

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Lynda T Bui, Trustee 3750 University Ave., Ste. 670 Riverside, CA 92501 Telephone: (949) 340-3400 Facsimile: (949) 340-3000 Email: Trustee.Bui@shbllp.com</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 - \*\*SELECT DIVISION\*\***

<p>In re: PEREZ, BONNIE JEAN,</p> <p align="right">Debtor(s).</p>	<p>CASE NO.: 6:12-bk-10023-MJ CHAPTER: 7</p> <p align="center"><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>
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<p><b>Sale Date:</b> 09/14/2013</p>	<p><b>Time:</b> 10:00 am</p>
<p><b>Location:</b> Pope's Auctions &amp; Antiques, 55898 Santa Fe Trail, Yucca Valley, CA 92886</p>	

**Type of Sale:**  Public  Private      **Last date to file objections:** 09/06/2013

**Description of property to be sold:** 2000 Acura NSXT

**Terms and conditions of sale:**  
See attached Motion

**Proposed sale price:** \_\_\_\_\_ See Attached Motion

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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):**

See attached Motion

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

See attached Motion

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

See attached Motion

Date: 08/20/2013

Lynda T Bui, Trustee  
3750 University Ave., Ste. 670  
Riverside, CA 92501  
Telephone: (949) 340-3400  
Facsimile: (949) 340-3000  
Email: Trustee.Bui@shbllp.com

Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA, RIVERSIDE DIVISION**

**In re**

**BONNIE JEAN PEREZ,**

**Debtors.**

Case No. 6:12-bk-10023-MJ

Chapter 7

**CHAPTER 7 TRUSTEE'S MOTION (1)  
TO APPROVE AUCTION SALE OF THE  
ESTATE'S RIGHT, TITLE AND  
INTEREST, IF ANY, IN PERSONAL  
PROPERTY OF THE ESTATE  
PURSUANT TO 11 U.S.C. §363(b)(1);  
(2) TO EMPLOY JACK POPE OF  
POPE'S AUCTIONS AND ANTIQUES  
AS TRUSTEE'S AUCTIONEER; (3) TO  
PAY SECURED CREDITOR AND  
AUCTIONEER COMMISSIONS; AND  
(4) TO PAY DEBTOR'S EXEMPTION;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; AND DECLARATIONS  
OF LYNDA T. BUI AND JACK POPE IN  
SUPPORT THEREOF**

[No Hearing Required LBR 9013-1(o)]  
[Notice of Motion filed concurrently  
herewith]

**Sale Information:**

Date: September 14, 2013

Time: 10:00 a.m.

Place: Pope's Auctions & Antiques  
55898 Santa Fe Trail  
Yucca Valley, CA 92886

1 **TO THE HONORABLE MEREDITH A. JURY, UNITED STATES BANKRUPTCY**  
2 **JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND OTHER PARTIES-**  
3 **IN-INTEREST:**

4 Lynda T. Bui, solely in her capacity as the Chapter 7 Trustee (“Trustee”) for the  
5 bankruptcy estate of Bonnie Jean Perez (“Debtor”), hereby moves this court for an  
6 Order authorizing her to sell the estate’s right, title and interest, if any in personal  
7 property of the estate; to employ an auctioneer to conduct said auction; to pay secured  
8 creditor and auctioneer commissions; and to pay Debtor’s claimed exemption. (“Auction  
9 Motion”).

10 **I. SUMMARY OF ARGUMENT**

11 Through this Auction Motion the Trustee is seeking an Order authorizing the  
12 auction sale of the Estate’s right, title and interest, if any, in the 2000 Acura NSXT (the  
13 “Acura”).

14 The Trustee, with the assistance of Jack Pope (“Auctioneer”) of Pope’s Auctions  
15 and Antiques has completed an analysis of value and has determined that the Acura  
16 has an appraised liquidation value of at least \$35,000. The sale is authorized by  
17 Bankruptcy Code section 363(f) and will provide for a cost-efficient and expeditious  
18 manner in which to administer the Acura. The Estate is expected to net approximately  
19 \$12,000 or more. Accordingly and based on the Trustee’s business judgment, the  
20 Trustee respectfully requests that the Court approve the Auction Motion.

21 **II. RELEVANT FACTS**

22 **A. The Bankruptcy Case.**

23 This Court has jurisdiction over this matter pursuant to 28 U.S.C. sections 157  
24 and 1334.

25 The Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy  
26 Code on January 2, 2012 (“Petition Date”) in the United States Bankruptcy Court,  
27 Central District of California, Riverside Division, initiating Case No. 6:12-bk-25391-WJ.  
28 The case was subsequently converted to Chapter 7 on December 11, 2012.

1 Lynda T. Bui is the is the duly appointed, qualified, and acting Chapter 7 Trustee  
2 for the Debtor's Bankruptcy Estate ("Estate").

3 **B. The Proposed Sale.**

4 The Trustee proposes to sell on an all cash basis and an as-is basis, all of the  
5 Trustee's rights, title and interest in the Acura by means of a public auction to be  
6 conducted by the Auctioneer at the time and location set forth above.

7 The proposed public auction shall be without any warranties, representations or  
8 contingencies, free and clear of liens, claims and interests of third parties, with such  
9 liens, claims and interests to attach to the sale proceeds.

10 The Acura is subject to Debtor's claimed exemption in the amount \$6,562.

11 The Acura is subject to the secured interest of Wells Fargo Dealer Services  
12 ("WFDS") with an unpaid balance of approximately \$7,277.82. WFDS has been  
13 advised of the Trustee's intentions to market and sell the Acura. Upon completion of  
14 the sale, verification of full security interest, and payoff balance, the Trustee will forward  
15 payment directly to WFDS.

16 Regardless of any scheduled time and place for offer to purchase the Acura, the  
17 Trustee may, at her option, reject any and all bids if she deems that such bids are  
18 inadequate as to form and amount. The sale date may be continued from time to time  
19 until the Acura is sold, without further Order of this Court, or until such time it is  
20 determined that abandonment is appropriate.

21 Based upon an analysis of the market value of the Acura and costs associated  
22 with sale of same, the Trustee is of the opinion and belief that the public auction as  
23 referenced above is in the best interest of this bankruptcy estate, as it will generate the  
24 most funds to the estate for the benefit of the creditor body.

25 **C. EMPLOYMENT AND PAYMENT OF AUCTIONEER.**

26 The Trustee requests authorization to employ Jack Pope of Pope's Auctions and  
27 Antiques as her auctioneer. The Auctioneer has performed the analysis of the Personal  
28 Property to determine appropriate appraised liquidation value and has picked up and

1 stored same. The Auctioneer's duties will also include advertising the public auction as  
2 appropriate, conducting the public auction, collecting funds, preparation of appropriate  
3 reporting, and forwarding proceeds to the Trustee.

4 The Auctioneer has obtained an individual bond for this case for the period  
5 7/13/13 to 10/13/13 at the cost of \$250. The Trustee request's that the Auctioneer be  
6 reimbursed out of the sale proceeds for this expense.

7 The Auctioneer maintains insurance for lost or stolen property.

8 The Trustee has verified that the Auctioneer has complied with all applicable  
9 bonding requirements. The Auctioneer has blanket bond in favor of the United States of  
10 America in the amount of \$100,000 and such blanket bond is on file with the Clerk of the  
11 Bankruptcy Court (Los Angeles Division). In addition, the total value of auction assets  
12 in all bankruptcy estates in which the Auctioneer is involved in this district does not  
13 exceed the Blanket Bond, including auctions already conducted in which funds have not  
14 yet been disbursed by the Auctioneer to a trustee and pre-auction estimated values of  
15 estate assets in custody and control of the Auctioneer.

16 The Auctioneer will charge a commission of 25% of the gross proceeds from the  
17 sale. Pursuant to the Office of the united States Trustee's 2012 Revised Supervisory  
18 Instruction #10 ("Instruction #10"), Auctioneer's commission shall be payable upon  
19 completion of the following:

20 5. No later than 7 days after an auction sale of any estate property,  
21 the auctioneer shall turnover any and all proceeds from the auction  
22 to the trustee;

23 6. No later than 21 days after the auction, auctioneer must submit to  
24 the trustee a Report of Auctioneer (the "Auction Report"), which  
25 must include at a minimum: the date of the sale, each item sold, the  
26 sale price and the name, address and telephone number of the  
27 purchaser – in the case of lots, a brief description of each lot sold  
28 as well as the sale price and purchaser thereof – the gross

1 proceeds of sale, a statement that the gross proceeds have been  
2 turned over to the trustee, and a descriptive list of the items that  
3 were not sold but which were returned to the trustee.

4 7. Within 7 days of receipt of the Auction Report, the Trustee shall file  
5 the Auction Report with the Court together with a brief declaration  
6 (the "Trustee's Declaration") stating that: the trustee has compared  
7 the Auction Report to the list of items/lots sold, the Auction Report  
8 is satisfactory, the gross funds have been turned over to the  
9 trustee, and the auctioneer has been compensated pursuant to the  
10 terms previously approved by the Court or will be compensated in  
11 the future consistent with the terms of a duly noticed application for  
12 compensation. In the event that an Individual Bond has been  
13 obtained for the auction, the trustee shall also apply to the Court for  
14 authorization to exonerate the bond..

15 8. Provided that the trustee has obtained Court authorization to pay  
16 the auctioneer as part of a duly noticed application, the trustee shall  
17 compensate the auctioneer for the Court-approved fees and  
18 expenses within 7 calendar days of the filing with the Court of the  
19 Auction Report and the Trustee's Declaration.

20 The Trustee believes that the proposal of the Auctioneer is fair and reasonable  
21 and the Trustee should be authorized to pay the Auctioneer pursuant to the terms and  
22 conditions set forth above.

23 The Trustee is satisfied from the Declaration of Jack Pope that he is a  
24 disinterested person within the meaning of Bankruptcy Code section 101(14), and that  
25 he is adequately bonded and insured.

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**III. ARGUMENT**

**A. The Sale Should be Approved as Being in the Best Interest of the Estate.**

11 U.S.C. section 363(b)(1) authorizes a trustee, after notice and a hearing to use, sell or lease property of the estate other than in the ordinary course of business.

A trustee has an affirmative duty to collect and reduce to money the property of the estate and close the estate as expeditiously as is compatible with the best interest of the parties in interest. *In re Camino*, 185 B.R. 584, 591 (9<sup>th</sup> Cir. BAP 1995); *In re Riverside-Linden Inv. Co.*, 85 B.R. 107, 111 (Bankr. S.D. Cal. 1988), aff'd, 99 B.R. 439 (9<sup>th</sup> Cir. BAP 1989), aff'd, 925 F.2d 320 (9<sup>th</sup> Cir. 1991).

The prevailing view is that there need not be a showing of an emergency situation for selling substantially all of the assets of the estate, but “there must be some articulated business justification, other than appeasement of major creditors, for using, selling, or leasing property out of the ordinary course of business before the Bankruptcy judge may order such disposition under Section 363(b).” *In re Lionel Corp.*, 722 F. 2d 1063, 1070 (2d Cir. 1983). The instant sale should be approved if there is evidence that it is a sound business decision. *In re Continental Airlines, Inc.*, 780 F. 2d 1223 (5<sup>th</sup> Cir. 1986)

In this case it is in the best interest of all concerned to sell the Estate’s right, title and interest in the Acura to the highest and best bidder under the terms set forth in the Trustee’s Auction Motion. The sale will provide for a cost-efficient and expeditious manner in which to administer the Acura.

In summary, the Auction Motion is based on the Trustee’s good business judgment that will benefit the Estate and creditors and therefore approval of the Auction Motion is proper.

**IV. CONCLUSION**

Based on the foregoing, the Trustee respectfully request that the Court enter an order as follows:

- 1. Granting the Auction Motion;



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**DECLARATION OF LYNDA T. BUI**

I, Lynda T. Bui, declare and state as follows:

1. I am the Chapter 7 Trustee for the bankruptcy estate of Bonnie Jean Perez (“Debtor”). I have personal knowledge of the facts set forth herein and could, if called as a witness, competently testify thereto.

2. I am familiar with the Debtor’s bankruptcy proceeding and make this Declaration in support of my Motion (1) to Approve Auction Sale of the Estate’s Right, Title and Interest, if any, in Personal Property of the Estate Pursuant to 11 U.S.C. §363(B)(1); (2) to Employ Jack Pope of Pope’s Auctions and Antiques as Trustee’s Auctioneer; and (3) to Pay Secured Creditor and Auctioneer Commissions (“Auction Motion”). I have read and I am aware of the contents of the Auction Motion and the accompanying Memorandum of Points and Authorities. The facts stated in the Auction Motion and the Points and Authorities are true to the best of my knowledge.

3. I am proposing to sell on an all cash basis and an as-is basis, all of the Estate’s right, title and interest in the 2000 Acura NSXT (the “Acura”) by way of a public auction to be conducted by my proposed auctioneer, Jack Pope of Pope’s Auctions and Antiques (“Auctioneer”)

4. I, with the assistance of the Auctioneer have completed an analysis of value and have determined that the Acura has an appraised liquidation value of at least \$35,000.

5. I propose to sell on an all cash basis and an as-is basis, all of the Trustee’s rights, title and interest in the Acura by means of a public auction to be conducted by the Auctioneer at the time and location set forth on the first page of this Auction Motion.

6. The proposed public auction shall be without any warranties, representations or contingencies, free and clear of liens, claims and interests of third parties, with such liens, claims and interests to attach to the sale proceeds.

7. I am informed and believe and therefore allege that the Acura is subject to the secured interest of Wells Fargo Dealer Services (“WFDS”) with an unpaid balance

1 of approximately \$7,277. WFDS has been advised of my intentions to market and sell  
2 the Acura. Upon completion of the sale, verification of full security interest, and payoff  
3 balance, I will forward payment directly to WFDS.

4 8. Regardless of any scheduled time and place for offer to purchase the Acura,  
5 I may, at my option, reject any and all bids if I deem that such bids are inadequate as to  
6 form and amount. The sale date may be continued from time to time until the Acura is  
7 sold, without further Order of this Court, or until such time it is determined that  
8 abandonment is appropriate.

9 9. Based upon an analysis of the market value of the Acura and costs  
10 associated with sale of same, I am of the opinion and belief that the public auction as  
11 referenced above is in the best interest of this bankruptcy estate, as it will generate the  
12 most funds to the estate for the benefit of the creditor body.

13 10. I am requesting authorization to employ the Auctioneer. The Auctioneer has  
14 performed the analysis of the Personal Property to determine the appropriate liquidation  
15 value. The Auctioneer's duties will also include advertising the public auction as  
16 appropriate, conducting the public auction, collecting funds, preparation of appropriate  
17 reporting, and forwarding the proceeds to me.

18 11. I have verified that the Auctioneer has filed his Blanket Bond with the Clerk  
19 of the Bankruptcy Court (Los Angeles Division) and that it has been sent to the United  
20 States Trustee.

21 12. I have verified that the Auctioneer has obtained an individual bond for this  
22 case for the period 7/13/13 to 10/13/13 at the cost of \$250. I request that the  
23 Auctioneer be reimbursed out of the gross sale proceeds for this expense.

24 13. The Auctioneer will charge a commission of 25% of the gross proceeds from  
25 the sale, to be paid upon completion of the requirements of the Office of the United  
26 States Trustee's 2012 Revised Supervisory Instruction #10.

27 14. The 25% commission includes all the services referenced above, except for  
28 the cost of the individual bond, as well as the costs of advertising and labor. There is

1 no buyer's premium associated with the auction. I believe that the proposal of the  
2 employment of the Auctioneer is fair and reasonable and I should be authorized to pay  
3 the Auctioneer on the terms and conditions set forth herein.

4 15. I am satisfied from the Declaration of Jack Pope that the Auctioneer is a  
5 disinterested person within the meaning of Bankruptcy Code section 101(14), and that  
6 the Auctioneer is adequately bonded and insured.

7 I declare under penalty of perjury pursuant to the laws of the United States of  
8 America that the foregoing is true and correct.

9 EXECUTED August 20, 2013, at Irvine, California.

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/s/ Lynda T. Bui  
Lynda T. Bui

**DECLARATION OF JACK POPE**

I, Jack Pope, declare and state as follows:

1. I am a duly licensed public auctioneer and President of Pope's Auctions & Antiques, Inc. ("Auctioneer"), with offices located at 55898 Santa Fe Trail, Yucca Valley, California; telephone number (760) 329-1077; facsimile number (760)365-3558.

2. I make this Declaration in support of the Trustee's Motion (1) to Approve Auction Sale of the Estate's Right, Title and Interest, if any, in Personal Property of the Estate Pursuant to 11 U.S.C. §363(B)(1); (2) to Employ Jack Pope of Pope's Auctions and Antiques as Trustee's Auctioneer; and (3) to Pay Secured Creditor and Auctioneer Commissions ("Auction Motion").

3. I have extensive experience in the matters to which I am to be engaged and am well qualified to complete the sale of the kind proposed by the Trustee in the Auction Motion. Attached hereto as **Exhibit 1** is a true and correct copy of my resume.

4. I assisted the Trustee in completing an appraisal of the 2000 Acura NSXT (the "Acura") and have determined that the best means to liquidate same is a public auction.

5. In my opinion, the Acura has an appraised liquidation value of at least \$35,000. A true and correct copy of my appraisal report is attached hereto as **Exhibit 2**.

6. I have advised the Trustee that I am adequately bonded in an amount sufficient to cover all receipts from the proposed sale, and all estates in which I have been employed. My current blanket bond is in the amount \$100,000. Further, I maintain liability insurance for lost or stolen property which protects any and all property under my control which is secured, transported and stored at my auction location until sale, or sold by me via on site auction sales.

7. I have also obtained an individual bond for this case. Attached hereto as **Exhibit 3** is a true and correct copy of the individual bond.

1           8. In addition, the total value of auction assets in all bankruptcy estates in which  
2 the Auctioneer is involved in this district does not exceed the Blanket Bond, including  
3 auctions already conducted in which funds have not yet been disbursed by the  
4 Auctioneer to a trustee and pre-auction estimated values of estate assets in custody  
5 and control of the Auctioneer.

6           9. To the best of my knowledge, Pope's Auctions & Antiques, Inc. and its  
7 principals, employees, agents and I:

8           a. do not hold or represent any interest adverse to the Trustee, the  
9 Debtor, their creditors and the Estate;

10           b. have no connections with the Debtor, the Debtors' creditors, any other  
11 party in interest, their respective attorneys and accountants, the United States Trustee,  
12 any person employed in the office of the United States Trustee, or any bankruptcy  
13 judge presiding in the United States Bankruptcy Court for the Central District of  
14 California:

15           c. am a disinterested persons as that term is defined in Bankruptcy Code  
16 Section 101 (14) and used in Bankruptcy Code Section 327(a) because I:

17           i. am not a creditor or an insider;

18           ii. am not and was not an investment banker for any  
19 outstanding security of the Debtors;

20           iii. have not been, within three years before the date of the filing  
21 of the Debtors' petition, an investment banker for the security of the Debtors or an  
22 attorney for such an investment banker in connection with the offer, sale or issuance of  
23 a security of the Debtors;

24           iv. am not and was not, within two years before the before the  
25 date of the filing of the Debtors' petition, a director, officer or employee of the Debtors or  
26 of an investment banker specified in subparagraphs (b) or (c) of this paragraph 9; and

27           v. do not have an interest materially adverse to the interest of  
28 the Estate or any class of creditors or equity security holders, by reason of any direct or

1 indirect relationship to, connection with, or interest in the Debtors as an investment  
2 banker as specified in subparagraphs (b) or (c) of this paragraph 9, or for any other  
3 reason.

4 10. I have no pre-petition claim against the Debtor's Estate.

5 11. I received no retainer for the services to be performed herein.

6 12. I will conduct the sale based solely upon a 25% commission of the gross  
7 proceeds, payable upon completion of the sale and approval pursuant to the Office of  
8 the United States Trustee's 2012 Revised Supervisory Instruction #10.

9 13. I am familiar with the Office of the United States Trustee's Revised  
10 Supervisory Instruction No. 10 regarding the requirements relative to the procedures for  
11 employment and compensation of an auctioneer, and agree to comply therewith.

12 I declare under penalty of perjury pursuant to the laws of the United States of  
13 America that the foregoing is true and correct.

14 EXECUTED this 15<sup>th</sup> day of August, 2013 at Yucca Valley, California.

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18 Jack Pope

# Exhibit 1

**JACK POPE**  
**POPE'S ANTIQUES & AUCTIONS, INC.**  
**P.O BOX 2167 YUCCA VALLEY, CA 92286**  
**PHONE (760) 365-7887 FAX (760) 365-3558**

**I, Jack Pope am a resident of the State of California, and am over 18 years of age. I am a principal in Pope's Antiques & Auctions, Inc., & am the principal auctioneer.**

**I have owned retail, antique & auction business for 40 years. I am licensed & bonded by the State of California. I provide the following services for TRUST DEPARTMENTS of several banks, INSURANCE COMPANYS, SUPERIOR & FEDERAL COURTS, & private clients:**

**{Liquidate personal property}, {private sales}, {appraisal services} {auctions}, {probate matters}, {expert witness for courts}, {agent for the Federal Bankruptcy Courts}. My experience in appraisal & liquidation has included participation in a variety of different industries and markets, such as:**

**{bankruptcy auction of NORTHLAND RENTALS of Chino, CA}, {receivership auction of DATES BY DAVAL of Indio, CA}, {bankruptcy auction of LORCIN gun manufacturing}, {construction co. liquidations}, {sales of TRUCKING COMPANYS, HOTELS, GROCERY STORES, OSTRICH FARMS, MEDICAL CENTERS, JEWELRY & COIN STORES & numerous other Businesses.}**

**My experience as an appraiser & auctioneer has given me the opportunity of appraising & selling such places as:**

**{appraisal of the ROY ROGERS/DALE EVANS MUSEUM}, {selling of the ROY ROGERS/DALE EVANS ESTATE in Apple Valley}, {appraisal of the WILLIAM HOLDEN estate}, {contents of the original home in Palm Springs of LUCILLE BALL & DESI ARNAZ}, {the contents of MRS. JEANETTE ROCKERFELLERS home in Palm Springs}.**

**I have conducted auctions for :{ LIFESTYLES OF THE RICH & FAMOUS}, {BARBARA SINATRA CHILDREN'S FOUNDATION}, {HAPPY TRIALS CHILDREN'S FOUNDATION}, {THE CITY OF HOPE}, {BOYS & GIRLS CLUBS}, {WILLIAM POWELL ESTATE}, {PAT O'BRIEN ESTATE}, {home of JIMMY VAN HEUSEN in Yucca Valley CA}.**

**I have sold personal property belonging to: {HENRY FONDA ESTATE}, {CLARK GABLE ESTATE}, {LIBERACE}, {ELVIS PRESLEY}, & many others.**

**I am an agent for bankruptcy trustee's & have had numerous occasions to provide management and supervisory services in support of operating bankruptcy cases. I am licensed and bonded by the State of California, and also have a security bond on file at all times with the Secretary of State of California.**

**Jack Pope**

## **Exhibit 2**

**JACK POPE  
P.O. BOX 2167  
YUCCA VALLEY, CA 92286  
PHONE 760-365-7887 FAX 760-365-3558**

June 28, 2013

Lynda T. Bui, Trustee  
3750 University Ave. Suite 670  
Riverside, CA 92501

Re: Bonnie Jean Perez  
Case # 6:12-bk-10023-MJ

**Appraisal**

**Approx. Auction Value:**

2005 Harley Davidson Motorcycle  
Mileage 17280

**\$7000 to \$8000**

2002 Ford Lightning Truck  
Mileage 120,000  
Plate# 6X99649

**\$5000 to \$5500**

2000 Acura NSX-T  
Mileage 66,000  
Plate# NSXT4ME

**\$35,000 to \$40,000**

2005 GMC Yukon  
Mileage 100,000  
Plate # 5PPM664

**\$4500 to \$5000**

**JACK POPE  
AGENT**

## **Exhibit 3**

**Popes Auctions  
P.O Box 2167  
Yucca Valley, CA 92286  
Phone # 760-365-7887  
Fax # 760-365-3558**

# Fax

**To:** Tonia **From:** Rosemary

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**Fax:** 949-340-3000 **Pages:** (includes cover)

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**Date:** 7/19/13

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**Re:** **CC:**

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**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

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● **Comments:**

Bond Number: 0627106

AUCTIONEER BOND

KNOW ALL MEN BY THESE PRESENTS that we, POPE'S ANTIQUES & AUCTIONS, INC. (hereinafter called Principal), as Principal, and the INTERNATIONAL FIDELITY INSURANCE COMPANY, its home office in Atlanta, Ga 30350 (hereinafter called Surety), as Surety, are held and firmly bound unto the UNITED STATES OF AMERICA (hereinafter called Obligee), in the full and just sum of FORTY THOUSAND AND NO/100 (\$40,000.00) Dollars, for the payment of which, well and truly to be made, the Principal and Surety hereby bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

NOW THEREFORE, the condition of this obligation is such that if the said Principal shall faithfully account for all money, assets and effects of bankruptcy case, BONNIE JEAN PEREZ; CASE #6:12-BK-10023-MJ, in which the Principal is serving as auctioneer, then this obligation to be void; otherwise to remain in full force in effect.

The liability of the Surety hereunder shall not exceed the aggregate sum of FORTY THOUSAND AND NO/100 (\$40,000.00) Dollars, for all claims asserted against this bond.

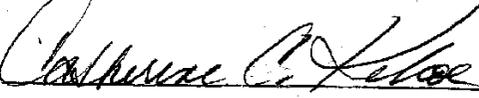
This bond shall remain in full force and effect from JULY 13, 2013 to OCTOBER 13, 2013.

SIGNED AND SEALED THIS 13TH day of JULY, 2013.

POPE'S ANTIQUES & AUCTIONS, INC.

By:  \_\_\_\_\_

INTERNATIONAL FIDELITY INSURANCE COMPANY

By:  \_\_\_\_\_  
CATHERINE C. KEHOE, Attorney-in-fact

Tel: (73) 624-7200

# POWER OF ATTORNEY

## INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

**KNOW ALL MEN BY THESE PRESENTS:** That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

EMILY G. LAPEYRE, LINDA C. SHEFFIELD, CONWAY C. MARSHALL, STEPHEN BEAHM,  
R. TUCKER FITZ-HUGH, CLARK P. FITZ-HUGH, DARLENE A. BORNT, CATHERINE C. KEHOE,  
KRISTINE DONOVAN, ELIZABETH K. WRIGHT

New Orleans, LA

their true and lawful attorney(s) in fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

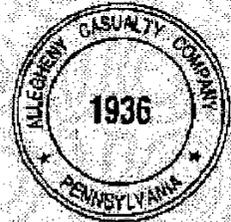
"RESOLVED, that (1) the President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact, or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 12th day of March, 2012.



STATE OF NEW JERSEY  
County of Essex

ROBERT W. MINSTER  
Executive Vice President/Chief Operating Officer  
(International Fidelity Insurance Company)  
and President (Allegheny Casualty Company)



On this 12th day of March 2012, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 27, 2014

### CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

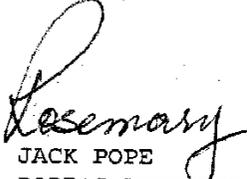
IN TESTIMONY WHEREOF, I have hereunto set my hand this 13th day of JULY, 2013

MARIA BRANCO, Assistant Secretary

International Sureties, Ltd.  
701 POYDRAS Street  
SUITE 420  
NEW ORLEANS, LA 70139  
504-581-6404  
504-581-1876 - FAX

Saturday, July 13, 2013

INVOICE



JACK POPE  
POPE'S ANTIQUES & AUCTIONS, INC.  
PO BOX 2167  
YUCCA VALLEY, CA 92286

PHONE - (760) 819-1031  
FAX - (760) 365-3558  
eMAIL -

SINGLE SALE AUCTIONEER BANKRUPTCY BOND - BONNIE JEAN PEREZ; CASE  
#6:12-BK-10023-MJ

Bond Amount \$ 40,000

Bond # 0627106

TERM: 07/13/13 to 10/13/13

BALANCE DUE \$ 250.00

PLEASE REMIT UPON RECEIPT

PLEASE PUT BOND NUMBER ON CHECK !

PLEASE MAKE CHECKS PAYABLE TO INTERNATIONAL SURETIES, LTD.

## 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:  
**3750 University Ave., Ste. 670, Riverside, CA 92501**

A true and correct copy of the foregoing document entitled (*specify*): **CHAPTER 7 TRUSTEE'S MOTION (1) TO APPROVE AUCTION SALE OF THE ESTATE'S RIGHT, TITLE AND INTEREST, IF ANY, IN PERSONAL PROPERTY OF THE ESTATE PURSUANT TO 11 U.S.C. §363(b)(1); (2) TO EMPLOY JACK POPE OF POPE'S AUCTIONS AND ANTIQUES AS TRUSTEE'S AUCTIONEER; (3) TO PAY SECURED CREDITOR AND AUCTIONEER COMMISSIONS; AND (4) TO PAY DEBTOR'S EXEMPTION; MEMORANDUM OF POINTS AND AUTHORITIES; AND DECLARATIONS OF LYNDA T. BUI AND JACK POPE IN SUPPORT THEREOF** 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 20, 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:

- John F Brady johnbrady.cbg@zoho.com, jfb.ecf@gmail.com
- Lynda T. Bui (TR) trustee.bui@shbllp.com, C115@ecfcbis.com
- Jonathan J Damen BKnotice@rcolegal.com
- Nancy Ly bknotice@rcolegal.com, nly@rcolegal.com
- Ramesh Singh claims@recoverycorp.com
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) August 20, 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.

**Debtor**

BONNIE JEAN PEREZ  
13058 ANGELICA WAY  
VICTORVILLE, CA 92392

**Debtor**

BONNIE JEAN PEREZ  
13482 LONGBOW COURT  
VICTORVILLE, CA 92392

**Interested Party**

JOSEPH L. PEREZ  
13058 Angelica Way  
Victorville, CA 92392

**Interested Party – Secured Creditor**

Wells Fargo Dealer Services  
PO Box 19657  
Irvine, CA 92623-9657

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*) August 20, 2013, 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 Email: Proposed Auctioneer – Jack Pope – JackPope1@aol.com**

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 20, 2013

*Date*

Tonia Wooten

*Printed Name*

/s/Tonia Wooten

*Signature*

## 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:  
3750 University Ave., Ste. 670, Riverside, CA 92501

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)* 08/20/2013, 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:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* 08/20/2013, 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.

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)* 08/20/2013, 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 Email: Proposed Auctioneer – Jack Pope – JackPope1@aol.com

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.

08/20/2013  
*Date*

Tonia Wooten  
*Printed Name*

/s/ Tonia Wooten  
*Signature*

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

- John F Brady johnbrady.cbg@zoho.com, jfb.ecf@gmail.com
- Lynda T. Bui (TR) trustee.bui@shbllp.com, C115@ecfbis.com
- Jonathan J Damen BKnotice@rcolegal.com
- Nancy Ly bknotice@rcolegal.com, nly@rcolegal.com
- Ramesh Singh claims@recoverycorp.com
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov

**2. SERVED BY UNITED STATES MAIL:**

**Debtor**

BONNIE JEAN PEREZ  
13058 ANGELICA WAY  
VICTORVILLE, CA 92392

**Debtor**

BONNIE JEAN PEREZ  
13482 LONGBOW COURT  
VICTORVILLE, CA 92392

**Interested Party**

JOSEPH L. PEREZ  
13058 Angelica Way  
Victorville, CA 92392

**Interested Party – Secured Creditor**

Wells Fargo Dealer Services  
PO Box 19657  
Irvine, CA 92623-9657

Label Matrix for local noticing

0973-6

Case 6:12-bk-10023-MJ

Central District Of California

Riverside

Tue Aug 20 15:09:39 PDT 2013

Franchise Tax Board

Bankruptcy Section MS: A-340

P.O. Box 2952

Sacramento, CA 95812-2952

Main Document Page 28 of 29

Azurea I, LLC  
 c/o Weinstein & Riley, P.S.  
 2001 Western Ave., Ste. 400  
 Seattle, WA 98121-3132

Employment Development Dept.  
 Bankruptcy Group MIC 92E  
 P.O. Box 826880  
 Sacramento, CA 94280-0001

Bank Of America  
 Po Box 1598  
 Norfolk, VA 23501-1598

Bank Of America, N.A.  
 450 American St  
 Simi Valley, CA 93065-6285

Bank of America N.A.  
 P.O. Box 660933  
 Dallas, TX 75266-0933

CIR Law Office, LLP  
 8665 Gibbs Drive  
 Ste 150  
 San Diego, CA 92123-1739

Chase  
 Po Box 15298  
 Wilmington, DE 19850-5298

Creditors Financial Group LLC  
 P.O. Box 440290  
 Aurora, CO 80044-1500

Equable Ascent Financial  
 1120 W Lake Cook Rd Ste  
 Buffalo Grove, IL 60089-1970

(p)BANK OF AMERICA  
 PO BOX 982238  
 EL PASO TX 79998-2238

FRANCHISE TAX BOARD  
 BANKRUPTCY SECTION MS A340  
 PO BOX 2952  
 SACRAMENTO CA 95812-2952

Hsbc Bank  
 Po Box 19360  
 Portland, OR 97280-0360

(p)INTERNAL REVENUE SERVICE  
 CENTRALIZED INSOLVENCY OPERATIONS  
 PO BOX 7346  
 PHILADELPHIA PA 19101-7346

Portfolio Investments I LLC  
 c/o Recovery Management Systems Corp  
 25 SE 2nd Avenue Suite 1120  
 Miami FL 33131-1605

ReconTrust Company, N.A.  
 1800 Tapo Canyon Road  
 CA6-914-01-94  
 Simi Valley, CA 93063-6712

Recovery Management Systems Corporation  
 25 S.E. 2nd Avenue, Suite 1120  
 Miami, FL 33131-1605

Wells Fargo  
 Po Box 29704  
 Phoenix, AZ 85038-9704

Wells Fargo Auto Finance  
 PO Box 29706  
 Phoenix, AZ 85038-9706

Wells Fargo Dealer Services, Inc.  
 PO Box 19657  
 Irvine, CA 92623-9657

(p)WACHOVIA DEALER SERVICES INC  
 BK DEPARTMENT  
 PO BOX 19657  
 IRVINE CA 92623-9657

Bonnie Jean Perez  
 13482 Longbow Court  
 Victorville, CA 92392-6267

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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

(u)Courtesy NEF

(d)Azurea I, LLC  
c/o Weinstein & Riley, P.S.  
2001 Western Ave., Ste. 400  
Seattle, WA 98121-3132

(u)Kristian Peter

End of Label Matrix  
Mailable recipients 26  
Bypassed recipients 3  
Total 29