

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address M. Jonathan Hayes (Bar No. 90388) Matthew D. Resnik (Bar No. 182562) Roksana D. Moradi (Bar No. 266572) Carolyn M. Afari (Bar No. 283681) SIMON RESNIK HAYES LLP 15233 Ventura Blvd., Suite 250 Sherman Oaks, CA 91403 Telephone: (818) 783-6251 Facsimile: (818) 827-4919 jhayes@SRHLawFirm.com matthew@SRHLawFirm.com roksana@SRHLawFirm.com;carolyn@SRHLawFirm.com <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor	FOR COURT USE ONLY
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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION	
In re: GARY L. POWERS, Debtor(s).	CASE NO.: 6:13-bk-25207-MJ CHAPTER: 11 <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>

Sale Date: 10/30/2013	Time: 1:30 pm
Location: US Bankruptcy Court - Courtroom 301, 3420 Twelfth Street, Riverside, CA 92501	

Type of Sale: Public Private **Last date to file objections:** 10/16/2013

Description of property to be sold:
 71677 Highway 111, Rancho Mirage, CA, 92270 Assessor's Parcel Number 684-232-002

Terms and conditions of sale:
 Call Cash Offer in the amount of \$875,000. Property to be sold free and clear of all liens, claims and interests. Purchaser to lease back property to Debtor pursuant to lease agreement. Escrow to close 5 days after entry of order approving sale.

Proposed sale price: \$ 875,000.00

Overbid procedure (if any):

See Attachment

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

Date: October 30, 2013

Time: 1:30 p.m.

Place: United States Bankruptcy Court

Courtroom 301

3420 Twelfth Street

Riverside, CA 92501-3819

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

M. Jonathan Hayes

Roksana D. Moradi

Carolyn M. Afari

SIMON RESNIK HAYES LLP

Telephone: (818) 783-6251

jhayes@SRHLawFirm.com

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Date: 10/03/2013

Addendum 1: (Bankruptcy Related Provisions)

Gary L. Powers has filed for protection under Chapter 11 of the United States Bankruptcy Code. The case was filed in the Riverside Division of the United States Bankruptcy Court bearing case number: 6:13-bk-25207-MJ. No trustee has been appointed in the case and Gary L. Powers is a Debtor in Possession, vested with all rights to sell, lease or otherwise dispose of property of his estate, subject to Bankruptcy Court review and approval.

This offer to acquire the subject property is expressly conditioned on the following:

1. Any agreement reached between "Powers" as seller and Pacific Horizon Partners, LLC ("Pacific Horizon") as purchaser, of the Subject Property is expressly conditioned on entry of a non appealable order approving the sale pursuant to the provisions of 11 U.S.C. section 363 (f).
2. It is understood that any agreement to sell the property is subject to Bankruptcy Court review and approval of all terms and conditions of sale. Because the sale of such property is subject to overbid, it is agreed that such terms and conditions will include provision for the following:
 - a. Any party wishing to overbid will be required to deposit the sum of \$50,000 as a good faith deposit, at least 72 hours prior to the first date scheduled for approval of the sale before the court. Said deposit shall be nonrefundable in the event that the successful overbid is approved but the Purchaser is not able to close by the Escrow Closing Date, defined as five (5) business days from the date of entry of a non appealable order approving the sale.
 - b. Pacific Horizon shall be entitled to a breakup fee of \$50,000 plus all direct out of pocket expense associated with the due diligence exercise in the event that the subject property sells to any over bidder, other than Pacific Horizon. This amount has been determined as reasonable based on the time and effort spent by Pacific Horizon in its due diligence, the legal fees and costs associated with the 11 U.S.C. Section 363 sale, and lost opportunity based on the time and effort spent on this property.
 - c. The bidding increments with reference to any overbids shall be in the sum of twenty five thousand dollars (\$25,000).
3. Seller shall instruct his attorney to prepare the appropriate motion to 1) approve the terms and conditions of sale, and 2) sell the Subject Property. Said motions to be filed no later than five (5) business days following opening of escrow.

Initials

MS
DH
CP

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: 15233 Ventura Blvd., Suite 250, Sherman Oaks, CA 91403

A true and correct copy of the foregoing document entitled (*specify*): **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*) 10/3/2013, 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:

- M Jonathan Hayes jhayes@srhlawfirm.com, roksana@srhlawfirm.com; carolyn@srhlawfirm.com; shawnj@srhlawfirm.com;rosarioz@srhlawfirm.com;jhayesecf@gmail.com;j@alkazian.com
- Jason K Schrader jason.K.Schrader@usdoj.gov
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (*date*) 10/3/2013, 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.

Hon. Meredith A. Jury
US Bankruptcy Court
3420 Twelfth Street, Suite 325
Riverside, CA 92501-3819

Gary Powers
72550 Theodora Lane
Palm Desert, CA 92260

ALL CREDITORS:

Amex
Po Box 297871
Fort Lauderdale, FL 33329

Franchise Tax Board
Attn: Bankruptcy Unit
P.O. Box 2952
Sacramento, CA 95812-2952

Citi
Po Box 6241
Sioux Falls, SD 57117

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Del Toro Loan Servicing
2434 Southport Way, Suite F
National City, CA 91950

Provident Bank
3756 Central Avenue
Riverside, CA 92506

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*) 10/3/2013, 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.

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.

10/3/2013
Date

Carolyn M. Afari
Printed Name

/s/ Carolyn M. Afari
Signature

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