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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re:
SUSAN HALLER FLEMING,

CASE NO.: 6:12-bk-15628-MW

Debtor(s).

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 4/23/13

Time: 2:00 p.m.

Location: U.S. Bankruptcy Court, Video Courtroom 225, 3420 Twelfth Street Riverside, CA 92501-3819

Type of Sale: Public Private Last date to file objections:
4/9/13

Description of Property to be Sold: 9455 & 9457 Garfield, Riverside, CA 92503

Terms and Conditions of Sale: Subject to all liens, claims, and interests;
Subject to overbids; Deposit of \$5,000 - refundable only if not the successful bidder;
Waiver of the 14 day stay - sale is authorized immediately upon entry of the Order approving this Motion;
"As is, where is" and bids shall not contain any financing, due diligence, or any other contingency or any breakup fee, termination fee;
The minimum bidding increment during the Auction shall be \$1,000;

Proposed Sale Price: \$10,000

Overbid Procedure (If Any): Overbid to be received no later than 10:00 a.m. on February 28, 2013;
Initial overbid no less than \$12,000

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 e:mail address):

Chad Haes / chaes@marshackhays..com
address above

Date: 3/26/13

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6 Attorneys for Chapter 7 Trustee,
LARRY D. SIMONS

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UNITED STATES BANKRUPTCY COURT

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CENTRAL DISTRICT OF CALIFORNIA, RIVERSIDE DIVISION

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In re

Case No. 6:12-bk-15628-MW

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SUSAN HALLER FLEMING,

Chapter 7

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Debtor.

NOTICE OF TRUSTEE'S MOTION FOR
ORDER AUTHORIZING SALE OF THE
ESTATE'S INTEREST IN REAL PROPERTY
LOCATED AT 9455 & 9457 GARFIELD,
RIVERSIDE, CA: (A) OUTSIDE THE
ORDINARY COURSE OF BUSINESS; (B)
SUBJECT TO OVERBID; AND (C) FOR
DETERMINATION OF GOOD FAITH
PURCHASER UNDER 11 U.S.C. §363(M)

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Date: April 23, 2013

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Time: 2:00 p.m.

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Ctrm: Video 225

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PLEASE TAKE NOTICE that on April 23, 2013, at 2:00 p.m., in Video

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Courtroom 225 located at 3420 Twelfth Street, Riverside, CA 92501 Larry D. Simons (the

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"Trustee"), the Chapter 7 Trustee of the Bankruptcy Estate of Susan Haller Fleming ("Debtor"),

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will seek entry of an Order approving the sale of the Estate's interest in real property (the

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"Motion").

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The Motion is based upon this Notice, the Declaration of Larry D. Simons, the

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pleadings and files in the Debtor's bankruptcy case, and upon such further oral and documentary

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evidence as may be presented to the Court.

1 On March 5, 2012, the Debtor filed a voluntary petition under Chapter 7 of Title
2 11 of the United States Code. Larry D. Simons is the duly appointed and acting Chapter 7
3 Trustee.

4 Debtor's Schedule A discloses her interest in the real property located at and
5 commonly known as 9455 & 9457 Garfield, Riverside, CA 92503 ("Property") valued at
6 \$180,000.

7 The Property is encumbered by a first-in-priority deed of trust in favor of Chase
8 Bank securing a note with a principal balance of approximately \$147,110 (the "Chase Lien") and
9 a second-in-priority deed of trust in favor of Bank of America, N.A. securing a note with a
10 principal balance of approximately \$77,155 (the "Bank of America Lien").

11 On March 14, 2013, the Trustee accepted an offer from Ronald Fleming (the
12 "Buyer") for the purchase of the Property for the amount of \$10,000 (the "Sale Agreement") a
13 true and correct of which is attached to the Motion as Exhibit "1" is a true and correct copy of
14 the proposed Sale Agreement.

15 While the Trustee is prepared to accept the Offer for the Property as set forth in
16 this Motion, he is also interested in obtaining the maximum price for the Property. The Trustee
17 requests that the Court authorize him to implement an overbid procedure regarding the sale of
18 the Property on the following terms:

19 a. Each party (including the Buyer) interested in participating as an
20 overbidder must be present either physically or telephonically at the hearing on the Motion or
21 represented by an individual or individuals with the authority to participate in the overbid
22 process;

23 b. Each party participating in the overbid process (except for the Buyer) must
24 have at the hearing on the Motion a deposit in cash or a cashier's check made payable to "Larry
25 D. Simons, Chapter 7 Trustee" in the amount of \$5,000.00. The \$5,000.00 deposit shall not be
26 refundable if such party is the successful bidder and is thereafter unable to complete the purchase
27 of the Property for any reason other than a material breach by the Trustee;

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1 c. Subject to Court approval, the Trustee recommends that the initial overbid
2 be in the amount of \$12,000.00 and that subsequent overbids be in the incremental amount of
3 \$1,000.00; and

4 d. Each party (including the Buyer) must pay the full amount of the
5 successful bid to the Trustee within the time period set forth in the Documents or otherwise
6 within eleven (11) days from the date of the Order approving the Motion becomes a final order,
7 whichever is earlier. In the event that the Buyer is not the successful bidder of the Property, the
8 successful bidder shall then become they Buyer under the same terms and conditions as set forth
9 in the escrow documents. Furthermore, if the successful bidder cannot deliver the balance of the
10 sale price within the above-referenced period, the successful bidder's deposit shall become non-
11 refundable.

12 e. The Trustee believes the foregoing overbid terms are reasonable under the
13 circumstances of this case and will insure that the price ultimately received for the Property will
14 be the highest and best price.

15 On the basis of the foregoing considerations, the Trustee believes that the
16 proposed sale is fair and reasonable, and will ensure that the Estate realizes the highest possible
17 sales price for the Property.

18 PLEASE TAKE FURTHER NOTICE any party interested in bidding on the
19 Property (the "Bidders") must comply with the bidding procedures set forth in the Motion (if
20 approved by the Court). If qualified bids are timely received by 10:00 a.m. on April 18, 2013, an
21 auction sale ("Auction") utilizing the bidding procedures described in the Motion will take place
22 at the hearing on April 23, 2013, at 2:00 p.m.

23 The complete scope and terms of the relief are detailed in the Motion a copy of
24 which can be obtained by contacting Chad V. Haes whose contact information is listed in the top
25 left-hand corner of this Notice.

26 IF YOU DO NOT OPPOSE THE MOTION DESCRIBED ABOVE, YOU NEED
27 TAKE NO FURTHER ACTION. HOWEVER, IF YOU OBJECT TO THE MOTION,
28 PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1, ANY OPPOSITION MUST BE

1 FILED WITH THE COURT NO LATER THAN FOURTEEN (14) DAYS PRIOR TO THE
2 DATE OF THE HEARING ON THE MOTION. YOU MUST FILE YOUR OPPOSITION
3 WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT. YOU MUST
4 ALSO SERVE A COPY OF YOUR OBJECTION UPON CHAD V. HAES NO LATER THAN
5 FOURTEEN (14) DAYS PRIOR TO THE DATE OF THE HEARING ON THE MOTION AT
6 THE MAILING ADDRESS INDICATED IN THE UPPER LEFT CORNER OF THE FIRST
7 PAGE OF THIS MOTION, AND UPON THE OFFICE OF THE UNITED STATES TRUSTEE
8 AT 3685 MAIN STREET, SUITE 300, RIVERSIDE, CALIFORNIA 92501. ANY FAILURE
9 TO TIMELY FILE AND SERVE AN OPPOSITION MAY RESULT IN A WAIVER OF ANY
10 SUCH OPPOSITION AND THE COURT MAY ENTER AN ORDER GRANTING THE
11 MOTION WITHOUT FURTHER NOTICE.

12 DATED: March 19, 2013

MARSHACK HAYS LLP

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14 By: /s/ Chad V. Haes

D. EDWARD HAYS

CHAD V. HAES

Attorneys for Larry D. Simons,

Chapter 7 Trustee for the Bankruptcy Estate of
Susan Haller Fleming

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In re SUSAN HALLER FLEMING, Debtor(s).	CHAPTER: 7 CASE NO.: 6:12-bk-15628-MW
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NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

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:
 870 Roosevelt Avenue, Irvine, CA 92620

A true and correct copy of the foregoing document described as 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 indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”) - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) (“LBR”), the foregoing document will be served by the court via NEF and hyperlink to the document. On 3/26/13 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):
 On _____ I served the following person(s) and/or entity(ies) at the last known address(es) 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/or with an overnight mail service addressed as follow. 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

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 3/26/13 I served the following person(s) and/or entity(ies) by personal delivery, 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 mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Mark S. Wallace – via personal delivery
 U.S. Bankruptcy Court
 411 W. Fourth Street, Suite 5-097

Service information continued on attached page

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

3/26/03 Pamela Kraus /s/ Pamela Kraus
 Date Type Name Signature

In re SUSAN HALLER FLEMING, Debtor(s).	CHAPTER: 7 CASE NO.: 6:12-bk-15628-MW
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ADDITIONAL SERVICE INFORMATION (if needed):

- ATTORNEY FOR BANK OF AMERICA: Lawrence R Boivin lboivin@mileslegal.com
- ATTORNEY FOR LUMINENT: Patrick K Brusco generalmail@alvaradoca.com
- INTERESTED PARTY: Daniel K Fujimoto wdk@wolffirm.com
- ATTORNEY FOR TRUSTEE: Chad V Haes chaes@marshackhays.com, ecfmarshackhays@gmail.com
- ATTORNEY FOR TRUSTEE: D Edward Hays ehays@marshackhays.com, ecfmarshackhays@gmail.com
- INTERESTED PARTY: Megan E Lees ecfcacb@piteduncan.com
- INTERESTED PARTY: Nancy Ly bknotice@rcolegal.com
- ATTORNEY FOR RONALD FLEMING: Winfield S Payne Wpaynelaw@aol.com
- INTERESTED PARTY: Judith Runyon jarunyon@sbcglobal.net
- ATTORNEY FOR DEBTOR: Manfred Schroer schrolaw@sbcglobal.net
- TRUSTEE: Larry D Simons (TR) larry@lsimonslaw.com, larry@7trustee.net;c119@ecfcbis.com
- U.S. TRUSTEE: United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
- ATTORNEY FOR U.S. BANK: Darlene C Vigil cdcaecf@bdfgroup.com
- ATTORNEY FOR U.S. BANK: Catherine T Vinh ecfcacb@piteduncan.com
- ATTORNEY FOR TOYOTA: Yuri Voronin yvoronin@lawyer.com
- INTERESTED PARTY: Debora M Zumwalt bankruptcy@epsten.com, rlopez@epsten.com