Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

JOEL S. MILIBAND, 77438 /
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☐ *Individual appearing without attorney*
☒ *Attorney for:* Charles W. Daff, Chapter 7 Trustee

FOR COURT USE ONLY

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

In re:
CARMEN WEITZEIL

Debtor(s).

CASE NO.: 6:12-bk-15410-SC

CHAPTER: 7

# NOTICE OF SALE OF ESTATE PROPERTY

| **Sale Date: April 3, 2013** | **Time: 11:00 AM** |
|---|---|
| **Location:** Courtroom 126, USBC-Riverside Division, 3420 Twelfth Street, Riverside, CA 92501-3819 | |

**Type of Sale**: ☒ Public ☐ Private **Last date to file objections**: March 27, 2013

**Description of property to be sold**:
Lot 6 of Tract No. 23238, as shown by Map on file in Book 206 Page 68 through 74 of Maps, Records of Riverside County, California, and commonly known as 23091 Wing Elm Circle, Wildomar, California 92595 (the "Property"). The Property is a single family residence of approximately 3,000 square feet consisting of five bedrooms and three bathrooms.

**Terms and conditions of sale**: Sale of the Property pursuant to an executed purchase and sale agreement for $250,900 on an "AS-IS" and "WHERE IS" basis, without any warranties or recourse whatsoever, subject to overbid, and Court approval.

**Proposed sale price**: $250,900.00, subject to overbid at Auction

**Overbid procedure (*if any*)**: See attached Exhibit "A"

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

Date: April 3, 2013
Time: 11:00 AM
Place: 3420 Twelfth Street
Courtroom 126
Riverside, California 92501-3819

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

Laurel R. Zaeske, Esq., Rus, Miliband & Smith, APC
2211 Michelson Drive, Suite 700
Irvine, CA 92612
Tel.: (949) 752-7100
Fax: (949) 252-1514
Email: lzaeske@rusmiliband.com

Date: February 7, 2013

*In re CARMEN WEITZEIL, Debtor*
United States Bankruptcy Case No. 6:12-bk-15410-SC
Chapter 7

**NOTICE OF SALE OF ESTATE PROPERTY**
**EXHIBIT "A"**

Overbid Procedure:

1. The minimum overbid for the Property must be $255,000, which is $4,100 more than the offer from the Buyer.

2. Subsequent overbids must be in increments of at least $1,000;

3. All overbids to purchase the Property must be submitted without any contingencies including inspection, due diligence and financing;

4. Prior to the commencement of the Auction, any potential bidder must present to the Trustee certified funds made payable to "Charles W. Daff, Chapter 7 Trustee of the Estate of Carmen Weitzeil" in an amount of $7,500, which is 3% of the initial offer (the "Deposit");

5. At least three (3) days prior to the commencement of the Auction (or such lesser time as the Trustee in his sole discretion deems reasonable), any potential bidder must present documentary evidence in a form acceptable to the Trustee evidencing his/her/its ability to timely close escrow. Said information should be delivered to the Trustee, in care of his attorneys, Rus, Miliband & Smith, at 2211 Michelson Drive, Seventh Floor, California 96212-1043, or by email to lzaeske@rusmiliband.com;

6. The Deposit accepted at the conclusion of the Auction will be non-refundable in the event that the Court confirms the sale to the bidding party but the bidding party fails to timely close the sale for any reason;

7. All bids will be conditioned on the Property being sold "AS-IS" and "WHERE IS" and without any warranty or recourse against the Estate or the Trustee;

8. The sale of the Property is subject to the approval of the Bankruptcy Court at a hearing to be held following the conclusion of the Auction;

9. The Trustee is selling the Property in his capacity as the Chapter 7 Trustee of the Debtor's estate, not in his personal capacity, and no obligations or liabilities will accrue to him personally as a result of the transaction, whether or not the sale is approved and/or consummated;

10. If for any reason, or no reason, the Trustee is unable to deliver possession or title of the Property within a reasonable time after the close of escrow, the sole remedy of the buyer shall be the return of any money deposited towards the purchase of the Property;

11. The acceptance of any overbid from a qualified bidder shall be in the Trustee's sole discretion and will be made at the time of Auction and related hearing to confirm the sale (the "Final Bidder"). The Trustee reserves the right, based solely on his business judgment and discretion, to recommend to the Court for confirmation the best overall offer; and

12. At the conclusion of the Auction, the Trustee and the Final Bidder will enter into and be bound by all of the terms of the proposal set forth in the purchase and sale agreement between the Trustee and the Buyer in the form attached as Exhibit 1 to the Motion, except as to price, without contingencies, including no financing contingency, and shall close escrow within thirty (30) days of the date on which the order approving the sale of the Property is entered on the Bankruptcy Court docket, or such other date as may be mutually agreed to between the parties.

# 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, California 92612.

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*) February 7, 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:

- Cathrine M Castaldi ccastaldi@rusmiliband.com
- Charles W Daff (TR) cdaff@epiqtrustee.com, c122@ecfcbis.com
- Charles W Daff (TR) charlesdaff@yahoo.com, c122@ecfcbis.com
- Steven N Kurtz lgreenstein@laklawyers.com, rfeldon@laklawyers.com;lkaplan@laklawyers.com;kschwarz@laklawyers.com;dtashroudian@laklawyers.com
- George Thomas Leonard gthomasleonard@gmail.com
- Anne C Manalili acmecf@laklawyers.com
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov
- Laurel R Zaeske lzaeske@rusmiliband.com

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL**:
On (*date*) February 7, 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.

Carmen Weitzeil
23091 Wing Elm Circle
Wildomar, CA 92595

Chris Bowen, GF Services LLC
c/o Agent Justin Tye, Active Realty
871 California
Corona, CA 92881

Steve Pattinson
Vernazza Realty, Inc.
22521 Avenida Empressa, #120
Rancho Santa Margarita, CA 92668

☐ 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*) February 7, 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.

The Honorable Scott C. Clarkson
U.S. Bankruptcy Court
Ronald Reagan Federal Building
Bin beside 5th Floor Elevators
411 W. Fourth Street
Santa Ana, CA 92701-4593

**BY PERSONAL DELIVERY**

☐ 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.

| February 7, 2013 | ANNA M. HOYLE | |
|---|---|---|
| *Date* | *Printed Name* | *Signature* |