

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Franklin C. Adams, CSB #: 085351 franklin.adams@bbkllaw.com Best Best & Krieger, LLP 3390 University Avenue, Fifth Floor Riverside, CA 92501 Telephone: (951) 686-1450 Facismile: (951) 686-3083 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: American Board of Optometry, Inc.	FOR COURT USE ONLY
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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION	
In re: American Optometric Society, Inc. Debtor(s).	CASE NO.: 6:12-bk-38276-MW CHAPTER: 7 <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>

Sale Date: April 22, 2014	Time: 2:00 p.m.
Location: Courtroom #225, 3420 Twelfth Street, Riverside, California 92501	

Type of Sale: Public Private **Last date to file objections:** April 8, 2014

Description of property to be sold: Per Attached

Terms and conditions of sale: Per Attached

Proposed sale price: \$5,000

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): Per Attached

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

Date and Time: April 22, 2014, at 2:00 p.m.

United States Bankruptcy Court for the Central District of California Riverside Division

3420 Twelfth Street

Courtroom #225, Second Floor

Riverside, California 92501

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

Arturo M. Cisneros, Chapter 7 Trustee

3403 Tenth Street, Suite 711

Riverside, California 92501

Phone: (951) 328-3124

email: amctrustee@mclaw.org, acisneros@ecf.epiqsystems.com

Date: March 27, 2014

Description of Property to be Sold:

All the personal property assets of the Estate, whether tangible or intangible, whether scheduled or unscheduled including, without limitation, the domain name(s) of the Debtor, web site(s) content, and mailing lists including e-mail lists.

Excluding: all the cash Trustee now holds on deposit for the benefit of the Estate (approximately \$60,000.00); any and all claims for professional negligence by attorneys for the Debtor whether related to the bankruptcy proceeding or to the Civil Action as well as all claims and/or rights of recovery held by the Trustee or Estate seeking to recover such fees and costs and/or demand an accounting therefor from the attorneys for the Debtor in this bankruptcy proceeding including, without limitation, under §329, or the Civil Action for any attorney's fees and/or costs as sanctions or as excessive under §329; and all avoidance claims of the Estate under Chapter 5 and Chapter 7 of Title 11 U.S.C.

Terms and Condition of Sale:

The Trustee proposes to sell the Property for the sum of \$5,000.00. The terms of the sale are evidenced by an offer letter from the American Board, a true and correct copy of which is attached to the Motion as **Exhibit 2**. In summary the terms are as follows:

The proposed purchase price is \$5,000.00;

The American Board of Optometry, Inc., has made in initial deposit of \$5,000.00, which has been deposited with the Trustee to be applied to the purchase price.

The American Board of Optometry, Inc., is required to pay the remainder of the purchase price (*if any*) within five (5) days after entry of an order approving and authorizing the Trustee to sell the Property.

Bidding and Overbid Procedures:

The bidding shall begin with Buyers' \$5,000.00 offer, subject to overbid in increments of not less than \$500.00 with the first overbid being \$5,500.00. The Trustee requests that the Court approve the sale to the highest and best bidder as selected and determined by the Trustee. In order to protect the estate against the possibility that the successful bidder will ultimately fail to perform, the successful bidder shall be required to deposit with the Trustee, *not less than three (3) business days* prior to the time of the hearing, a certified check or money order in the amount of \$5,000.00, payable to Arturo Cisneros, Chapter 7 Trustee for the bankruptcy estate of the American Optometric Society. In the event the buyer fails to perform within the prescribed time as set forth above, the deposit shall be non-refundable and immediately forfeit upon such default. Further, the Trustee shall be relieved of any obligation to sell the Property to such defaulting buyer and said forfeiture shall not be construed as liquidated damages but shall be deemed to be the minimum amount of damages suffered by the estate without prejudice to the Trustee's or the bankruptcy estate's right to pursue further damages for any and all breaches by the successful bidder (Buyer). In the event the Buyer does perform, the deposit shall be credited to the purchase price. The Trustee further requests that any potential over bidder be required to demonstrate possession of funds by submitting the deposit amount to the Trustee as a precondition to participation in the bidding.

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:

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)* _____, 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)* _____, 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)* _____, 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.

Date

Printed Name

Signature

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