

**R. Creig Greaves** (Bar #071035)  
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110 West "C" Street #2101  
San Diego, Ca 92101  
(619) 234-0033

**UNITED STATES BANKRUPTCY COURT**  
Central District of California - Santa Ana  
411 Fourth Street, Santa Ana, Ca 92701

**In re: The Erwin Enterprises Trust Dated November 11, 1992**

Bankruptcy No: 14-13398-ES

**NOTICE OF MOTION AND HEARING FOR PERMISSION TO SELL**

**REAL PROPERTY AT PRIVATE SALE - SECTION 363(b).**

TO: ALL CREDITORS AND OTHER PARTIES IN INTEREST:

PURSUANT TO BANKRUPTCY RULE 6004(a)

**YOU ARE HEREBY NOTIFIED** that on May 12, 2015 at 10:30 a.m. in Department 5A

at the Ronald Reagan Federal Building, 411 Fourth Street, Santa Ana, California 92701, there will be a hearing regarding the motion of: Debtor, Erwin Enterprises Trust, for:

**Approval of the motion of the debtor for permission to sell real property located at 3202 Elliott Street, San Diego, California 92106 to John Bailey at private sale. Said motion is based upon the motion and declaration filed and served herewith.**

Sale is not in the ordinary course of business.

Pursuant to the purchase agreement, debtor may be repurchasing the property within a year of the sale to John Bailey. This sale will allow pay off in full to all creditors immediately and close this bankruptcy case prior to any repurchase of the property.

Because of the nature of the sales agreement and potential repurchase by the debtor, this proposed sale is NOT subject to overbids from third parties or overbids pursuant to Bankruptcy Code Section 365(k).

Purchase price: \$800,000.00.\*\*

\*\*Pursuant to the terms of the agreement between debtor and purchaser, the purchase price may be adjusted upwards in the sales escrow in order to allow for pay off in full to all creditors after demands for payoff are received by the closing escrow."

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Any opposition or other response to the motion must be served upon the undersigned and the original of such papers with proof of service must be filed with the Clerk of the U.S. Bankruptcy Court at 411 Fourth Street, Santa Ana, California 92071, **NOT LATER THAN SEVEN (7) DAYS BEFORE THE HEARING DATE.**

DATED: April 20, 2015

  
/s/ *Creig Greaves*  
**R. Creig Greaves, Attorney**

# 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:

110 West "C" Street, San Diego, California 92101

A true and correct copy of the foregoing document entitled (*specify*): \_\_\_\_\_

Notice of Motion to Sell Real Property (Corrected) / Motion to Sell Real Property (Corrected) / Declaration of Creig Greaves in Support of Motion to Sell Real Property (Corrected).

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*) April 20, 2015 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:

Julian K. Bach [Julian@jbachlaw.com](mailto:Julian@jbachlaw.com), [julianbach@sbcglobal.net](mailto:julianbach@sbcglobal.net)  
Michael JI Hauser [Michael.hauser@usdoj.gov](mailto:Michael.hauser@usdoj.gov)  
United States Trustee [Ustpreion16.sa.ecf@usdoj.gov](mailto:Ustpreion16.sa.ecf@usdoj.gov)

Service information continued on attached page

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

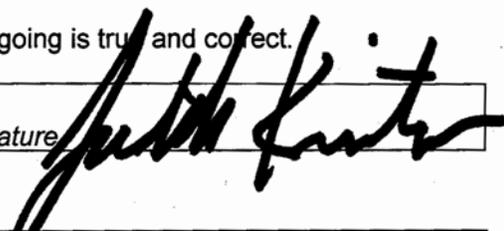
On (*date*) April 20, 2015 I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing 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.

Date <u>April 20, 2015</u>	Printed Name <u>Judith Kristan</u>	Signature 
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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

**Wells Fargo Home Mortgage  
c/o Regional Service Corporation  
616 1<sup>st</sup> Avenue, Suite 500  
Seattle, WA 98104**

**Wells Fargo Home Mortgage  
P.O. Box 60505  
City of Industry, CA 91716-0505**

**The Cornish Construction Plan  
Robert Cornish, Trustee  
70260 Highway III SP 111  
Rancho Mirage, Ca 92270-3090**

**Robert Cornish  
c/o Ress Financial Corporation  
1780 Town and Country Drive, Suite 105  
Norco, CA 92860-3618**

**Unified Mortgage / Heritage Mortgage Fund  
2020 Camino Del Rio N #230  
San Diego, CA 92108**

**Thomas H. Casey, Trustee  
22342 Avenida Empresa #200  
Rancho Santa Margarita, Ca 92688**