Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address	FOR COURT USE ONLY
Charles W Daff, Bar No 76178 2009 N Broadway Santa Ana, Ca. 92706 Tel: 714-541-0301 Fax: 714-569-0515 ☐ *Individual appearing without attorney* ☒ *Attorney for:* Trustee	

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION

In re: MICHAEL E. ROACH Debtor(s).	CASE NO.: 6:13-BK-26552 MW CHAPTER: 7 **NOTICE OF SALE OF ESTATE PROPERTY**

Sale Date: 05/20/2014	**Time:** 10:00 am
Location: 2704 Lilac Avenue, Bloomington, California 92316	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** 05/15/2014

Description of property to be sold:
Among the assets of the estate is personal property described as a 2007 Toyota Tundra Pickup Truck with approximately 27,000 miles.

Terms and conditions of sale:
. The terms of the public auction are that the auctioneer, Van Horn Auctions and Appraisal Group, Inc., will liquidate said assets and conduct said auction as ALL CASH with a request for a piece meal auction with the assets offered "as is, where is", with no warranties or guarantees as to condition or operational capacity . Highest and Best Price

Proposed sale price: _____

Overbid procedure (*if any*):

SEE MOTION ATTACHED HERETO

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 email address*):

CHARLES W. DAFF
2009 N BROADWAY
SANTA ANA, CA. 92706
TEL: 714-541-0301
FAX: 714-569-0515
EMAIL: charleswdaff@gmail.com

Date: 4/27/14

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:
2009 N. Broadway
Santa Ana, CA 92706

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*) 04/27/14____, 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:

- Charles W Daff (TR) charleswdaff@gmail.com, c122@ecfcbis.com
- Christina M Holt CMHMLaw@gmail.com, cmholtlaw@yahoo.com
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On (*date*) **04/27/14**, 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. MARK S WALLACE, US BANKRUPTCY JUDGE, 3420 TWELFTH ST., RIVERSIDE, CA. 92501

☒ 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 of America that the foregoing is true and correct.

04/27/14	**Charles W. Daff**	
Date	*Printed Name*	*Signature*

Label Matrix for local noticing
0973-6
Case 6:13-bk-26552-MW
Central District Of California
Riverside
Sun Apr 27 18:53:44 PDT 2014

Riverside Division
3420 Twelfth Street,
Riverside, CA 92501-3819

Employment Development Dept.
Bankruptcy Group MIC 92E
P.O. Box 826880
Sacramento, CA 94280-0001

Franchise Tax Board
Bankruptcy Section MS: A-340
P.O. Box 2952
Sacramento, CA 95812-2952

1st National Bank of Omaha
PO Box 3412
Omaha, NE 68103-0412

American Express
PO Box 981537
El Paso, TX 79998-1537

American Express Bank, FSB
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Citi Cards/ Citibank
PO Box 6241
Sioux Falls, SD 57117-6241

First National Bank of Omaha
1620 Dodge Street Stop Code 3105
Omaha Ne 68197-0002

Pro/New Amer Funding
14511 Myford Rd. Suite 100
Tustin, CA 92780-7057

RBS Citizens
480 Jefferson Blvd.
Warwick, RI 02886-1359

United States Trustee (RS)
3801 University Avenue, Suite 720
Riverside, CA 92501-3255

Universal Card/ Citibank
PO Box 6241
Sioux Falls, SD 57117-6241

WELLS FARGO BANK, N.A.
PO BOX 10438
MAC: X2505-036
DES MOINES, IA 50306-0438

Wells Fargo Bank
PO Box 3117
Winston Salem, NC 27102-3117

Wells Fargo Bank NA
PO Box 31557
Billings, MT 59107-1557

Charles W Daff (TR)
2009 N. Broadway
Santa Ana, CA 92706-2611

Christina M Holt
570 Central Ave Ste D-1
Lake Elsinore, CA 92530-2741

Michael E Roach
29327 Schooner Lane
Lake Elsinore, CA 92530-1220

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Tatiana Roach

End of Label Matrix

Mailable recipients	18
Bypassed recipients	1
Total	19

CHARLES W. DAFF, BAR NO. 76178
2009 N. BROADWAY
SANTA ANA, CA 92706
Telephone: (714)541-0301
Facsimile: (714)569-0515

Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA, RIVERSIDE DIVISION

In re: MICHAEL E. ROACH Debtor.	Case No:6:13-BK-26552 MW Chapter 7 TRUSTEE'S MOTION FOR AUTHORITY TO CONDUCT PUBLIC AUCTION FOR SALE OF PROPERTY OF THE ESTATE RE: PERSONAL PROPERTY No Hearing Set

TO THE HONORABLE, MARK S. WALLACE, UNITED STATES BANKRUPTCY JUDGE:

The Chapter 7 Trustee, Charles W. Daff, moves this court for an order to authorize the sale of personal property of the bankruptcy estate by public auction. The trustee intends to conduct the public auction on May 20, 2014 at 10:00 a.m. at the location of 2704 Lilac Avenue, Bloomington, California 92316.

BACKGROUND INFORMATION

1. On October 4, 2013, the debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code.

2. Charles W. Daff is the duly appointed, qualified and acting chapter 7 trustee for the bankruptcy cases.

3. The motion to sell assets of the estate is made pursuant to Bankruptcy Code section 363(b); Federal Bankruptcy

Rule 6004 and Local Bankruptcy Rule 9013-1 and Local Bankruptcy Rule 6004.

THE PROPERTY

4. Among the assets of the estate is personal property described as a 2007 Toyota Tundra Pickup Truck with approximately 27,000 miles. The debtor scheduled the 2007 Toyota Tundra Pickup Truck in Schedule B- Personal Property. A true and correct copy of the Schedule B-Personal Property is attached hereto as Exhibit A and incorporated by reference.

5. On or about March 20, 2014, the trustee requested that the auctioneer, Van Horn Auctions and Appraisal Group, Inc to inspect the assets described above for the purpose of obtaining the liquidation value of these assets at a public auction. The auctioneer provided an opinion that the sale of the assets would bring a total value in the range from $10,000 to $12,000 in sale proceeds to the estate. A true and correct copy of the letter dated March 20, 2014, is attached hereto as Exhibit B and incorporated by reference.

6. The debtor stated that this vehicle is free and clear of liens. A true and correct copy of Schedule D-Secured Claims is attached hereto as Exhibit C and incorporated by reference. The trustee has in his immediate possession a Certificate of Title issued by the State of California for this 2007 Toyota Tundra Pickup Truck. The debtor did not claim an exemption in this motor vehicle. A true and correct copy of Schedule C-Property Claimed Exempt is attached hereto as Exhibit D and hereby incorporated by reference.

BENEFIT TO THE ESTATE

7. The last day for general unsecured creditors to file a proof of claim is February 18, 2014. (claims bar date). The debtor has scheduled no priority creditors. The debtor has scheduled general unsecured credits in Schedule F in sum of $38,534. The total amount of unsecured claims on file with the court at this time is $23,874.16. After cost of administration of the estate, the general unsecured creditors in all likelihood will receive a dividend in this case.

THE SALE OF PROPERTY

8. The Trustee proposes to sell the estate's right, title and interest in the personal property of the debtor as described herein by public auction.

9. The trustee intends to conduct the public auction on May 20, 2014 at 10:00 a.m. at 2704 Lilac Avenue, Bloomington, California 92316. The inspection of the assets will commence at 8:00 am on May 20, 2014 and conclude at the time of commencement of the auction.

10. On April 10, 2014, the trustee filed with the court and noticed to creditors an application to employ the company, Scott Van Horn of Van Horn Auctions & Appraisal Group, Inc., (docket #14) to conduct the public auction. The terms of employment of the auctioneer include a thirteen percent (13%) buyers premium to be charged to the purchaser and expenses to be paid by the estate not to exceed $2,000. It is the opinion of the Auctioneer that the auction sale of the assets will result in $10,000 to $12,000 in gross proceeds, should all the assets be sold. The valuation of the assets is determined as follows: 1)

based upon the values listed in the debtor's Schedule B, and 2) the Auctioneer's estimation of value. A copy of the letter dated March 20, 2014, from Van Horn Auctions and Appraisal Group, Inc. is attached hereto as Exhibit C and hereby incorporated by reference.

TERMS OF THE AUCTION AND BIDDING PROCEDURES

11. The terms of the public auction are that the auctioneer, Van Horn Auctions and Appraisal Group, Inc., will liquidate said assets and conduct said auction as ALL CASH with a request for a bulk bids first and piece meal auction second, if necessary, with the assets offered "as is, where is", with no warranties or guarantees as to condition or operational capacity upon the following terms and conditions:

a. Said sale may be subject to California Sales Tax.

b. Buyer is to assume any and all hazardous and or toxic chemicals or materials, as well as any State, County and City regulations and licenses.

c. The trustee and Van Horn Auctions and Appraisal Group, Inc have no other obligation to the bidder in the event the sale is cancelled, postponed or sold at a Court overbid than to return the bulk bidder's deposit or other deposits on hand.

d. Van Horn Auctions and Appraisal Group, Inc receive as compensation a commission of 13% of the gross sales of the bulk auction.

e. In the event a piece meal auction becomes necessary, Van Horn Auctions and Appraisal Group, Inc will receive a commission of 13% of the gross sales and be reimbursed expenses which are not to exceed $2,000.

f. The trustee intends to conduct the public auction on May 20, 2014 at 10:00 a.m. at 2704 Lilac Avenue, Bloomington, California 92316. The inspection of the assets will commence at 8:00 am on May 20, 2014 at the same location and conclude at the time of commencement of the auction.

12. Van Horn Auctions and Appraisal Group, Inc will advertise the proposed auction in major newspapers in Orange County, Riverside and Los Angeles County. A brochure advertising the auction of the personal property will be forwarded to parties on established mailing lists and notice of the proposed auction will be forwarded to all creditors.

13. The estate's right, title and interest in the personal property are to be sold as is, where is and without warranty. The Auctioneer's compensation, as described in the Trustee's Application to Employ Auctioneer, is sole commission of thirteen percent commission, buyers' premium, to be charged to the purchaser, plus the reimbursement of his actual and necessary expenses, in an amount not to exceed $2,000.

AUCTIONEER ACCOUNTING AND PAYMENT PROCEDURES

14. The auctioneer will collect and deliver all gross proceeds to the trustee pursuant to the Application To Employ Auctioneer (docket #14) and Order Thereon. The auctioneer will collect all gross proceeds from the auction sale. In compliance with Federal Rules of Bankruptcy Procedure 6004(4) and Local Bankruptcy Rule 2016-1(1)(a), the proposed auctioneer will file a sold item and expense report with the Court and serve a copy of the Report on the U.S. Trustee and the Trustee prior to receiving final compensation. Following the filing and service of the

Report and absent any objection to the Report by the Trustee, the Trustee will file a notice with the Court and serve it on the U.S. Trustee, the Debtor, the Debtor's counsel, the 20 largest unsecured creditors, and parties requesting special notice. The Notice will state that (1) the proposed Auctioneer's Report has been filed with the Court, (2) copies of the Auctioneer's Report may be obtained from the Trustee or the Court, and (3) if no objection to the auctioneer's fees and expenses is received by the Trustee within 10 days of service of the Notice, the Trustee may pay the auctioneer's reasonable fees and expenses without further notice or order of the Court.

WHEREFORE, the Trustee requests that the Court enter an Order:

1. Granting the Motion;

2. Approving the proposed sale and bidding procedures at an auction of the personal property as described above pursuant to 11 U.S.C. §363(b).

3. Approving the Payment Procedure for the Auctioneer described herein; and

4. For such other and further relief as the Court deems just and proper.

DATE:04/27/14

CHARLES W. DAFF
Chapter 7 Trustee

POINTS AND AUTHORITIES

A. THE TRUSTEE MAY SELL DEBTOR'S ASSETS PURSUANT TO 11 U.S.C. §363(b)

11 U.S.C. §363(b)(1) provides:

"The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate."

The sale proposed by the trustee meets with the requirement of Bankruptcy Code section 704(1) which states, "The trustee shall- (1) collect and reduce to money the property of the estate for which such trustee serves, and close the estate as expeditiously as is compatible with the best interest of the parties."

Accordingly, an order approving the auction sale pursuant to 11 U.S.C. Section 363(b) is appropriate.

B. THERE IS A SOUND BUSINESS PURPOSE FOR THE SALE.

There must be some articulated business purpose for a proposed sale outside the ordinary course of business. In re Walter, 83 B.R. 14, 19-20 (9th Cir. BAP 1988). The standards for whether a sale is supported by a sound business purpose was set forth In In re Continental Air Lines, Inc., 780 F.2d 1223, 1226 (5th Cir. 1986), wherein the Fifth Circuit states:

> Whether the proffered business justification is sufficient depends on the case. As the Second Circuit held In Lionel, the bankruptcy judge should consider all salient factors pertaining to the proceeding and accordingly act to further the diverse interest of the debtor, creditors and equity holders, alike. He might for example look to such relevant factors as the proportionate value of the asset to the estate as a whole, the amount of elapsed time since the filing, the likelihood that a plan of reorganization will be proposed and confirmed In the near future, the effect of the proposed disposition on future plans of

> reorganization, the proceeds to be obtained from the disposition vis a vis any appraisals of the property, which of the alternatives use, sale or lease proposal envisions and most importantly perhaps whether the assets is increasing or decreasing In value. This list is not intended to be exclusive, but merely to provide guidance to the bankruptcy judge.
> Id. citing In re Lionel Corp., 722 F.2d 1063, 1071 (2d Cir 1983).

The standards set forth in In re Continental Airlines, Inc. were adopted by the Ninth Circuit Bankruptcy Appellate Panel In re Walter, 83 B.R. 14, 19-20.

In the present case there is a sound business purpose for the sale. The sale as proposed will provide for a means to pay creditors of the estate from the liquidation of the debtor's community property interest. "The primary consideration ... is the benefit bestowed upon the estate as a result of the transfer, In particular the benefit to the unsecured creditors." In re P.R.T.C., Inc., 177 F.3d 774, 783 (9th Cir. 1999). On the other hand, if the sale is not approved, the trustee may lose a buyer thereby causing the estate to incur additional expenses In trying to locate a new buyer or litigate the matter.

Therefore, the trustee respectfully submits that if this court applies the good business reason standard suggested by the Second Circuit In Lionel, the transaction should be approved.

Based upon the good business reasons that exist to grant the motion, the Trustee believes that the sale must be approved without delay to avoid losing this opportunity to successfully sell the property

C. THE SALE IN THE BEST INTEREST OF THE ESTATE.

The benefits to the estate as set forth above are tremendous as it is anticipated that the sale will generate substantial funds for payment of creditors.

D. ACCURATE AND REASONABLE NOTICE HAS BEEN GIVEN.

It is anticipated that the Notice of hearing on this motion will meet the requirements for accurate and reasonable notice under the circumstances.

E. THE SALE IS MADE IN GOOD FAITH.

The court In In re Wilde Horse Enterprise, Inc., set forth the factors In considering whether a transaction is In good faith. The court stated:

> Good faith encompasses fair value, and further speaks to the integrity of the transaction. Typical bad faith or misconduct would include collusion between the seller and buyer or any attempt to take unfair advantage of other potential purchasers. And, with respect to making such determinations, the court and creditors must be provided with sufficient information to allow them to take a position on the proposed sale.

In the present case, the proposed sale is an arms length transaction by public auction. As set forth In the Notice of Motion, the creditors will have been provided with sufficient notice of sale. The public auction will be advertised in a major newspaper, advertised by specific mailing lists maintained by the auctioneer, and conducted in a place open to the public. The public auction provides the greatest exposure to the market for the assets to obtain the highest price. It is in the best interest of the creditors to authorize the Trustee to conduct the auction.

Respectfully Submitted:

DATE: 04/27/14

CHARLES W. DAFF
Chapter 7 Trustee

DECLARATION OF CHARLES W. DAFF

I, Charles W. Daff, declare:

1. I am the duly qualified and acting trustee for the debtor bearing case number 6:13-bk-26552 MW. The facts contained herein are within my personal knowledge and, if called as a witness, I could and would testify competently to the same. The personal knowledge is obtained by my personal inspection of the vehicles subject to this motion for sale by public auction. I also personally took delivery of the Certificate of Title. I plan to personally attend the public auction on May 20, 2014 and supervise pursuant to the terms described in this motion. This declaration is made in support of the Trustee's Motion for Authority to Conduct Public Auction for Sale of Property of the Estate Re: Personal Property.

2. On October 4, 2013, the debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code.

3. Charles W. Daff is the duly appointed, qualified and acting chapter 7 trustee for the bankruptcy cases.

4. The motion to sell assets of the estate is made pursuant to Bankruptcy Code section 363(b); Federal Bankruptcy Rule 6004 and Local Bankruptcy Rule 9013-1 and Local Bankruptcy Rule 6004.

THE PROPERTY

5. Among the assets of the estate is personal property described as a 2007 Toyota Tundra Pickup Truck with approximately 27,000 miles. The debtor scheduled the 2007 Toyota Tundra Pickup Truck in Schedule B- Personal Property. A true and correct copy of the Schedule B-Personal Property is attached

hereto as Exhibit A and incorporated by reference.

6. On or about March 20, 2014, the trustee requested that the auctioneer, Van Horn Auctions and Appraisal Group, Inc to inspect the assets described above for the purpose of obtaining the liquidation value of these assets at a public auction. The auctioneer provided an opinion that the sale of the assets would bring a total value in the range from $10,000 to $12,000 in sale proceeds to the estate. A true and correct copy of the letter dated March 20, 2014, is attached hereto as Exhibit B and incorporated by reference.

7. The debtor stated that this vehicle is free and clear of liens. A true and correct copy of Schedule D-Secured Claims is attached hereto as Exhibit C and incorporated by reference. The trustee has in his immediate possession a Certificate of Title issued by the State of California for this 2007 Toyota Tundra Pickup Truck. The debtor did not claim an exemption in this motor vehicle. A true and correct copy of Schedule C-Property Claimed Exempt is attached hereto as Exhibit D and hereby incorporated by reference.

BENEFIT TO THE ESTATE

8. The last day for general unsecured creditors to file a proof of claim is February 18, 2014. (claims bar date). The debtor has scheduled no priority creditors. The debtor has scheduled general unsecured credits in Schedule F in sum of $38,534. The total amount of unsecured claims on file with the court at this time is $23,874.16. After cost of administration of the estate, the general unsecured creditors in all likelihood will receive a dividend in this case.

THE SALE OF PROPERTY

9. The Trustee proposes to sell the estate's right, title and interest in the personal property of the debtor as described herein by public auction.

10. The trustee intends to conduct the public auction on May 20, 2014 at 10:00 a.m. at 2704 Lilac Avenue, Bloomington, California 92316. The inspection of the assets will commence at 8:00 am on May 20, 2014 and conclude at the time of commencement of the auction.

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TERMS OF THE AUCTION AND BIDDING PROCEDURES

12. The terms of the public auction are that the auctioneer, Van Horn Auctions and Appraisal Group, Inc., will liquidate said assets and conduct said auction as ALL CASH with a

request for a bulk bids first and piece meal auction second, if necessary, with the assets offered "as is, where is", with no warranties or guarantees as to condition or operational capacity upon the following terms and conditions:

a. Said sale may be subject to California Sales Tax.

b. Buyer is to assume any and all hazardous and or toxic chemicals or materials, as well as any State, County and City regulations and licenses.

c. The trustee and Van Horn Auctions and Appraisal Group, Inc have no other obligation to the bidder in the event the sale is cancelled, postponed or sold at a Court overbid than to return the bulk bidder's deposit or other deposits on hand.

d. Van Horn Auctions and Appraisal Group, Inc receive as compensation a commission of 13% of the gross sales of the bulk auction.

e. In the event a piece meal auction becomes necessary, Van Horn Auctions and Appraisal Group, Inc will receive a commission of 13% of the gross sales and be reimbursed expenses which are not to exceed $2,000.

f. The trustee intends to conduct the public auction on May 20, 2014 at 10:00 a.m. at 2704 Lilac Avenue, Bloomington, California 92316. The inspection of the assets will commence at 8:00 am on May 20, 2014 at the same location and conclude at the time of commencement of the auction.

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on established mailing lists and notice of the proposed auction will be forwarded to all creditors.

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AUCTIONEER ACCOUNTING AND PAYMENT PROCEDURES

15. The auctioneer will collect and deliver all gross proceeds to the trustee pursuant to the Application To Employ Auctioneer (docket #14) and Order Thereon. The auctioneer will collect all gross proceeds from the auction sale. In compliance with Federal Rules of Bankruptcy Procedure 6004(4) and Local Bankruptcy Rule 2016-1(1)(a), the proposed auctioneer will file a sold item and expense report with the Court and serve a copy of the Report on the U.S. Trustee and the Trustee prior to receiving final compensation. Following the filing and service of the Report and absent any objection to the Report by the Trustee, the Trustee will file a notice with the Court and serve it on the U.S. Trustee, the Debtor, the Debtor's counsel, the 20 largest unsecured creditors, and parties requesting special notice. The Notice will state that (1) the proposed Auctioneer's Report has been filed with the Court, (2) copies of the Auctioneer's Report may be obtained from the Trustee or the Court, and (3) if no objection to the auctioneer's fees and expenses is received by the Trustee within 10 days of service of the Notice, the Trustee

may pay the auctioneer's reasonable fees and expenses without further notice or order of the Court.

16. I have attached to the motion true and correct copy of the debtor's scheduled as contained in Exhibits A through D, inclusive as obtained from the court's files.

17. I is my request that the court grant the motion as stated herein.

I declare under the penalty of perjury that the foregoing is true and correct as executed on April 27, 2014 at Santa Ana, California.

CHARLES W. DAFF

EXHIBIT A

B6B (Official Form 6B) (12/07)

In re **Michael E Roach**, Debtor

Case No. _____

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

	Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1.	Cash on hand	X			
2.	Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		**Checking/ Savings Account Location: Bank of America**	-	**1,000.00**
3.	Security deposits with public utilities, telephone companies, landlords, and others.	X			
4.	Household goods and furnishings, including audio, video, and computer equipment.		**Household Goods and Furnishings Location: In Debtor's Possession**	-	**2,000.00**
5.	Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6.	Wearing apparel.		**Wearing Apparel Location: In Debtor's Possession**	-	**500.00**
7.	Furs and jewelry.		**Jewelry Location: In Debtor's Possession**	-	**500.00**
8.	Firearms and sports, photographic, and other hobby equipment.	X			
9.	Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10.	Annuities. Itemize and name each issuer.	X			

Sub-Total > **4,000.00**
(Total of this page)

3 continuation sheets attached to the Schedule of Personal Property

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B6B (Official Form 6B) (12/07) - Cont.

In re **Michael E Roach**, Debtor

Case No.

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
			Sub-Total > (Total of this page)	0.00

Sheet 1 of 3 continuation sheets attached to the Schedule of Personal Property

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B6B (Official Form 6B) (12/07) - Cont.

In re **Michael E Roach**, Debtor

Case No. _____

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		**1999 Camry** **Location: In Debtor's Possession**	-	**1,900.00**
		2007 Tundra **Location: In Debtor's Possession**	-	**22,589.00**
		2006 Gearbox **Location: In Debtor's Possession**	-	**8,853.00**
		Flatbed Trailer **Location: In Debtor's Possession**	-	**500.00**
		2004 Suzuki **Location: In Debtor's Possession**	-	**750.00**
		2011 Yamaha **Location: In Debtor's Possession**	-	**1,000.00**
		Tools **Location: In Debtor's Possession**	-	**1,000.00**
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			

Sub-Total > **36,592.00**
(Total of this page)

Sheet 2 of 3 continuation sheets attached to the Schedule of Personal Property

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B6B (Official Form 6B) (12/07) - Cont.

In re **Michael E Roach**, Debtor

Case No. _____

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total > **0.00**
(Total of this page)
Total > **40,592.00**

Sheet 3 of 3 continuation sheets attached to the Schedule of Personal Property

(Report also on Summary of Schedules)

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EXHIBIT B

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VanHorn Auctions
APPRAISAL GROUP, LLC

26895 Aliso Creek Road • Suite B, # 569 • Aliso Viejo, California 92656-5301
Email: vanhornauctions@cox.net • Website: www.vanhornauctions.com
Tel: (949) 206-2525 • Fax: (949) 831-1975

March 20, 2014

Charles W. Daff
2009 N. Broadway
Santa Ana, California 92706

Dear Mr. Daff;

As you are aware, I had the opportunity to inspect, via photographs provided, the 2007 Toyota Tundra belonging to Michael E. Roach, for the purpose of establishing a liquidation, opinion of value, of the asset, and to submit my proposal to conduct a public auction sale of if such action is forthcoming.

After retrieving this vehicle, I am of the following opinion.

It is my opinion the 2007 Toyota Tundra with approximately 27,000 miles will bring approximately $10,000.00 to $12,000.00 at a piece-meal auction sale. This is an opinion of value at the present time (today).

If an auction sale is imminent, our sole commission will be derived from a 13% buyers premium charged to each purchaser, however we will require an expense allowance not to exceed $2,000.00 for the following;

(2) Los Angeles Times Display Advertisements (1 Column By 1 Inch; $350.00 Per Column Inch)	700.00
(1) Single Auction Performance Bond	300.00
(500) Half Card Brochures Printing, Mail List, Postage	300.00
(3) Days Labor Asset Preparation and Set Up, Sale Day Personnel, Check Out & Removal Supervision, Post Sale Reports	700.00
Expenses Not To Exceed:	**2,000.00**

Please be aware that all costs will be incurred by VAN HORN AUCTION GROUP, LLC, prior to the auction and will be re-paid from the proceeds of the sale. All invoices and receipts of actual expenses will be provided with a total recapitulation of the sale.

Sincerely,

Scott R. Van Horn

LIMITING CONDITIONS:

An appraisal is an estimate of value only. The amount is considered a reasonable and proper value under the concept of a definition and it is applied. For this reason, the value is, in most cases, an even number.

No additional values or appraisals have been made requiring such tangibles as patents, rights to manufacture, trademarks, goodwill, going concern, product line, customer lists, etc. The values made a part of this report are for the items listed only and are subject to the definition of the report itself.

Physical condition in most instances has been determined either by the appraiser or based on information provided by others. Any known or hidden conditions existing at the time of the inspection could alter the value.

In most cases, equipment is grouped in terms of cursory values, although certain areas may require an itemized listing and/or value.

All facts and data set forth in this report are true and accurate to the best of the appraiser's knowledge and belief. Neither the appraisers, nor any of their employees, have financial interest in the equipment appraised.

Since conclusions by the appraiser are based upon judgments, isolations of any single element as the sole basis of comparison to the whole appraisal may be inaccurate.

As the addressee has purchased this report, we assume it is to be used by the addressee in determination of the value at that point and time. Use of this report by others should be done so with the understanding that no risk or guarantees have been purchased by the owner of the report nor through the fee paid to the appraiser.

The fee for the appraisal report is neither contingent upon the values reported nor any court appearances either by the appraiser or his associates as part of the appraisal fee. If a court appearance in the future were needed, a separate fee would be established.

No investigation of legal fee or title to the equipment has been made by owner's claim to the equipment has been assumed to be valid. No consideration has been given to liens, or encumbrances, which may be against the equipment.

All opinions as to values are the opinions of the appraiser and his associate's based on the facts and data set forth in the report. The appraisers and their associates assume no responsibility for the changes in the market conditions or for the inability of the owner to locate a purchaser at the appraised value. Inspection of all equipment has been made by either on-site inspection or by photograph, or unless otherwise noted.

The appraisers and their associates are not responsible for changes that may develop in the market place or possible changes in the state of the art of certain machinery and equipment which could substantially change the assigned values.

Van Horn Auction Group is not responsible for market changes in the values of the appraised equipment, which may be affected by, but not limited to:

1) Technological obsolence
2) Economic changes
3) Comparable equipment sales which may saturate market values
4) OSHA regulations affecting market values
5) Environmental rules affecting business

The appraiser and Van Horn Auction Group reserve the right to recall all copies of the report to correct any omission or error.

This valuation study has been made by Van Horn Auction Group and will be held as confidential. It has been prepared by an experienced appraiser and is based on information, where possible, from contractors, manufacturers, sales comparables, dealers, etc. the analysis and final conclusion is arrived at from our experience in the appraisal of new and used equipment.

It is further understood that although individual values are placed upon each item, or a specific category, the individual sales are established by the entire composition of the plant. If any part of the plant were to be sold verses the entire plant, it is possible that the appraised value may be lessened for both the parts sold and the remaining equipment to be sold.

We trust the enclosed meets with your needs; however, should you have any questions or require any additional

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:

2009 N. Broadway, Santa Ana, CA 92706

A true and correct copy of the foregoing document entitled (specify): **APPLICATION TO EMPLOY AUCTIONEER; AUCTIONEER'S STATEMENT OF DISINTEREST** 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:

1. 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 April 10, 2014 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 addresses stated below:

- *Charles W Daff (TR) charleswdaff@gmail.com, c122@ecfcbis.com*
- *Christina M Holt CMHMLaw@gmail.com, cmholtlaw@yahoo.com*
- *United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov*

☐ Service information continued on attached page

2. SERVED BY U.S. MAIL:
On (date) April 10, 2014 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.

Debtor: MICHAEL ROACH, 29327 SCHOONER LANE, LAKE ELSINORE, CA 92530

☐ 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 April 10, 2014 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 of America that the foregoing is true and correct.

April 10, 2014	April Hannum	
Date	*Type Name*	*Signature*

EXHIBIT C

B6D (Official Form 6D) (12/07)

In re **Michael E Roach**, Debtor

Case No. _____

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor" ,include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. **xx2304** **Pro/New Amer Funding** **14511 Myford Rd. Suite 100** **Tustin, CA 92780**		-	**3/2013 (Refinance)** **First Mortgage** **29327 Schooner Ln** **Lake Elsinore, CA 92530** Value $ **206,000.00**				**150,144.00**	**0.00**
Account No. **xxxxxx3778** **RBS Citizens** **480 Jefferson Blvd.** **Warwick, RI 02886**		-	**6/2006** **Purchase Money Security** **2006 Gearbox** **Location: In Debtor's Possession** Value $ **8,853.00**				**7,853.00**	**0.00**
Account No. **xxxxxxxxx0820** **Wells Fargo Bank NA** **PO Box 31557** **Billings, MT 59107**	X	-	**10/2005** **Second Mortgage** **29327 Schooner Ln** **Lake Elsinore, CA 92530** Value $ **206,000.00**				**22,499.00**	**0.00**
Account No. Value $								
0 continuation sheets attached			Subtotal (Total of this page)				**180,496.00**	**0.00**
			Total (Report on Summary of Schedules)				**180,496.00**	**0.00**

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EXHIBIT D

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B6C (Official Form 6C) (4/13)

In re **Michael E Roach**, Debtor

Case No. _____

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:
(Check one box)
☐ 11 U.S.C. §522(b)(2)
■ 11 U.S.C. §522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds $155,675. *(Amount subject to adjustment on 4/1/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.)*

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Real Property			
29327 Schooner Ln Lake Elsinore, CA 92530	**C.C.P. § 704.730**	**75,000.00**	**206,000.00**
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
Checking/ Savings Account Location: Bank of America	**C.C.P. § 704.070**	**1,000.00**	**1,000.00**
Household Goods and Furnishings			
Household Goods and Furnishings Location: In Debtor's Possession	**C.C.P. § 704.020**	**2,000.00**	**2,000.00**
Wearing Apparel			
Wearing Apparel Location: In Debtor's Possession	**C.C.P. § 704.020**	**500.00**	**500.00**
Furs and Jewelry			
Jewelry Location: In Debtor's Possession	**C.C.P. § 704.040**	**500.00**	**500.00**
Automobiles, Trucks, Trailers, and Other Vehicles			
1999 Camry Location: In Debtor's Possession	**C.C.P. § 704.010**	**1,900.00**	**1,900.00**
2011 Yamaha Location: In Debtor's Possession	**C.C.P. § 704.010**	**1,000.00**	**1,000.00**
Tools Location: In Debtor's Possession	**C.C.P. § 704.060**	**1,000.00**	**1,000.00**
	Total:	**82,900.00**	**213,900.00**

0 continuation sheets attached to Schedule of Property Claimed as Exempt

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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:
2009 N. Broadway
Santa Ana, CA 92706

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF MOTION AND TRUSTEES MOTION FOR AUTHORITY TO PUBLIC AUCTION FOR SALE OF PROPERTY OF THE ESTATE RE PERSONAL 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*) 04/27/14____, 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:

- Charles W Daff (TR) charleswdaff@gmail.com, c122@ecfcbis.com
- Christina M Holt CMHMLaw@gmail.com, cmholtlaw@yahoo.com
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On (*date*) **04/27/14**, 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. MARK S WALLACE, US BANKRUPTCY JUDGE, 3420 TWELFTH ST., RIVERSIDE, CA. 92501

☒ 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 of America that the foregoing is true and correct.

04/27/14	**Charles W. Daff**	
Date	*Printed Name*	*Signature*