

Lynda T Bui, Trustee 3750 University Ave., Ste. 670 Riverside, CA 92501 Telephone: (949) 340-3400 Facsimile: (949) 340-3000 Email: Trustee.Bui@shblp.com Chapter 7 Trustee	
<b>UNITED STATES BANKRUPTCY COURT          CENTRAL DISTRICT OF CALIFORNIA</b>	
In re: BAKAITIS, PETER J., BALASH, JANET M.,  Debtor(s).	CASE NO.: 6:12-bk-25391-WJ

**NOTICE OF SALE OF ESTATE PROPERTY**

<b>Sale Date:</b> 11/24/12	<b>Time:</b> 10:00 a.m.
<b>Location:</b> Pope's Auctions & Antiques, 55898 Santa Fe Trail, Yucca Valley, CA 92886	

Type of Sale:  Public  Private Last date to file objections: 11/9/12

Description of Property to be Sold: See attached Notice

Terms and Conditions of Sale: See attached Notice

Proposed Sale Price: See attached Notice

Overbid Procedure (If Any): See attached Notice

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):

Jack Pope  
 Pope's Auctions & Antiques  
 55898 Santa Fe Trail  
 Yucca Valley, CA 92886  
 Phone: 760-365-7887; Fax: 760-365-3558

Date: 10/23/12

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Lynda T Bui, Trustee 3750 University Ave., Ste. 670 Riverside, CA 92501 Telephone: (949) 340-3400 Facsimile: (949) 340-3000 Email: Trustee.Bui@shblp.com  Chapter 7 Trustee  <input type="checkbox"/> Attorney for Movant(s) <input checked="" type="checkbox"/> Movant(s) appearing without an attorney	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION</b>	
In re:  <b>BAKAITIS, PETER J., BALASH, JANET M.,</b>          Debtor(s)	CASE NO.: 6:12-bk-25391-WJ CHAPTER: 7  <b>NOTICE OF MOTION FOR ORDER WITHOUT HEARING PURSUANT TO LBR 9013-1(o)</b>          [No hearing unless requested in writing]

**TO THE U.S. TRUSTEE AND ALL PARTIES IN INTEREST, PLEASE TAKE NOTICE THAT:**

1. Movant(s) Lynda T. Bui, Chapter 7 Trustee, has filed a motion entitled Trustee's Motion 1) to Approve Auction Sale of 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.
2. Movant(s) is requesting that the court grant the motion without a hearing, as provided for in LBR 9013-1(o).
3. The motion is based upon the legal and factual grounds set forth in the Motion and briefly described in the attached Description of Relief Sought. (*Check appropriate box below*):
  - The full motion is attached hereto; or
  - The full motion has been filed with the court, and a detailed description of the relief sought is attached hereto.
4. **DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND REQUEST FOR A HEARING:** Pursuant to LBR 9013-1(o), any party objecting to the motion may request a hearing on the motion. The deadline for filing and serving a written opposition and request for hearing is 14 days after the date of service of this notice, plus 3

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California

additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E) or (F). If you fail to comply with this deadline, the court may treat such failure as a waiver of your right to oppose the motion and may grant the motion without further hearing and notice.

Dated: 10/ 23 /12

Respectfully submitted,

By: /s/ Lynda T. Bui  
*Signature of Movant or Attorney for Movant*

Name: Lynda T. Bui, Chapter 7 Trustee  
*Type Name of Movant or Attorney for Movant*

**SALE INFORMATION**

Date: November 24, 2012  
Time: 10:00 a.m.  
Place: Pope's Auctions & Antiques  
55898 Santa Fe Trail  
Yucca Valley, CA 92886

The Trustee seeks to employ Jack Pope ("Auctioneer") of Pope's Auctions and Antiques Firm to render, among others, the following types of professional services:

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

- 1) 1967 Chevy Camaro ("Camaro");
- 2) 1999 Ranger Boat and 1999 RNG Trailer ("Ranger Boat"); and
- 3) 2007 Pontoon Boat and Trailer ("Pontoon Boat").

The Camaro, Ranger Boat and Pontoon Boat shall be collectively referred to herein as the Personal Property.

The Auctioneer has performed the analysis of the Personal Property to determine appropriate appraised liquidation value and has picked up and stored same. The Auctioneer's duties will also include advertising the public auction as appropriate, conducting the public auction, collecting funds, preparation of appropriate reporting, and forwarding proceeds to the Trustee. (LBR 2014-1(b)(3)(A))

**PLEASE TAKE FURTHER NOTICE** that the Trustee seeks Court approval of the proposed compensation of the Auctioneer pursuant to 11 U.S.C. §328. (LBR 2014-1(b)(3)(B))

**PLEASE TAKE FURTHER NOTICE** that the Trustee seeks an Order finding that the Auctioneer shall receive a commission of 25% of the gross proceeds from the sale. Pursuant to the Office of the United States Trustee's 2012 Revised Supervisory Instruction #10 ("Instruction #10"), Auctioneer's commission shall be payable upon completion of the following:

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

2. No later than 21 days after the auction, auctioneer must submit to the trustee a Report of Auctioneer (the "Auction Report"), which must include at a minimum: the date of the sale, each item sold, the sale price and the name, address and telephone number of the purchaser – in the case of lots, a brief description of each lot sold as well as the sale price and purchaser thereof – the gross proceeds of sale, a statement that the gross proceeds have been turned over to the trustee, and a descriptive list of the items that were not sold but which were returned to the trustee.
3. Within 7 days of receipt of the Auction Report, the Trustee shall file the Auction Report with the Court together with a brief declaration (the "Trustee's Declaration") stating that: the trustee has compared the Auction Report to the list of items/lots sold, the Auction Report is satisfactory, the gross funds have been turned over to the trustee, and the auctioneer has been compensated pursuant to the terms previously approved by the Court or will be compensated in the future consistent with the terms of a duly noticed application for compensation. In the event that an Individual Bond has been obtained for the auction, the trustee shall also apply to the Court for authorization to exonerate the bond.
4. Provided that the trustee has obtained Court authorization to pay the auctioneer as part of a duly noticed application, the trustee shall compensate the auctioneer for the Court-approved fees and expenses within 7 calendar days of the filing with the Court of the Auction Report and the Trustee's Declaration.

(LBR 2014-1(b)(3)(C))

**PLEASE TAKE FURTHER NOTICE** that requests for a copy of this Auction Motion should be made in writing and directed to Lynda T. Bui, Chapter 7 Trustee, 3750 University Avenue, Ste. 670, Riverside, CA 92501; (949) 340-3400. (LBR 2014-1(b)(3)(D))

**PLEASE TAKE FURTHER NOTICE** that pursuant to **Local Bankruptcy Rule 2014-1(b)**, any opposition or other responsive paper and request for hearing on the Auction Motion must be filed with the Clerk of the above-entitled Court and a copy served on Lynda T. Bui, Chapter 7 Trustee to the attention of Lynda T. Bui at the address indicated above and the Office of the United States Trustee, 3801 University Avenue, Ste. 720, Riverside, CA 92501-8000, within **fourteen (14) days** after the date of service of this Notice, plus an additional three (3) days unless the Notice was served by personal delivery or posting as described in F.R.Civ.P. 5(b)(2)(A)-(B), in the form required by Local Bankruptcy Rule 9013-1(f)(1). (LBR 2014-1(b)(3)(E))

**PLEASE TAKE FURTHER NOTICE** that Failure to timely respond may be deemed as acceptance of the proposed employment. **SEE LOCAL BANKRUPTCY RULES 2014-1(b)(4), 9013-1(h).**

## 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 described as: **NOTICE OF MOTION FOR ORDER WITHOUT HEARING PURSUANT TO LBR 9013-1(o)** 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 LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 10/23/12, 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 address(es) indicated below:

- Patricia M Ashcraft patriciamashcraft@yahoo.com
- Lynda T. Bui (TR) trustee.ltranbui@shblp.com, C115@ecfcbis.com
- Brenda Groschen brenda.groschen@ally.com
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov
- Gloria J Wysuph gloria.j.wysuph@gtserVICing.com

Service information continued on attached page

II. **SERVED BY UNITED STATES MAIL OR OVERNIGHT MAIL**(state method for each person or entity served):

On 10/23/12, 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 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.

**Debtors – Via US Mail**

Peter J. Bakaitis  
Janet M. Balash  
22920 Fawn Lake Place  
Canyon Lake, CA 92587

Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 10/23/12, 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 personal delivery on the judge will be completed no later than 24 hours after the document is filed.

**Judge’s Copy – Via Personal Delivery (Service Not Required)**

Hon. Wayne Johnson, US Bankruptcy Court, 3420 Twelfth Street, Ctrm. 302, Riverside, CA 92501

**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.

10/23/12                      Tonia Wooten  
*Date*                              *Type Name*

/s/ Tonia Wooten  
*Signature*

**II. SERVED BY UNITED STATES MAIL (state method for each person or entity served):**

**TRUSTEE'S REAL ESTATE BROKER -  
VIA US MAIL**  
RICHARD A HALDERMAN  
3857 BIRCH ST., STE 480  
NEWPORT BEACH, CA 92660

**CREDITOR LISTING VIA US MAIL**  
ALLY FINANCIAL  
PO BOX 130424  
ROSEVILLE, MN 55113

**CREDITOR LISTING VIA US MAIL**  
GREEN TREE SERVICING LLC  
PO BOX 6154  
RAPID CITY, SD 57709-6154

**CREDITOR LISTING - VIA US MAIL**  
ALLY FINANCIAL  
200 RENAISSANCE CTR  
DETROIT, MI 48243

**CREDITOR LISTING VIA US MAIL**  
BANK OF AMERICA, N.A.  
450 AMERICAN ST  
SIMI VALLEY, CA 93065

**CREDITOR LISTING VIA US MAIL**  
BANK OF THE WEST  
2527 CAMINO RAMON  
SAN RAMON, CA 94583

**CREDITOR LISTING - VIA US MAIL**  
BK OF AMER  
4060 OGLETOWN/STANTON RD  
NEWARK, DE 19713

**CREDITOR LISTING VIA US MAIL**  
CHASE  
P.O. BOX 15298  
WILMINGTON, DE 19850

**CREDITOR LISTING VIA US MAIL**  
FIA CARD SERVICES, N.A.  
4161 PIEDMONT PARKWAY  
NC4 105 03 14  
GREENSBORO, NC 27410

**CREDITOR LISTING - VIA US MAIL**  
FRANCHISE TAX BOARD  
P.O. BOX 942867  
SACRAMENTO, CA 94267-0011

**CREDITOR LISTING VIA US MAIL**  
GE CAPITAL RETAIL BANK  
C/O RECOVERY MANAGEMENT SYSTEMS  
CORP  
25 SE 2ND AVE SUITE 1120  
MIAMI FL 33131-1605

**CREDITOR LISTING VIA US MAIL**  
GECRB/STRN  
C/O P.O. BOX 965036  
ORLANDO, FL 32896-5036

**CREDITOR LISTING - VIA US MAIL**  
GREEN TREE SERVICING L  
332 MINNESOTA ST STE 610  
SAINT PAUL, MN 55101

**CREDITOR LISTING VIA US MAIL**  
INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
P.O. BOX 7346  
PHILADELPHIA, PA 19114-7346

**CREDITOR LISTING VIA US MAIL**  
NATIONWIDE CREDIT RECOVERY  
7373 UNIVERSITY AVE STE  
LA MESA, CA 91942

**CREDITOR LISTING - VIA US MAIL**  
WORLDS FOREMOST BANK N  
4800 NW 1ST ST STE 300  
LINCOLN, NE 68521

In re BAKAITIS, PETER J., BALASH, JANET M.,	CHAPTER: 7  CASE NO.: 6:12-bk-25391-WJ
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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.

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I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
 3750 University Avenue., Ste. 670, Riverside, CA 92501

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:

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- Patricia M Ashcraft patriciamashcraft@yahoo.com
- Lynda T. Bui (TR) trustee.ltranbui@shblp.com, C115@ecfbis.com
- Brenda Groschen brenda.groschen@ally.com
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
- Gloria J Wysuph gloria.j.wysuph@gtsericing.com

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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 of America that the foregoing is true and correct.

10/23/12	Tonia Wooten	/s/ Tonia Wooten
<i>Date</i>	<i>Type Name</i>	<i>Signature</i>

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WILMINGTON, DE 19850

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4161 PIEDMONT PARKWAY  
NC4 105 03 14  
GREENSBORO, NC 27410

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FRANCHISE TAX BOARD  
P.O. BOX 942867  
SACRAMENTO, CA 94267-0011

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SYSTEMS CORP  
25 SE 2ND AVE SUITE 1120  
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