

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address WEILAND, GOLDEN, SMILEY, WANG EKVALL & STROK, LLP Jeffrey I. Golden, State Bar No. 133040 Email: jgolden@wglp.com Kyra E. Andrassy, State Bar No. 207959 Email: kandrassy@wglp.com 650 Town Center Drive, Suite 950 Costa Mesa, California 92626 Telephone: (714) 966-1000 Facsimile: (714) 966-1002 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Richard A. Marshack, Chapter 7 Trustee	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

In re: BEAR DOG, LLC, Debtor(s).	CASE NO.: 8:11-bk-14412-MW CHAPTER: 7 <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>
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Sale Date: 02/06/2013 (continued from 01/16/2013)	Time: 9:00 am
Location: Real property located at 31742 Contijo Way, Coto de Caza, California	

Type of Sale: Public Private **Last date to file objections:** N/A

Description of property to be sold: Real property located at 31742 Contijo Way, Coto de Caza, California

Terms and conditions of sale: Sale is as-is, where-is, without representations and warranties, except as set forth in the Motion. See attached Notice for additional terms.

Proposed sale price: \$ 4,850,000.00

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 Notice attached hereto for overbid procedure

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

Continued Hearing Date and Time: February 6, 2013, at 9:00 a.m.

Courtroom 6C

United States Bankruptcy Court

411 West Fourth Street

Santa Ana, California 92701

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

Kyra E. Andrassy

WEILAND, GOLDEN, SMILEY, WANG EKVALL & STROK, LLP

650 Town Center Drive, Suite 950

Costa Mesa, California 92626

Telephone: (714) 966-1000

Facsimile: (714) 966-1002

Email: kandrassy@wgllp.com

Date: 01/17/2013

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:
650 Town Center Drive, Suite 950, Costa Mesa, CA 92626

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)* 01/17/2013, 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:

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)* 01/17/2013, 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.

The Honorable Mark Wallace, U.S. Bankruptcy Court, Courtroom 6C, 411 W. Fourth St., Santa Ana, CA 92701

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.

01/17/2013

Terri Jones

Date

Printed Name

/s/ Terri Jones

Signature

To Be Served By The Court Via NEF

Kyra E Andrassy kandrassy@wgllp.com
Frank Cadigan frank.cadigan@usdoj.gov
David G Epstein david@epsteinlitigation.com
Jeffrey K Garfinkle bkgroup@buchalter.com,
jgarfinkle@buchalter.com;docket@buchalter.com;svanderburgh@buchalter.com
Robert P Goe kmurphy@goeforlaw.com,
rgoe@goeforlaw.com;mforsythe@goeforlaw.com
Nancy S Goldenberg nancy.goldenberg@usdoj.gov
Bernard J Kornberg bjk@severson.com
Richard A Marshack (TR) pkraus@marshackhays.com,
rmarshack@ecf.epiqsystems.com
Benjamin Seigel bseigel@buchalter.com, IFS_filing@buchalter.com
Jay M Spillane jspillane@spillaneplc.com
Alan G Tippie atippie@sulmeyerlaw.com,
jbartlett@sulmeyerlaw.com;kfox@sulmeyerlaw.com
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

1 **WEILAND, GOLDEN,**
2 **SMILEY, WANG EKVALL & STROK, LLP**
3 Jeffrey I. Golden, State Bar No. 133040
4 jgolden@wglp.com
5 Kyra E. Andrassy, State Bar No. 207959
6 kandrassy@wglp.com
7 650 Town Center Drive, Suite 950
8 Costa Mesa, California 92626
9 Telephone: (714) 966-1000
10 Facsimile: (714) 966-1002
11
12 Counsel for Chapter 7 Trustee
13 Richard A. Marshack

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SANTA ANA DIVISION**

11 In re
12 BEAR DOG, LLC,

13 Debtor.

Case No. 8:11-bk-14412-MW
Chapter 7

**NOTICE OF CONTINUED HEARING ON
MOTION OF CHAPTER 7 TRUSTEE FOR
ORDER:**

- 14 (1) **AUTHORIZING SALE OF REAL
15 PROPERTY FREE AND CLEAR OF
16 LIENS, CLAIMS, AND INTERESTS
17 PURSUANT TO 11 U.S.C. § 363(b) AND
18 (f);**
- 19 (2) **APPROVING OVERBID PROCEDURES;**
- 20 (3) **APPROVING BUYER, SUCCESSFUL
21 BIDDER, AND BACK-UP BIDDER, IF
22 ANY, AS GOOD FAITH PURCHASER
23 UNDER 11 U.S.C. § 363(m);**
- 24 (4) **AUTHORIZING PAYMENT OF
25 UNDISPUTED LIENS, REAL ESTATE
26 BROKER'S COMMISSIONS, ORDINARY
27 COSTS OF SALE, AND OTHER COSTS
28 ASSOCIATED WITH MAINTENANCE AND
PRESERVATION OF THE PROPERTY;
AND**
- (5) **DIRECTING AND AUTHORIZING THE
U.S. MARSHALL TO ENFORCE AN
ORDER COMPELLING PAUL AND
CHRISTY BISSIN TO VACATE AND
SURRENDER ESTATE PROPERTY
AND OPPORTUNITY TO SUBMIT OVERBIDS**

Continued Hearing:

DATE: February 6, 2013
TIME: 9:00 a.m.
CTRM: 6C

**Weiland, Golden,
Smiley, Wang Ekvall & Strok, LLP**
650 Town Center Drive, Suite 950
Costa Mesa, California 92626
Tel 714-966-1000 Fax 714-966-1002

1 TO THE OFFICE OF THE UNITED STATES TRUSTEE, THE DEBTOR AND ITS
2 COUNSEL OF RECORD, CREDITORS, AND ALL OTHER PARTIES IN INTEREST:

3 PLEASE TAKE NOTICE that on February 6, 2013, at 9:00 a.m., in Courtroom 6C
4 of the Ronald Reagan Federal Building and United States Courthouse located at 411
5 West Fourth Street, Santa Ana, California, the Court is scheduled to hold a continued
6 hearing on the motion (the "Motion") of Richard A. Marshack, the chapter 7 trustee (the
"Trustee") of the estate of Bear Dog, LLC (the "Debtor"), for an order authorizing him to
sell real property located at 31742 Contijo Way, Coto de Caza, California 92679 (the
"Property"). Because of the continuance of the hearing, the deadline for submission
of overbids has been extended to February 5, 2013, at 9:00 a.m.

7 The Property is a luxury residence with five bedrooms and eight bathrooms on a lot
8 that is approximately 130,000 square feet. There is a pool, a four stall barn, saloon, riding
9 arena and a vineyard. The Trustee has received an offer to purchase the Property for
\$4.85 million, subject to overbids. Any financially-qualified party interested in potentially
submitting an overbid should contact the listing agent, Timothy Smith of Smith Group Real
Estate at (949) 717-4711 or (949) 678-1070.

10 **TERMS OF THE PROPOSED SALE**

11 The salient terms of the proposed sale are described below. The complete terms
12 of the sale are set forth in the purchase agreements, counteroffers and addendum
13 attached to the Motion as Exhibit "5" and hereinafter referred to as the "Agreement." A
copy of the Motion can be obtained by contacting counsel for the Trustee.

14 A. Except with respect to the landscaping of the Property which shall be
15 maintained pending the close of escrow, the Buyer shall acquire title to the Property as-is,
16 where is, without representations and warranties, free and clear of liens and interests,
together with all fixtures for the purchase price of \$4,850,000.00 (the "Purchase Price").

17 B. Buyer has deposited \$100,000.00 (the "Deposit") with the Trustee, which the
18 Trustee will transfer to a mutually agreeable escrow company once escrow is opened (the
19 "Escrow Holder"). The Deposit is nonrefundable except in the event of (a) the failure of a
20 condition precedent to Buyer's obligation to close escrow; (b) the Trustee's acceptance of
an overbid and Court approval of the sale of the Property to that overbidder; (c) failure to
obtain Court approval of the sale for any reason other than the default of Buyer; or (d)
Buyer's timely election to terminate this Agreement as expressly provided in the
Agreement.

21 C. Buyer shall deposit with Escrow Holder the entire balance of the Purchase
22 Price, plus all other costs and expenses chargeable to Buyer, in good funds, on the
closing date.

23 D. The sale is subject to overbid.

24 E. The sale is subject to Bankruptcy Court approval and must close within sixty
25 days of December 23, 2012, or sooner by mutual agreement.

26 **PROPOSED OVERBID PROCEDURE**

27 The Trustee has proposed the following procedure to allow for overbids prior to the
28 Court's approval of the sale of the Property to ensure that the estate's interest in the
Property is sold for the best possible price:

Weiland, Golden,
Smiley, Wang Ekvall & Strook, LLP
650 Town Center Drive, Suite 950
Costa Mesa, California 92626
Tel 714-966-1000 Fax 714-966-1002

- 1 1. Qualifying bidders ("Qualifying Bidder") shall:
- 2 (a) Make an opening bid that is in the amount of at least \$4,900,000;
- 3 (b) Set forth in writing the terms and conditions of the offer that are at
4 least as favorable to the Trustee as those set forth in the Agreement attached to the
5 Motion as Exhibit "5";
- 6 (c) Be financially qualified, in the Trustee's exercise of his sound
7 business judgment, to timely close the sale, with no contingencies related to financing;
- 8 (d) Submit a cash deposit of \$100,000.00 (the "Overbid Deposit")
9 payable to the Trustee or the Escrow Holder identified by the Trustee in the form of a
10 cashier's check, which Overbid Deposit shall be non-refundable if the bid is deemed to be
11 the Successful Bid, as defined in paragraph 4 below. The Overbid Deposit, written offer,
12 and evidence of financial qualification must be delivered to the Trustee at least 24 hours
13 prior to the hearing on this Motion, currently scheduled for February 6, 2013, at 9:00 a.m.
14 The Trustee's office is located at 870 Roosevelt Avenue, Irvine, California 92620.
- 15 2. At the hearing on the Motion, only the Buyer and any party who is deemed
16 by the Trustee to be a Qualifying Bidder shall be entitled to bid.
- 17 3. Other than the opening bid specified in paragraph 1(a) above, any
18 incremental bid in the bidding process shall be at least twenty-five thousand dollars
19 (\$25,000.00) higher than the prior bid.
- 20 4. At the hearing on the Motion and upon conclusion of the bidding process,
21 the Trustee shall decide which of the bids is the best bid, and such bid shall be deemed to
22 be the "Successful Bid." The bidder who is accepted by the Trustee as the successful
23 bidder (the "Successful Bidder") must pay all amounts reflected in the Successful Bid in
24 cash at the closing of the sale and be prepared to close in the same time frame as the
25 Buyer. At the hearing on the Motion, and upon conclusion of the bidding process, the
26 Trustee may also acknowledge a back-up bidder (the "Back-Up Bidder") which shall be
27 the bidder with the next best bid. Should the Successful Bidder fail to close escrow on the
28 sale of the Property, the Trustee may sell the Property to the Back-Up Bidder without
further Court order.
5. The Successful Bidder shall also be deemed to have agreed to buy the
Property as is, where is, without any representations or warranties, express or implied.
6. Overbids shall be all cash and no credit shall be given to the purchaser or
overbidder(s).

FOR FURTHER INFORMATION, please see the Motion, which is available from
the Court or by contacting counsel for the Trustee.

Dated: January 17, 2013

WEILAND, GOLDEN,
SMILEY, WANG EKVALL & STROK, LLP

By: /s/ Kyra E. Andrassy
KYRA E. ANDRASSY
Attorneys for Chapter 7 Trustee,
Richard A. Marshack

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:

650 Town Center Drive, Suite 950, Costa Mesa, California 92626

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF CONTINUED HEARING ON ON MOTION OF CHAPTER 7 TRUSTEE FOR ORDER: (1) AUTHORIZING SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS, CLAIMS, AND INTERESTS PURSUANT TO 11 U.S.C. § 363(b) AND (f); (2) APPROVING OVERBID PROCEDURES; (3) APPROVING BUYER, SUCCESSFUL BIDDER, AND BACK-UP BIDDER, IF ANY, AS GOOD FAITH PURCHASER UNDER 11 U.S.C. § 363(m); (4) AUTHORIZING PAYMENT OF UNDISPUTED LIENS, REAL ESTATE BROKER'S COMMISSIONS, ORDINARY COSTS OF SALE, AND OTHER COSTS ASSOCIATED WITH MAINTENANCE AND PRESERVATION OF THE PROPERTY; AND (5) DIRECTING AND AUTHORIZING THE U.S. MARSHALL TO ENFORCE AN ORDER COMPELLING PAUL AND CHRISTY BISSIN TO VACATE AND SURRENDER ESTATE PROPERTY; AND OPPORTUNITY TO SUBMIT OVERBIDS** 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 Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **January 17, 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:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **January 17, 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.

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*) **January 17, 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.

The Honorable Mark Wallace, U.S. Bankruptcy Courtroom 6C, 411 W. 4th Street, Santa Ana, CA 92701

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.

1/17/2013

Margaret Sciesinski
Printed Name

Is/ Margaret Sciesinski
Signature

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

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)

Kyra E Andrassy kandrassy@wglip.com
Frank Cadigan frank.cadigan@usdoj.gov
David G Epstein david@epsteinlitigation.com
Jeffrey K Garfinkle bkgroup@buchalter.com,
jgarfinkle@buchalter.com;docket@buchalter.com;svanderburgh@buchalter.com
Robert P Goe kmurphy@goeforlaw.com,rgoe@goeforlaw.com;mforsythe@goeforlaw.com
Nancy S Goldenberg nancy.goldenberg@usdoj.gov
Bernard J Kornberg bjk@severson.com
Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@ecf.epiqsystems.com
Benjamin Seigel bseigel@buchalter.com, IFS_filing@buchalter.com
Jay M Spillane jspillane@spillanepc.com
Alan G Tippie atippie@sulmeyerlaw.com, jbartlett@sulmeyerlaw.com;kfox@sulmeyerlaw.com
United States Trustee (SA) ustprejon16.sa.ecf@usdoj.gov

VIA U.S. MAIL:

Mariann Cordova
Prudential California Realty
29947 Avenida De Los Banderas, #150
Rancho Santa Margarita, CA 92688

Oliver Indra
Prudential California Realty
7030 Avenida Encinas
Carlsbad, CA 92011

IN RE *BEAR DOG, LLC*
CASE NO: 8:11-bk-14412-MW
REVISED: December 4, 2012 (MS)

MASTER CREDITORS' Service LIST

BEAR DOG LLC
7621 REYNOLDS CIRCLE
HUNTINGTON BEACH CA 92647
DEBTOR

Robert P Goe
Goe & Forsythe LLP
18101 Von Karman Ste 510
Irvine CA 92612
DEBTOR'S COUNSEL

Richard A Marshack
Marshack Hays LLP
870 Roosevelt
Irvine CA 92620
CHAPTER 11 TRUSTEE

United States Trustee (SA)
411 W Fourth St Suite 9041
Santa Ana CA 92701-4593

BANK OF AMERICA
ATTN CUSTOMER SERVICE
PO Box 5170
SIMI VALLEY CA 93062

BMO Harris Bank NA
fka Harris NA
c/o Bernard J Kornberg
SEVERSON & WERSON PC
One Embarcadero Cntr #2600
San Francisco CA 94111

Christy M Bissin

CITY NATIONAL BANK
18111 VON KARMAN AVE STE
120
IRVINE CA 92612

DATAKOM INVESTMENT CO
19 HUBBARD WAY
TRABUCO CANYON CA 92679-
5139

DAVID G EPSTEIN
PO Box 4858
LAGUNA BEACH CA 92652-4858

Employment Devel Dept
Bankruptcy Group MIC 92E
PO Box 826880
Sacramento CA 94280-0001

Franchise Tax Board
Bankruptcy Section MS A340
PO Box 2952
Sacramento CA 95812-2952

Internal Revenue Service
Centralized Insolvency Ops
PO Box 7346
Philadelphia PA 19101-7346

Jay M Spillane Esq
Spillane Trial Group PLC
15260 Ventura Blvd Ste 1140
Sherman Oaks CA 91403-5346

M Vista Laguna Properties LLC

Mariann Cordova

Paul C Bissin
31742 Contijo Way
Coto de Caza CA 92679

Santa Ana Division
411 W Fourth St Suite 2030
Santa Ana CA 92701-4593

Securities & Exchange Comm
5670 Wilshire Blvd 11th Floor
Los Angeles CA 90036-5627

State Board of Equalization
PO Box 942879
Sacramento CA 94279-0001