

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Beth E. Gaschen, State Bar No. 245894 bgaschen@lwgfilp.com LOBEL WEILAND GOLDEN FRIEDMAN LLP 650 Town Center Drive, Suite 950 Costa Mesa, California 92626 Telephone: (714) 966-1000 Facsimile: (714) 966-1002</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Jeffrey I. Golden, Chapter 7 trustee</p>	<p>FOR COURT USE ONLY</p>
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

<p>In re: MATTHEW JASON WHITMAN and CARLA MARIA WHITMAN,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:15-bk-12147-ES CHAPTER: 7</p> <p style="text-align: center;">AMENDED NOTICE OF SALE OF ESTATE PROPERTY</p>
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<p>Sale Date: 08/30/2016</p>	<p>Time: 10:30 am</p>
<p>Location: Courtroom 5A, 411 West Fourth Street, Santa Ana, California 92701</p>	

Type of Sale: Public Private **Last date to file objections:** 07/07/2016

Description of property to be sold:
 36 East Mahi Pua Place, Lahaina, Hawaii, 96761

Terms and conditions of sale: See notice of hearing filed on June 30, 2016, as Docket No. 113.

Proposed sale price: \$ 2,900,000.00

Overbid procedure (if any):

See attached overbid procedures

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

August 30, 2016 at 10:30 a.m.
Courtroom 5A
411 West Fourth Street
Santa Ana, California 92701

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

Beth E. Gaschen
650 Town Center Drive, Suite 950
Costa Mesa, California 92626
Telephone: (714) 966-1000
Facsimile: (714) 966-1002
Email: bgaschen@lwgflp.com

Date: 07/20/2016

1 I. **PROPOSED OVERBID PROCEDURES**

2 Jeffrey I. Golden, the chapter 7 trustee (the "Trustee") for the bankruptcy estate of
3 Matthew Whitman and Carla Whitman (the "Debtors"), proposes to sell the real property
4 located at 36 East Mahi Pua Place, Lahaina, Hawaii, 96761 (the "Hawaii Property")
5 subject to overbid. The Trustee proposes and is requesting approval of the following
6 bidding procedures (the "Bidding Procedures") to be employed in connection with the sale:

7 (a) Only a qualified bidder ("Qualified Bidder") may bid on the Hawaii Property.
8 The person(s) specifically identified in the Motion as the "Buyer" will be deemed to be a
9 Qualified Bidder. The Trustee will determine whether any other prospective purchaser is
10 a Qualified Bidder. In order to be considered a Qualified Bidder, a prospective purchaser
11 must: (a) deliver to the Trustee, in care of the Trustee's legal counsel at the address set
12 forth at the end of this paragraph, by not later than **4:00 p.m. on August 29, 2016**¹ (the
13 "Qualification Deadline")²: (1) a non-contingent written offer to purchase the Hawaii
14 Property on an all cash basis (with the bidder's performance subject only to entry of a
15 Bankruptcy Court order approving the sale as a sale free of liens and interests pursuant to
16 11 U.S.C. § 363(f) for a purchase price of no less than \$3,000,000, with terms no less
17 favorable to the Estate than those set forth in the Motion; (2) evidence satisfactory to the
18 Trustee of the Qualified Bidder's financial ability to close the Sale within 15 days following
19 entry of the Bankruptcy Court's order approving the sale; and (3) a cashier's check made
20 payable to Jeffrey I. Golden, Chapter 7 Trustee in an amount equal to three percent (3%)
21 of its initial bid (the "Bidding Deposit"). The Trustee's legal counsel for such purposes is
22 identified as follows: LOBEL WEILAND GOLDEN FRIEDMAN LLP, Attn: Beth E.
23 Gaschen, Esq., 650 Town Center Drive, Suite 950, Costa Mesa, California 92626.

24 (b) An auction sale of the Hawaii Property will be conducted at the hearing on
25 the Motion. Only Qualified Bidders, including the Buyer specifically identified in the
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27 ¹ The Qualification Deadline is extended from July 20, 2016, to August 29, 2016.

28 ² The Trustee reserves the right to consider, in his discretion, additional qualifying overbids, up until the
time of the hearing on the Motion.

1 Motion, will be allowed to bid. Each incremental bid at the auction must be at least
2 \$5,000.00 higher than the prior bid.

3 (c) Upon the conclusion of the auction, the Trustee will decide which bid is the
4 best bid (the "Successful Bid"). The bidder who made the Successful Bid (the "Successful
5 Bidder") must pay, as the purchase price for the Hawaii Property, the amount of the
6 Successful Bid (receiving credit for its Bidding Deposit), and all closing costs payable by
7 the purchaser, upon the close of the sale. If the sale of the Hawaii Property to the
8 Successful Bidder fails to occur by reason of any failure of performance, breach or default
9 by the Successful Bidder, then the Successful Bidder's Bidding Deposit will be
10 automatically forfeited to the Trustee as liquidated damages.

11 (d) Upon the conclusion of the auction, the Trustee may also decide which bid is
12 the second best bid (the "Back-Up Bid"). If the Successful Bidder fails to close the sale of
13 the Hawaii Property, then the Trustee may sell the Hawaii Property to the Qualified Bidder
14 who submitted the Back-Up Bid (the "Back-Up Bidder") without further court order, in
15 which event the Back-Up Bidder must pay, as the purchase price for the Hawaii Property,
16 the amount of the Back-Up Bid (receiving credit for its Bidding Deposit), and all closing
17 costs payable by the purchaser, upon the close of the sale. If the sale of the Hawaii
18 Property to the Back-Up Bidder fails to occur as a result of a failure of performance,
19 breach or default by the Back-Up Bidder, then the Back-Up Bidder's Bidding Deposit will
20 be automatically forfeited to the Trustee as liquidated damages.

21 (e) Upon the conclusion of the auction, any Bidding Deposits, other than the
22 Bidding Deposits submitted by the Successful Bidder and any Back-Up Bidder, will be
23 promptly returned. The Bidding Deposit submitted by the Back-Up Bidder will be returned
24 promptly following the close of the sale of the Property to the Successful Bidder.

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Lobel Weiland Golden Friedman LLP
650 Town Center Drive, Suite 950
Costa Mesa, California 92626
Tel 714-966-1000 Fax 714-966-1002

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*): **AMENDED 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 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*) **July 20, 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*) **July 20, 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.

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*) **July 20, 2016**, 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 Erithe Smith, 411 W. 4th Street, 5th Floor, 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.

July 20, 2016

Date

Kelly Adele

Printed Name

/s/ Kelly Adele

Signature

Electronic Mail Notice List

Caren J Castle wdk@wolffirm.com, wdk@wolffirm.com

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