

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: 714-509-1760 Email: emoriarty@kosmalalaw.com <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Weneta M.A. Kosmala, Ch. 7 Trustee	FOR COURT USE ONLY
--	--------------------

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
In re: THOMAS E. McNEEL, Debtor(s).	CASE NO.: 8:14-bk-10165-CB CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 05/24/2016	Time: 2:30 pm
Location: United States Bankruptcy Court, 411 W. Fourth Street, Courtroom 5D, Santa Ana, California 92701	

Type of Sale: Public Private **Last date to file objections:** 05/10/2016

Description of property to be sold:
See attached sheet

Terms and conditions of sale:

"As is, where is" with no warranties or guarantees of any kind, subject to liens or other interests, and subject to any and all disputes over the nature or extent of the Estate's interest. Terms contained in a written Sale Agreement. Contact Trustee's Counsel for additional information.

Proposed sale price: \$ 20,000.00

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): Subject to overbid with minimum initial overbid must be at least \$2,500 more than the base bid of \$20,000. Subsequent bid increases must be no less than \$500 over the last high bid. Overbidders must submit an overbid no fewer than three (3) days prior to the hearing on this Motion in a minimum bid amount.

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):

Trustee's Counsel:
Erin P. Moriarty
Law Offices of Weneta M.A. Kosmala
3 MacArthur Place, Suite 760
Santa Ana, CA 92701
(714) 540-3600
(714) 509-1760
emoriarty@kosmalalaw.com

Date: 04/04/2016

**IN RE THOMAS E. McNEEL
CASE NO. 8:14-bk-10165-CB**

ADDENDUM TO NOTICE OF SALE OF ESTATE PROPERTY

DESCRIPTION OF PROPERTY TO BE SOLD:

1. Approving a Trademark Sale and Assignment Agreement (“Agreement”) between Trustee and American National Investments, Inc. (“Buyer”), a true and correct copy of which is attached as Exhibit “B” to the Declaration of Weneta M.A. Kosmala, providing for the sale to the Buyer for the sum of \$20,000 (“Proceeds”) payable in a lump sum, or to the highest overbidder, of the personal property of the Estate (hereinafter, “Property”) described as follows, pursuant to 11 U.S.C. § 363(b), “AS-IS, WHERE IS”, with no warranty or guaranty of any kind, subject to all liens or other interests, and subject to any and all disputes over the nature or extent of the Estate’s interest:
 - a. All of the Estate’s rights, title and interest in the following:
 - i. That trademark registered with the United States Patent and Trademark Office (“USPTO”) as # 2974608 (“LOVE SURF LOVE”) and any common law trademark rights and goodwill associated with said name/mark; and
 - ii. That trademark registered with the USPTO as # 3680864 (“LOVE TRUE LOVE BY LOVE SURF LOVE”) and any common law trademark rights and goodwill associated with said name/mark. (These trademarks are referred to hereinafter as “the Intellectual Property.”)
 - b. Included in the sale/assignment are: (a) the assignment of any claims, causes of action and/or rights of action against third parties for infringement (including, but not limited to, past, present and future infringement, damages, and injunctive relief), which the Assignee may pursue in its own name and for its own benefit; (b) the rights of the Trustee and/or the Estate to avoid any unauthorized transfer of the Intellectual Property under the Bankruptcy Code, or other federal or state law, and to recover the Intellectual Property, and (c) the right to receive any royalties

related to the Intellectual Property. Upon approval of this Agreement by the Bankruptcy Court, the Assignee shall have the power to execute all oaths, assignments, powers and any other papers necessary to effectuate its rights hereunder.

2. Approving Trustee's proposed overbid procedures. Trustee proposes to accept overbids from qualified bidders, and to accept the bid that provides the greatest benefit to the Estate. The proposed terms are set forth in the Memorandum of Points and Authorities.
3. Authorizing Trustee to sign any and all documents necessary, and to undertake any non-material amendments and modifications necessary, to complete the sale to the highest qualified bidder without further notice, hearing or Court Order.

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)* 04/05/2016, 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)* 04/05/2016, 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.

Honorable Catherine E. Bauer
United States Bankruptcy Court
411 W. Fourth Street, Suite 5165
Santa Ana, CA 92701-4593

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.

04/05/2016
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”):

- Weneta M Kosmala (TR) ecf.alert+Kosmala@titlexi.com,
wkosmala@txitrustee.com;dmf@txitrustee.com;kgeorge@kosmalalaw.com
- Paul J Leeds leedsp@higgslaw.com, reisingc@higgslaw.com
- Erin P Moriarty emoriarty@kosmalalaw.com,
wkosmala@kosmalalaw.com;jfountain@kosmalalaw.com;weneta.kosmala@7trustee.net
- Tina H Trinh ttrinh@trinhlaw.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- Gilbert B Weisman notices@becket-lee.com

2. SERVED BY UNITED STATES MAIL:

Thomas E. McNeel
621 Drake Lane North
Dunedin, FL 34698

Paul Leeds
Higgs Fletcher & Mack, LLP
401 W. A Street, Suite 2600
San Diego, CA 92101