

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Erin P. Moriarty (SBN: 146751) Law Offices of Weneta M.A. Kosmala 3 MacArthur Place, Suite 760 Santa Ana, CA 92707 Tel: 714-540-3600 Fax: 714-708-0666 Email: emoriarty@kosmalalaw.com  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

In re: ANDREW HOWARD BERRY and JOLIE LANNON BERRY,          Debtor(s).	CASE NO.: 8:12-bk-12654-TA CHAPTER: 7          <p style="text-align: center;"><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>
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<b>Sale Date:</b> N/A	<b>Time:</b> N/A
<b>Location:</b> Certain publicly-traded stock interests of the Debtor ("Stock"), consisting of	

**Type of Sale:**  Public  Private      **Last date to file objections:** 01/25/2013

**Description of property to be sold:** Certain publicly-traded stock interests of the Debtor ("Stock"), consisting of approximately 60 stock positions, held and managed in numerous accounts, at prevailing market prices. See attached Motion with Stock attached as Exhibit "A" therefo

**Terms and conditions of sale:** Shares are being sold through a brokerage.

**Proposed sale price:** Prevailing Market Prices

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):** None. No solicitation of overbids are being sought.

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

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

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Date: 01/11/2013

1 Erin P. Moriarty (SBN 146751)  
2 **LAW OFFICES OF WENETA M.A. KOSMALA**  
3 3 MacArthur Place, Suite 760  
4 Santa Ana, CA 92707  
5 Telephone: (714) 540-3600  
6 Facsimile: (714) 708-0666  
7 E-mail: emoriarty@kosmalalaw.com

8 General Counsel for  
9 Thomas H. Casey, Chapter 7 Trustee

10  
11 **UNITED STATES BANKRUPTCY COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**

13 In re ) Case No. 8:12-bk-12654-TA  
14 )  
15 ) Chapter 7  
16 )  
17 ) **ANDREW HOWARD BERRY and JOLIE ) CHAPTER 7 TRUSTEE’S MOTION FOR**  
18 ) **LANNON BERRY, ) ORDER AUTHORIZING THE**  
19 ) **Debtor(s). ) LIQUIDATION OF PERSONAL**  
20 ) **PROPERTY (INDIVIDUAL STOCK**  
21 ) **ACCOUNTS AND CONTENTS)**  
22 ) **PURSUANT TO 11 U.S.C. § 363(b)(1);**  
23 ) **AND THE DISBURSEMENT OF**  
24 ) **PROCEEDS FOR COSTS OF SALE;**  
25 ) **MEMORANDUM OF POINTS AND**  
26 ) **AUTHORITIES; DECLARATION OF**  
27 ) **THOMAS H. CASEY IN SUPPORT**  
28 ) **THEREOF**  
29 ) **[Order Without Hearing Requested**  
30 ) **Pursuant to Local Rule 9013-1(o)]**

31 **TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES BANKRUPTCY**  
32 **JUDGE; THE OFFICE OF THE UNITED STATES TRUSTEE; THE DEBTORS AND**  
33 **THEIR COUNSEL OF RECORD; AND ALL INTERESTED PARTIES:**

34 Thomas H. Casey (“Trustee”), Chapter 7 trustee of the bankruptcy estate of Andrew  
35 Howard Berry and Jolie Lannon Berry ("Debtors"), will and hereby does move the Court for an  
36 Order granting the following relief:

37 ///

1           1.       Authorizing Trustee to liquidate certain publicly-traded stock interests of the  
2 Debtor (“Stock”), consisting of approximately 60 stock positions, held and managed in numerous  
3 accounts, at prevailing market prices, and to give such directions concerning the timing of the  
4 liquidation as may in his discretion be appropriate to maximize the value of the Stock to the  
5 Estate. A list of the Stock is attached as Exhibit “A” to the Declaration of Thomas H. Casey.  
6 The Debtor scheduled the Stock with an “unknown” value. At current prices, the aggregate  
7 value is approximately \$62,000. The value will continue to fluctuate with the market. The  
8 Debtor has claimed no exemption in the Stock.

9           2.       Authorizing Trustee to disburse and/or allow retention of the proceeds of the sale  
10 of the Stock for the costs of liquidation, up to \$250 per position.

11           3.       Authorizing Trustee to undertake any ministerial or clerical tasks necessary to  
12 effectuate the relief granted, including signing any and all documents necessary, and undertaking  
13 any non-material amendments and modifications necessary, to consummate the sale, without  
14 further notice, hearing or Court order.

15           This Motion is made under 11 U.S.C. § 363, on the basis that the Stock is property of the  
16 Estate which may be sold by Trustee with Court permission for the benefit of the Estate. This is  
17 anticipated to be the only asset of the Estate, and liquidation is necessary to generate funds for  
18 distribution to creditors.

19           This Motion is based upon this Motion and the accompanying Notice of Motion, the  
20 incorporated Memorandum of Points and Authorities, the Declaration of Thomas H. Casey and  
21 the exhibits attached thereto, and upon such other and further evidence as the Court may consider  
22 in connection with this matter.

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1           **PLEASE TAKE NOTICE** that Trustee seeks an Order granting this Motion and the  
2 relief requested in it without the necessity of a hearing under Local Bankruptcy Rule 9013-1(o).  
3 Local Bankruptcy Rule 9013-1(o)(1) requires that any response and request for a hearing must be  
4 filed with the court and served on the movant and the United States Trustee within 14 days after  
5 service of the notice of this Motion. Under Local Bankruptcy Rule 9013-1(h), papers not timely  
6 filed and served may be deemed by the Court to be consent to the granting of the relief requested  
7 in this Motion. In the absence of an appropriate response and request for a hearing, Trustee will  
8 submit a proposed Order granting the requested relief.

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**LAW OFFICES OF WENETA M.A. KOSMALA**

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Date: January 10, 2013

/s/ Erin P. Moriarty

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Erin P. Moriarty

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Attorneys for Chapter 7 Trustee

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 1. Andrew Howard Berry and Jolie Lannon Berry ("Debtors") initiated this case by  
3 the filing of a Voluntary Petition under chapter 7 on March 1, 2012. Thomas H. Casey  
4 ("Trustee") is the duly appointed and acting Chapter 7 Trustee of the Debtors' estate.

5 2. The Debtors scheduled as an asset "5,000 shares of in AHB portfolio", with an  
6 "unknown" value. Trustee's investigation indicated that the reference was to stock holdings of  
7 the Debtors held in various accounts. A list of the stock positions is attached as Exhibit "A" to  
8 the Declaration of Thomas H. Casey; the listed stock is referred to hereinafter as "the Stock".  
9 The Stock is publicly-traded, and at current market values, is worth an aggregate of  
10 approximately \$62,000.

11 3. The Debtors have claimed no exemption in the Stock.

12 4. Trustee seeks authority to liquidate the Stock. The sale will be complicated by  
13 the fact that the Stock is not held in a central portfolio, so that liquidation will require  
14 notification of numerous account managers, each with its own fee structure for liquidation.

15 5. Trustee seeks authority to sell the individual shares at prevailing market rates.  
16 The Stock is publicly traded, and there is an established market for each position. Trustee also  
17 seeks authority to exercise discretion in timing the sale of the Stock, to maximize its value for the  
18 Estate.

19 6. Trustee further seeks authority to disburse and/or authorize retention of the  
20 proceeds of the sale of the various interests for the payment of fees and expenses in connection  
21 with the sale. Trustee anticipates that the cost will be no more than \$250 per position.

22 7. 11 U.S.C. § 363(b)(1) provides that "[t]he trustee, after notice and a hearing, may  
23 use, sell, or lease, other than in the ordinary course of business, property of the estate." A trustee  
24 must show that: (1) a "sound business purpose justifies the sale"; (2) "accurate and reasonable  
25 notice" of the sale was provided; (3) the "price to be paid is adequate, i.e., fair and reasonable";  
26 (4) "good faith, i.e., the absence of any lucrative deals with insiders, is present." *See i.e. In re*  
27 Industrial Valley Refrig. & Air Cond. Supplies, Inc., 77 B.R. 15, 21 (Bankr. E.D. Pa. 1987).

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**DECLARATION OF THOMAS H. CASEY**

I, Thomas H. Casey, declare as follows:

1. I am the duly appointed and acting Chapter 7 Trustee of the bankruptcy estate of Andrew Howard Berry and Jolie Lannon Berry ("Debtors"). I make this declaration based upon facts that are within my personal knowledge, or matters of public record, and if called upon to do so, I could and would competently so testify.

2. The Debtors initiated this case by the filing of a Voluntary Petition under chapter 7 on March 1, 2012.

3. The Debtors scheduled as an asset "5,000 shares of in AHB portfolio", with an "unknown" value. Trustee's investigation indicated that the reference was to stock holdings of the Debtors held in various accounts. A list of the stock positions is attached hereto and incorporated herein by this reference as Exhibit "A". The listed stock is referred to hereinafter as "the Stock". The Stock is publicly-traded, and at current market values, is worth an aggregate of approximately \$62,000.

4. The Debtors have claimed no exemption in the Stock.

5. I seek authority to liquidate the Stock. The sale will be complicated by the fact that the Stock is not held in a central portfolio, so that liquidation will require notification of numerous account managers, each with its own fee structure for liquidation.

6. I seek authority to sell the individual shares at prevailing market rates. The Stock is publicly traded, and there is an established market for each position. I also seek authority to exercise discretion in timing the sale of the Stock, to maximize its value for the Estate.

7. I further seek authority to disburse and/or authorize retention of the proceeds of the sale of the various interests for the payment of fees and expenses in connection with the sale. I anticipate that the cost will be no more than \$250 per position.

8. The liquidation of the Stock is the only means of capturing its value. The price is established by the market. The sale of the individual stock interests will be effectuated through brokers, at a relatively small per-trade cost.

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**DECLARATION OF THOMAS H. CASEY**

I, Thomas H. Casey, declare as follows:

1. I am the duly appointed and acting Chapter 7 Trustee of the bankruptcy estate of Andrew Howard Berry and Jolie Lannon Berry ("Debtors"). I make this declaration based upon facts that are within my personal knowledge, or matters of public record, and if called upon to do so, I could and would competently so testify.

2. The Debtors initiated this case by the filing of a Voluntary Petition under chapter 7 on March 1, 2012.

3. The Debtors scheduled as an asset "5,000 shares of in AHB portfolio", with an "unknown" value. Trustee's investigation indicated that the reference was to stock holdings of the Debtors held in various accounts. A list of the stock positions is attached hereto and incorporated herein by this reference as Exhibit "A". The listed stock is referred to hereinafter as "the Stock". The Stock is publicly-traded, and at current market values, is worth an aggregate of approximately \$62,000.

4. The Debtors have claimed no exemption in the Stock.

5. I seek authority to liquidate the Stock. The sale will be complicated by the fact that the Stock is not held in a central portfolio, so that liquidation will require notification of numerous account managers, each with its own fee structure for liquidation.

6. I seek authority to sell the individual shares at prevailing market rates. The Stock is publicly traded, and there is an established market for each position. I also seek authority to exercise discretion in timing the sale of the Stock, to maximize its value for the Estate.

7. I further seek authority to disburse and/or authorize retention of the proceeds of the sale of the various interests for the payment of fees and expenses in connection with the sale. I anticipate that the cost will be no more than \$250 per position.

8. The liquidation of the Stock is the only means of capturing its value. The price is established by the market. The sale of the individual stock interests will be effectuated through brokers, at a relatively small per-trade cost.

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**Exhibit "A"**

Stock Name	Account Number	Shares	Price	Total	Contact
<b>AHB Portfolio</b>					
Abercrombie & Fitch (ANF)	5155	1.0000	47.16	\$ 47.16	1-800-622-6757
AFLAC (AFL)	929	11.5360	42.88	494.66	1-800-227-4756
Air Products (APD)	788	11.3940	88.26	1,005.63	1-877-322-4941
Alcatel-Lucent (ALU)	4243	5.4554	1.99	10.86	1-888-582-3686
Allele, Inc. (ALE)	4577	12.7190	39.92	507.74	1-218-355-3874
American Greetings (AM)	7180	16.7750	14.72	246.93	1-800-468-9716
Ascena Retail Group (ASNA)	3107	3.0000	21.01	63.03	1-800-937-5449
AT&T (T)	0286	13.6996	30.54	418.38	1-800-351-7221
Atmos Energy (ATO)	0568	9.2020	30.95	284.80	1-800-543-3038
Avery Denison (AVY)	41076	8.1579	30.32	186.71	1-877-498-8861
Bank of NY Mellon Corp. (BK)	56527	17.7827	23.11	410.96	1-800-205-7899
Bob Evans (BOBE)	7546	41.3900	36.84	1,524.81	1-866-714-7298
BP PLC (BP)	809	8.0000	42.15	337.20	1-877-638-5672
Caterpillar (CAT)	56527	12.0662	105.89	1,277.69	1-866-203-6622
CenturyLink (CTL)	3322	8.2931	38.09	316.88	1-800-969-6718
Chesapeake Utilities Corp (CPK)	7825	7.8421	40.29	315.96	1-877-488-8865
Chevron Corporation (CVX)	8527	7.5195	100.78	757.82	1-800-368-8357
Coca-Cola (K)	542	13.1690	53.24	701.12	1-888-265-3747
Colgate-Palmolive (CL)	8527	25.8287	97.21	2,510.81	1-800-756-8700
Comcast (CMCSA)	710	3.1900	29.50	94.11	1-888-883-8903
Delta Natural Gas Co. (DGAS)	26107	17.0032	38.00	646.12	1-888-294-8217
Edison International (EIX)	124	5.4850	41.57	228.01	1-800-347-8625
Emerson Electric (EMR)	56527	8.4080	50.09	421.06	1-888-213-0970
Equity Residential (EQR)	21100	30.8344	60.85	1,864.10	1-800-733-5001
Federal Realty Investment Trust (FRT)	575	77.0480	95.78	7,378.66	1-877-611-8039
First Commonwealth Financial (FCF)	56527	25.6272	5.74	147.10	1-866-203-5173
Ford Motor Company - AHB	7616	680.7824	11.92	8,114.93	1-800-279-1237
Ford Motor Company - JJB	7616	64.2000	11.92	765.26	1-800-279-1237
Frontier Communications Corporation (FTR)	1737	1.1548	4.12	4.76	1-877-770-0496
Glaxo Smith Kline PLC (GSK)	8527	12.4900	44.59	556.83	1-888-BNY-ADRS
H.B. Fuller (FUL)	1124	20.0330	32.15	644.06	1-800-468-9716
H.J. Heinz (HNZ)	6455	33.3600	52.66	1,757.46	1-800-253-3399
Hawaiian Electric Industries (HE)	649	26.3574	24.81	653.93	1-808-592-5841
Hewlett Packard (HPQ)	4274	2.6320	24.57	64.67	1-800-286-5977
Integrus Energy Group (TEG)	3687	18.6560	51.75	965.45	1-800-238-1551
Johnson Controls, Inc. (JCI)	1124	114.3680	32.57	3,725.62	1-877-602-7397
Lear Corporation (LEA)	56527	3.6527	43.36	158.38	1-800-524-4458
Limited Brands, Inc. (LTD)	56527	49.6870	47.67	2,368.58	1-866-875-7975
Lowe's (LOW)	1668	16.8889	31.69	535.21	1-877-282-1174
Magna International (MGA)	10782	3.0878	45.40	140.19	1-800-564-6253
Merrill Lynch	1714	5.3500	1.00	5.35	1-800-937-0526
NJR Resources (NJR)	152714	22.7130	42.21	958.72	1-800-817-3955
Paychex (PAYX)	4126	27.6520	30.83	852.51	1-877-814-9688
Pennsylvania Real Estate Investment Trust (PEI)	6943	47.6040	14.61	695.49	1-800-468-9716
Prologis (PLD)	106769	24.0000	33.48	803.52	1-800-331-9474
Sempra Energy (SRE)	2990	33.9290	62.39	2,116.83	1-877-773-6772
Southwest Gas Corporation (SWX)	0202	53.0910	41.12	2,183.10	1-800-331-1119
Sotheby's (BID)	56527	14.8282	37.44	555.17	1-800-303-9371
Target Corporation (TGT)	6527	16.0601	57.43	922.33	1-800-794-9871
Teva Pharmaceuticals (TEVA)	56527	36.8293	44.19	1,627.49	1-866-247-3714
TOO		8.0000	29.08	232.64	1-800-317-4445
Total Systems Services (TSS)	6527	32.6359	22.64	738.88	1-866-204-8467
Unisource Energy Corporation (UNS)	6527	20.1630	35.47	714.83	1-866-537-8709
Verizon (VZ)	15334	7.3829	37.26	275.09	1-800-631-2355
Volvo AB (VOLVF)	56527	47.2490	12.89	609.04	1-866-214-7153
Walgreens (WAG) - AHB	5101	18.8040	33.04	621.28	1-888-368-7346
Walgreens (WAG) - JJB	940	9.3270	33.04	308.16	1-888-368-7346
Washington Real Estate Investment Trust (WRE)	08036	9.1545	28.75	263.19	1-800-519-3111
Wells Fargo & Co. (WFC)	1124	15.7150	32.84	518.08	1-877-840-0492
Western Digital (WDC)		36.0000	39.02	1,404.72	1-888-826-8585
Whirlpool Corporation (WHR)	19518	6.7030	71.10	476.58	1-877-453-1504
				\$ 59,534.72	

ANF	1.0000	48.03	48.03
AFL	11.5360	53.08	612.33
APD	11.3940	87.47	996.63
ALU	5.4554	1.62	8.84
ALE	12.7190	42.87	545.26
AM	16.7750	16.55	277.63
ASNA	3.0000	16.65	49.95
T	13.6996	34.39	471.13
ATO	9.2020	35.61	327.68
AVY	6.1579	36	221.68
BK	17.7827	26.7	474.80
BOBE	41.3900	43.04	1781.43
BP	8.0000	44.98	359.84
CAT	12.0662	94.78	1143.63
CTL	8.2931	40.13	332.80
CPK	7.8421	46.27	362.85
CVX	7.5195	110.31	829.48
K	13.1690	57.19	753.14
CL	25.8287	106.96	2762.64
CMCSA	3.1900	38.47	122.72
DGAS	17.0032	19.7	334.96
EIX	5.4850	45.7	250.66
EMR	8.4060	54.81	460.73
EQU	30.6344	3.05	93.43
FRT	77.0480	105.37	8118.55
FCF	25.6272	7.07	181.18
F-AHB	680.7824	13.78	9381.18
F-JJB	64.2000	13.78	884.68
FTR	1.1548	4.335	5.01
GSK	12.4900	44.5004	555.81
FUL	20.0330	36.5	731.20
HNZ	33.3800	58.36	1948.06
HE	26.3574	25.61	675.01
HPZ	2.6320	2.34	6.16
TEG	18.6560	53.71	1002.01
JCI	114.3880	31.38	3589.50
LEA	3.6527	48.09	175.66
LTD	49.6870	44.11	2191.69
LOW	16.8889	35.12	593.14
MGA	3.0878	51.73	159.73
Merrill Lynch	5.3500	11.64	62.27
NJR	22.7130	39.6	899.43
PAYX	27.6520	31.865	881.13
PEI	47.6040	18.66	888.29
PLD	24.0000	37.9	909.60
SRE	33.9290	71.8762	2438.69
SWX	53.0910	42.31	2246.28

BID	14.8282	34.8	516.02
TGT	16.0601	60.089	965.04
TEVA	36.8293	38.785	1428.42
TOO	8.0000	27.58	220.64
TSS	32.6359	23.25	758.78
UNS	20.1530	43.29	872.42
VZ	7.3290	43.31	317.42
VOLVF	47.2490	13.79	651.56
WAG-AHB	18.8040	38.54	724.71
WAG-JJB	9.3270	38.54	359.46
WRE	9.1545	27.01	247.26
WFC	15.7150	35.16	552.54
WDC	36.0000	44.065	1586.34
WHR	6.7030	105.55	707.50
TOTAL	1940.7410		62,054.68

(01/10/13) (01/10/13)

## 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:  
3 MacArthur Place, Suite 760, Santa Ana, CA 92707

A true and correct copy of the foregoing document entitled (*specify*): Chapter 7 Trustee's Motion for Order Authorizing the Liquidation of Personal Property (Individual Stock Accounts and Contents) Pursuant to 11 U.S.C. § 363(b)(1); and the Disbursement of Proceeds for Costs of Sale; Memorandum of Points and Authorities; Declaration of Thomas H. Casey in Support Thereof

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*) 01/11/2013, 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*) 01/11/2013, 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.

Debtors in Pro Per: Andrew Howard Berry and Jolie Lannon Berry, 306 Camino Mira Monte, San Clemente, CA 92673

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

01/11/2013 Janine Foutain  
*Date Printed Name*

/s/ Janine Foutain  
*Signature*

**ADDITIONAL SERVICE INFORMATION (if needed):**

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”):**

- Thomas H Casey (TR) msilva@tomcaseylaw.com, thc@trustesolutions.net
- Gail B Greenberg gbgreenberg@verizon.net
- Erin P Moriarty emoriarty@kosmalalaw.com,  
wkosmala@kosmalalaw.com;jfountain@kosmalalaw.com;weneta.kosmala@7trustee.net
- Ramesh Singh claims@recoverycorp.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- Gilbert B Weisman notices@becket-lee.com

## 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:  
3 MacArthur Place, Suite 760, Santa Ana, CA 92707

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)* 01/11/2013, 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)* \_\_\_\_\_, 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.

01/11/2013  
*Date*

Janine Fountain  
*Printed Name*

/s/ Janine Fountain  
*Signature*

**ADDITIONAL SERVICE INFORMATION (if needed):**

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”):**

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