

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Peter J. Mastan, Esq. (Bar No. 190250) Gumport Mastan 550 S. Hope Street, Suite 1765 Los Angeles, CA 90071 Tel: (213) 452-4900 pmastan@gumportlaw.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee H. Grobstein</p>	<p>FOR COURT USE ONLY</p>
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<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</p>	
<p>In re:</p> <p>JOHN MICHAEL BENSTEAD and ELIA BENSTEAD,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 6:13-BK-22259-WJ CHAPTER: 7</p> <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>

<p>Sale Date: 04/29/2014</p>	<p>Time: 10:30 am</p>
<p>Location: Courtroom 302, 3420 Twelfth Street, Riverside, CA 92501</p>	

Type of Sale: Public Private **Last date to file objections:** 04/15/2014

Description of property to be sold:
Real property commonly known as 5636 Birchbay Court, Rancho Cucamonga, CA 91737.

Terms and conditions of sale:
As-Is, except that the sale will be free and clear of all monetary claims, liens, and interests.

Proposed sale price: \$ 602,000.00

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 Notice of Hearing for proposed overbid procedures. Overbid procedures may be altered by the Court.

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

April 29, 2014

10:30 am

Courtroom 302, 3420 Twelfth Street, Riverside, CA 92501.

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

Peter J. Mastan, Esq.

Gumport | Mastan

550 S. Hope Street, Suite 1765

Los Angeles, CA 90071

Tel: 213-452-4900

email: pmastan@gumportlaw.com

Date: 04/04/2014

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

1 PETER J. MASTAN (Bar No. 190250)
pmastan@gumportlaw.com
2 GUMPORT | MASTAN
550 South Hope Street, Suite 1765
3 Los Angeles, California 90071-2627
Telephone: (213) 452-4900
4

5 Attorneys for Howard Grobstein,
Chapter 7 Trustee of the Bankruptcy Estate of
John Michael Benstead and Elia Benstead
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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **RIVERSIDE DIVISION**

11 In re

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13 JOHN MICHAEL BENSTEAD and
ELIA BENSTEAD,

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15 Debtor(s)
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Bk. No.: 6:13-BK-22259-WJ

CHAPTER 7

NOTICE OF HEARING ON MOTION:

1) TO APPROVE THE TRUSTEE'S
SALE OF THE REAL PROPERTY
COMMONLY KNOWN AS 5636
BIRCHBAY COURT, RANCHO
CUCAMONGA, CA 91737, FREE AND
CLEAR OF CLAIMS, LIENS, AND
INTERESTS, SUBJECT TO OVERBID;
AND

2) FOR TURNOVER

DATE: April 29, 2014
TIME: 10:30 a.m.
PLACE: Courtroom 302
3420 Twelfth Street
Riverside, CA 92501-3819
[Hon. Wayne Johnson]

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1 **TO: THE DEBTOR, PROPOSED BUYERS STEVE AND LORI HARRISON, THE**
2 **OFFICE OF THE UNITED STATES TRUSTEE, ALL SCHEDULED CREDITORS**
3 **OF THE ESTATE AND THOSE WHO HAVE FILED PROOFS OF CLAIM, ALL**
4 **LIEN HOLDERS OF RECORD; AND THEIR RESPECTIVE COUNSEL OF**
5 **RECORD, IF ANY:**

6 **NOTICE IS HEREBY GIVEN** that, on April 29, 2014, on the 10:30 a.m.
7 calendar, in Courtroom 302 of the United States Bankruptcy Court located at 3420 Twelfth
8 Street, Riverside, California 92501, the Honorable Wayne Johnson, United States
9 Bankruptcy Judge, will conduct a hearing on the motion (the "Motion") for authority to
10 sell the real property commonly known as 5636 Birchbay Court, Rancho Cucamonga,
11 California (the "Birchbay Property"), free and clear of monetary claims, liens, and
12 interests, and subject to overbid, which Motion was filed on April 4, 2014 by Howard
13 Grobstein, Chapter 7 trustee (the "Trustee") of the bankruptcy estate (the "Estate") of
14 debtors John Michael Benstead and Elia Benstead. Specifically, through the Motion, the
15 Trustee seeks an order that does each of the following:

16 (1) Approves the Purchase and Sale Agreement (the "Agreement") attached as
17 **Exhibit 1** to the Motion.

18 (2) Authorizes the Trustee to sell the Birchbay Property to Steve and Lori
19 Harrison (the "Buyers") for \$602,000, or (b) an approved overbidder making a better offer,
20 on an "AS IS" and "WHERE IS" basis, with all faults and without any representation or
21 warranty whatsoever, except that the Birchbay Property is being sold free and clear of all
22 monetary claims, liens, and interests.

23 (3) Authorizes the Trustee to pay through escrow all usual and customary costs
24 of sale, including without limitation (a) brokers' commissions of 5%, (b) escrow fees, (c)
25 title insurance fees, (d) recording fees, (e) messenger fees, and (f) liens of record, in each
26 case to the extent not disputed by the Trustee.

27 (4) Determines that, to the extent that any portion of a monetary claim, lien, or
28 interest is disputed by the Trustee and not paid through escrow, such monetary claim(s),

1 lien(s), and/or interest(s) in and to the Birchbay Property shall attach to the sale proceeds
2 with the same validity, force and effect as such monetary claims, liens, and interests had
3 with respect to the Birchbay Property.

4 (5) Determines that the Agreement was made in good faith in an arm's-length
5 transaction and that the buyer of the Birchbay Property (whether the Buyers or a successful
6 overbidder) is acting in good faith within the meaning of 11 U.S.C. § 363(m).

7 (6) Determines that adequate notice of the hearing, if any, on the Motion for
8 approval of the Agreement was given.

9 (7) Authorizes the Trustee to perform the terms of the Agreement and to sign all
10 such documents that are reasonably necessary to perform the Trustee's obligations under
11 the Agreement.

12 (8) Reserves Bankruptcy Court jurisdiction to enforce the Agreement.

13 (9) Approves the following overbid procedure:

14 (a) any initial overbid for the Real Property must be in an amount not less
15 than \$617,000 (i.e., \$15,000 higher than the proposed purchase price);

16 (b) in the event that the Trustee receives multiple overbids, any
17 subsequent overbids must be made in Court at the time of the hearing on the Motion and
18 must be made in minimum increments of \$5,000;

19 (c) any overbid must be delivered to the Trustee, in care of his counsel
20 Peter J. Mastan, Esq. at the address set forth on the caption of this Notice, not later than 3
21 days prior to the hearing on the Motion and must be accompanied by (a) a certified or
22 cashier's check in the amount of \$50,000 (the "Overbid Deposit"), and (b) financial
23 documents acceptable to the Trustee reflecting the bidder's present ability to immediately
24 close the sale for the full amount bid at the hearing;

25 (d) any sale at overbid will be "AS IS", "WHERE IS", with all faults and
26 without any representation or warranty whatsoever, whether express or implied, including
27 without limitation, without warranty as to habitability, merchantability, or

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1 fitness for a particular purpose, except that the sale will be free and clear of monetary
2 liens, claims and interests;

3 (e) the Trustee may exercise his discretion to reject a particular overbid
4 that is not both higher and better (based upon all of the circumstances) than the Buyers'
5 offer or the offer of other overbidders or where, in the Trustee's subjective opinion, the
6 bidder has not provided sufficient financial documentation to demonstrate
7 that bidder's present ability to close the purchase of the Birchbay Property from the Estate;

8 (f) Any person making an overbid for the Birchbay Property shall be
9 deemed to have made, on their own account, each of the representations/acknowledgments
10 made by the Buyers to the Trustee in the Agreement and shall be accepting the Birchbay
11 Property on an "AS-IS" and "WHERE-IS" basis, except that the Trustee will convey the
12 Birchbay Property free and clear of all monetary claims, liens, and interests.

13 (11) Authorizes the Trustee to close the proposed sale of the Birchbay Property to
14 the Buyers (or the successful overbidder) unless an appeal of the order authorizing that
15 sale is timely filed and a stay pending appeal is entered.

16 (12) In the event that the Buyers are not the Court-approved buyers of the
17 Birchbay Property because the Buyers were overbid, authorizes the Trustee to direct
18 escrow to return to the Buyers their deposit with the escrow.

19 (13) Waives the 14-day stay of orders for the disposition of Estate property set
20 forth in Fed.R.Bankr.P. 6004(h).

21 (14) Directs the Debtors (and all persons claiming a right to possession through
22 the Debtors) to vacate the Birchbay Property within 24-hours of the entry of the order on
23 the approval motion and provides that such order shall constitute a writ of possession for
24 the Birchbay Property.

25 **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C.
26 §§ 363(b), 363(m), 521, and 542, Federal Rules of Bankruptcy Procedure 2002 and 6004,

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1 and Local Bankruptcy Rules 6004-1 and 9013-1 on the grounds that the proposed sale is in
2 the best interests of the Estate and the Birchbay Property is property of the Estate that the
3 Debtors are required to turnover to the Trustee.

4 **NOTICE IS FURTHER GIVEN** that the Motion is based on (a) this Notice of
5 Hearing on Motion; (b) the concurrently filed Notice of Motion and Motion, Memorandum
6 of Points and Authorities, Declarations of Howard Grobstein, Peter Mastan, and Gail Eye,
7 and Exhibits; (c) the pleadings on file with the Court of which the Court is requested to
8 take judicial notice; and (d) such further evidence that may be properly submitted prior to
9 or at any hearing on the Motion. At your own expense, you may obtain a complete copy of
10 the Motion from the Court's file or by contacting Mr. Victor Rivera of Discovery
11 Document Reproduction Services at Tel. No. (213) 312-0033.

12 **NOTICE IS FURTHER GIVEN that, pursuant to Local Bankruptcy Rule**
13 **9013-1(f), any opposition to the Motion must be in writing; must be filed with the**
14 **Court and served upon the Buyers, the Trustee, and the Office of the United States**
15 **Trustee at the addresses set forth below not less than 14 days prior to the hearing on**
16 **the Motion; and must include a complete written statement of all reasons in**
17 **opposition thereto or in support or joinder thereof, declarations and copies of all**
18 **photographs and documentary evidence on which the responding party intends to**
19 **rely, and any responding memorandum of points and authorities:**

20 **For Filing With the Court**

21 Clerk's Office
22 United States Bankruptcy Court
3420 Twelfth Street,
Riverside, California 92501

For Service on Hon. Wayne Johnson,
United States Bankruptcy Judge

Hon. Wayne Johnson
United States Bankruptcy Court
Central District of California
3420 Twelfth Street, Suite 345
Riverside, California 92501

24 **For Service on the Trustee**

25 Howard Grobstein, Trustee
26 c/o Peter J. Mastan, Esq.
Gumport | Mastan
550 South Hope Street, Suite 1765
27 Los Angeles, California 90071-2627

For Service on Office of U.S. Trustee

Office of the U.S. Trustee
3801 University Ave., Suite 720
Riverside, California 92501

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1 **For Service on the Buyers**
Steve and Lori Harrison
2 P.O. Box 8445
Alta Loma, California 91701
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5 **NOTICE IS FURTHER GIVEN that, pursuant to Local Bankruptcy Rule**
6 **9013-1(h), failure to timely file and serve an objection may be deemed by the Court to**
7 **be consent to granting the Motion.**
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9 DATED: April 4, 2014

Respectfully submitted,
GUMPORT | MASTAN

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12 By: 

13 Peter J. Mastan
14 Attorneys for Howard Grobstein, Chapter 7
Trustee of the Bankruptcy Estate of John
Michael Benstead and Elia Benstead
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ADDITIONAL SERVICE INFORMATION (if needed):

SERVED BY FIRST CLASS U.S. MAIL

DEBTORS

John Michael Benstead
and Elia Benstead
5636 Birchbay Court
Alta Loma, CA 91737

PROPOSED BUYERS

Steve and Lori Harrison
P.O. Box 8445
Alta Loma, CA 91701

PROPOSED BUYERS

Steve and Lori Harrison
c/o Ty Wallace, Agent
Coldwell Banker
Tri-Counties Realty
1200 Diamond Bar Blvd., Ste. 101
Diamond Bar, CA 91765

UNITES STATES TRUSTEE

Office of the United States Trustee
3801 University Avenue, Suite 720
Riverside, CA 92501-3255

INTERESTED PARTY

Robin T. Aguilera
c/o Lynn Munger Perry, Agent
Tri-Star-the Munger Group
563 N. Mountain
Upland, CA 91786

INTERESTED PARTY

William and Deanna Brophy
c/o David Trevina, Agent
Century 21 Experience
7168 Archibald Ave., #100
Alta Loma, CA 91701

INTERESTED PARTY

Regina D. Wofford
c/o Peter Zumel, Agent
Exact Fit Investment
839 W. Orangepath St.
Glendora, CA 91741

INTERESTED PARTY

Jason Hsieh
c/o Xiaoyu Oinhsieh, Agent
A+ Realty & Mortgage
17462 Colima Road
Rowland Heights, CA 91748

INTERESTED PARTY

Yang Yu, Tong Wang
c/o Honghua Shang, Agent
Echain Realty
615 Las Tunas Dr., Unit A
Arcadia, CA

INTERESTED PARTY

Christopher J. Chestnut
c/o Don Ewens, Agent
Evergreen Realty
450 N. Mountain Ave., Ste A
Upland, CA 91786

INTERESTED PARTY

Leticia Reyes
c/o Jesse Ornelas, Agent
Dilbeck Real Estate Real Living
115 E. Foothill
Glendora, CA 91741

INTERESTED PARTY

Jason Haringsma
and Amanda Haringsma
c/o Carlos Nava, Agent
New Century Real Estate
9475 Haven Ave., #200
Rancho Cucamonga, CA 91730

INTERESTED PARTY

Lisa Holzberger and
Kathy O'Brien
c/o Terry Padgitt, Agent
MGR Real Estate
1425 W. Foothill Blvd., #307
Upland, CA 91786

INTERESTED PARTY

Liyan Yuan
c/o Autumn Yuan
REMAX Premier Properties
223 N. 1st Ave., #101
Arcadia, CA 91780

**POTENTIALLY SECURED
CREDITOR**

San Bernardino County
Treasurer/Tax Collector
172 W. est Third St., First Floor
San Bernardino, CA 92414-0360

ADDITIONAL SERVICE INFORMATION (if needed):

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POTENTIALLY SECURED

CREDITOR

EquiFirst Corporation
Attn: Collateral M
500 Forest Point Circle
Charlotte, NC 28273

POTENTIALLY SECURED

CREDITOR

EquiFirst Corporation
500 Forest Point Circle
Charlotte, NC 28273

POTENTIALLY SECURED

CREDITOR

MERS
P.O. Box 2026
Flint, MI 48501-2026

POTENTIALLY SECURED

CREDITOR

SABR MORTGAGE LOAN
2008-1 REO SUBSIDIARY-1 LLC
c/o Ocwen Loan Servicing, LLC
1661 Worthington Rd., Ste. 100
West Palm Beach, FL 33409

POTENTIALLY SECURED

CREDITOR

Western Progressive, LLC
2002 Summit Blvd., Ste. 600
Atlanta, GA 30319

CREDITOR

American Express Centurian Bank
c/o Becket and Lee LLP
PO Box 3001
Malvern, PA 19355-0701

CREDITOR

American Infosource LP
as agent for TD Bank, USA
PO Box 248866
Oklahoma City, OK 73124-8866

CREDITOR

American Infosource LP
as agent for Verizon
PO Box 248838
Oklahoma City, OK 73124-8838

CREDITOR

Amex
PO Box 297871
Fort Lauderdale, FL 33329

CREDITOR

Amex
PO Box 3001
16 General Warren Blvd.
Malvern, PA 19355

CREDITOR

Bank of America
PO Box 982235
El Paso, TX 79998-2238

CREDITOR

BQS Design Inc.
8500 Hyssop Drive
Rancho Cucamonga, CA

CREDITOR

Cavalry SPV I, LLC
500 Summit Lake Dr., Ste. 400
Valhalla, NY 10595-1340

CREDITOR

Citi Flex
PO Box 6497
Sioux Falls, SD 57117-6497

CREDITOR

Citi Flex
Centralized Bankruptcy
PO Box 6003
The Lakes, NV 88901-6003

CREDITOR

Client Services, Inc.
3451 Harry Truman Blvd.
St. Charles, MO 63301

CREDITOR

Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany, OH 43054-3025

CREDITOR

Discover Fin. Svcs. LLC
PO Box 15316
Wilmington, DE 19850

ADDITIONAL SERVICE INFORMATION (if needed):

SERVED BY FIRST CLASS U.S. MAIL

CREDITOR

Elite Properties & Realty and
Re/MAX Masters
5636 Birchbay Court
Rancho Cucamonga, CA 91737-2265

CREDITOR

FedLoan Servicing
U.S. Dept. of Education
PO Box 69184
Harrisburg, PA 17106-9184

CREDITOR

Insperty PEO Services, L.P.
19001 Crescent Springs Dr.
Kingwood, TX 77339-3802

CREDITOR

LVNV Funding, LLC
625 Pilot Road
Las Vegas, NV 89119-4485

CREDITOR

LVNV Funding, LLC
its successors and assignees
Assignee of Bank of America, N.A..
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

CREDITOR

TD Bank USA/Targetcard
PO Box 673
Minneapolis, MN 55440-0673

CREDITOR

Verizon
500 Technology Dr., Ste. 30
Weldon Spring, MO 63305-2225

CREDITOR

Wells Fargo Dealer Services
PO Box 1697
Winterville, NC 28590-1697

CREDITOR

WFDS/WDS
PO Box 1697
Winterville, NC 28590-1697

CREDITOR

WFDS/WDS
PO Box 3569
Rancho Cucamonga, CA 91729-3569

CREDITOR

Park Place Ford, LLC
555 W. Foothill Blvd.
Upland, CA 91786

CREDITOR

Ocwen Loan Servicing
1661 Worthington Rd., Ste. 100
West Palm Beach, FL 33409-6493

CREDITOR

Ocwen Loan Servicing
Attn: Bankruptcy
PO Box 24738
West Palm Beach, FL 33416-4738

CREDITOR

Western Progressive LLC
Trustee Sale Company
2002 Summit Blvd., Ste. 600
Atlanta, GA 30319

CREDITOR

Franchise Tax Board
Bankruptcy Section MS A-340
PO Box 2952
Sacramento, CA 95812

CREDITOR

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346