Trustee within the terms and conditions set forth in the escrow documents or otherwise within ten (10) days from the date the Order approving the Motion becomes a final order, unless extended by the parties in writing. In the event that the successful bidder cannot make such payment within that time, the Trustee shall be authorized to accept the offer made by the second highest overbidder. The Trustee reserves the right to reject any and all overbids that, in his business judgment, are insufficient.

Contact Name: Daniel A. Lev, Esq.
Contact Number: (213) 626-2311
Case Name: In re Burdick
Case Number: 6:11-bk-46960-MJ

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: 333 South Hope Street, Thirty-Fifth Floor, Los Angeles, California 90071-1406

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*) April 16, 2013 , 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:

Richard C Harris on behalf of Debtor Douglas Burdick
rharris@richharrislaw.com

Elizabeth Jiang on behalf of Plaintiff Larry Simons
ejiang@sulmeyerlaw.com, elizabeth.z.jiang@gmail.com

Daniel A Lev on behalf of Interested Party Courtesy NEF
dlev@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com

Mark C Schnitzer on behalf of Defendant Dean Burdick
mschnitzer@rhlaw.com, mcschnitzer@gmail.com

Larry D Simons (TR)
larry@lsimonslaw.com, c119@ecfcbis.com

Scott Talkov on behalf of Defendant Dean Burdick
stalkov@rhlaw.com

Marcus Tompkins on behalf of Plaintiff Larry Simons
mtompkins@sulmeyerlaw.com, jbartlett@sulmeyerlaw.com

United States Trustee (RS)
ustpregion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:
On (*date*) April 16, 2013 , 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.

The Honorable Meredith A. Jury
U.S. Bankruptcy Court
3420 Twelfth Street, Suite 325
Riverside, CA 92501-3819

☐ 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.

April 16, 2013	Maria R. Viramontes	/s/ Maria R. Viramontes
Date	*Printed Name*	*Signature*